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Rita M. Lowey Congress of the United States

18th District, New York

August 20, 2003

Nils J. Diaz, Ph.D.
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Diaz:

I am writing to call your attention to a glaring security oversight at Indian Point Energy Center in Buchanan, New York. Indian Point's three spent fuel pools, weakly reinforced and poorly guarded, remain highly vulnerable to a terrorist strike. Swift action to protect these facilities, which contain hundreds of tons of radioactive material, is imperative to protect the nearly 20 million people residing within a fifty mile radius of the plants.

Intelligence gathered since September 11, 2001, suggests terrorist intentions to strike nuclear infrastructure. Plans of U.S. nuclear facilities discovered in Al Quaida caves during U.S. military operations in Afghanistan provided perhaps the earliest indication that terrorists had not casually contemplated but rather assiduously studied the option of sabotaging a nuclear reactor. In early March, fresh intelligence confirmed our worst fears: terrorists continued to plot attacks against nuclear and other critical infrastructure. Reports of a terrorist plan to sabotage the Palo Verde nuclear power plants in Arizona were sufficiently serious that the National Guard was immediately deployed to secure the plant.

While the security of the Indian Point's perimeter and reactors have received considerable attention since September 11, 2001, protection of spent fuel pools has been largely ignored. Terrorists might use trucks filled with explosives, backpack-sized platter charges, shoulder-fired missiles, or fuel-laden commercial aircraft to damage these fragile facilities. Unfortunately, none of the 300 force-on-force drills conducted by NRC at the nation's nuclear power plants since 1991 have included attacks on the spent fuel pools. It remains unclear whether the force-on-force drill recently held at Indian Point incorporated a spent fuel pool scenario.

The dismal performance of Indian Point guards in smaller, planned drills does not inspire confidence. In a mid-August 2002 test, a mock assault force gained access to the spent fuel pools in 60 seconds. In an earlier drill, it was able to simulate placement of explosives throughout those buildings in 36 seconds. Amazingly, the NRC has failed to assess the vulnerability of spent fuel pools to several plausible attack scenarios. A study conducted by the NRC in February 2001 (NUREG-1738), for example, excluded, "the potential consequences of a

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sabotage event that could directly cause off-site fission product dispersion, for example, a vehicle bomb driven into or otherwise significantly damaging the spent fuel pool."

Although the precise effect of a bomb or missile attack on the spent fuel ponds remains uncertain, the likely impact of an aircraft collision is better understood. An October 2000 NRC study on spent fuel pool accident risks found a 45% probability that "a large aircraft crash would penetrate a 5-foot-thick reinforced concrete wall." The walls and roof of the structure housing Indian Point's spent fuel pools contain approximately 18 inches and 6 inches of concrete, respectively. More worrisome, the study estimated 50% likelihood that a collision would uncover the stored fuel, risking a catastrophic radioactive fire. Although the two planes that struck the World Trade Center flew directly over Indian Point, NRC has failed to require additional hardening of spent fuel pools to withstand an aircraft impact. The revised design basis threat, which specifies the types of threats nuclear plants must anticipate, excludes an airborne attack on spent fuel pools.

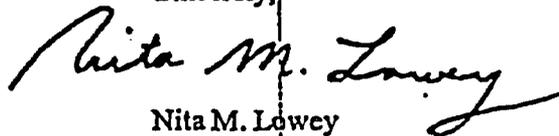
This neglect is striking, given the economic and public health consequences of a successful strike on parts of the plant. Indian Point's three spent fuel pools contain approximately 700 tons of radioactive material, much of which is Cesium 137, a long-lived isotope that moves swiftly up the food chain. The NRC has acknowledged that a spent fuel pool fire could lead to release of all radioactive material in the pools. The Institute for Resource and Security Studies found that a spent fuel pool fire at Indian Point 2 and 3 could render uninhabitable a land area of 95,000 square kilometers and 75,000 square kilometers, respectively. The human casualties and economic impacts of such a release would be too chilling to contemplate.

I urge you to carefully consider all options for strengthening security at Indian Point's spent fuel pools, including reinforcement of spent fuel pool walls, increased spacing between spent fuel rods to reduce the risk of catastrophic fire, and transfer of cooled fuel into dispersed, dry casks. Attacks involving bomb-laden general aviation aircraft, fuel-laden commercial aircraft, and large truck bombs should be incorporated into the design basis threat and tested in future force-on-force exercises. In light of Department of Homeland Security warnings of imminent suicide hijackings, continued inaction is unacceptable.

Recognizing the vulnerability of Indian Point's spent fuel pools and reactors to a terrorist attack, I called for the orderly decommissioning of the plants last year. Until that day arrives, I will continue to fight for the best possible safety and security at this facility.

Thank you in advance for your attention, and I look forward to hearing from you soon.

Sincerely,



Nita M. Lowey