

EDO Principal Correspondence Control

FROM: DUE: 08/13/04
Attorney General Richard Blumenthal

EDO CONTROL: G20040504
DOC DT: 07/15/04
FINAL REPLY:

TO:
Region I Admin.

FOR SIGNATURE OF : ** GRN **
Reyes, EDO

CRC NO:

DESC: Spent Fuel Storage Issues at Indian Point

ROUTING:
Reyes
Norry
Virgilio
Kane
Collins
Dean
Burns/Cyr
Dyer, NRR
Zimmerman, NSIR
Strosnider, NMSS

DATE: 07/26/04

ASSIGNED TO: CONTACT:
RI Miller

SPECIAL INSTRUCTIONS OR REMARKS:

Commission to review response prior to dispatch.
Add Commission on for concurrence.

Ref. G20040478.

Template: EDO-001

E-RIDS: SECY01



RICHARD BLUMENTHAL
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Office of The Attorney General
State of Connecticut

July 15, 2004

Regional Administrator, Region 1
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

04
JUL 19 P 2:11
RECEIVED
REGION 1

Re: Indian Point Dry Cask Storage

Dear Regional Administrator:

I am writing to oppose Entergy Nuclear Operations' ("Entergy") clearly inadequate proposed plan for addressing spent fuel storage issues at Indian Point Nuclear Power Station in Buchanan, New York. As you are aware, Entergy, the company that owns Indian Point, currently has before the Nuclear Regulatory Commission ("NRC") a proposal to augment its overtaxed spent fuel storage pools with an additional dry cask storage facility. While most experts agree that, generally, dry cask storage can offer important benefits over spent fuel storage pools, the Indian Point plan, in its current form, actually increases the risk to the public and worsens an already intolerable situation.

Specifically, the two operating nuclear power reactors at Indian Point currently store decades of accumulated spent fuel in multiple water-filled storage pools located on-site. Over the years, in order to store more fuel rods, Entergy has placed them in an extremely dense configuration within these pools. As a consequence, the majority of the radioactive material at Indian Point is not located within the containment structures protecting the operating reactors, but within the poorly protected and grossly overloaded spent fuel pools. The danger created by this situation in the event of an accident or terrorist attack is obvious. As you know, Indian Point is located in one of the most densely populated areas of the country, an area which includes not only New York City and much of southern New York, but also much of the State of Connecticut, within the potential exposure zone.

In recent years, many experts have recommended moving spent fuel that has cooled for at least five years from fuel storage pools into dry cask storage. Such storage is viewed as safer and more protective than the highly vulnerable fuel pools. However, the plan proposed by Entergy for Indian Point fails to capitalize on these advantages. As described, the plan would not move all of the older fuel into dry cask storage, but only enough to make room for additional spent rods from continuing reactor operation. Thus, the plan will not result in any decrease in the density of the spent fuel rods stored in the pools, but will merely allow Entergy to increase

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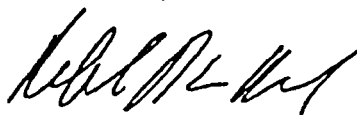
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the total available fuel storage capacity at Indian Point while keeping the fuel pools full. In other words, the plan has economic benefits for Entergy, but no significant safety benefits, because the amount of fuel in pool storage will not be reduced.

Ultimately, the problem of disposing of spent nuclear fuel is a national problem for the federal government. Until the federal government takes that responsibility, appropriate dry cask storage may be one method to improve public safety. The proposed plan at Indian Point, however, fails to offer any real advantages and actually increases the total amount of radioactive materials on site without reducing the risk associated with the aging spent fuel pools. A far better alternative would be a plan requiring Entergy to move all of the fuel that has cooled sufficiently out of the spent fuel pools and into the best available storage containers, thus reducing the total amount of fuel in the pools and increasing the overall protection of the public.

I urge the NRC to reject this inadequate plan and require the company to move all available spent fuel into a properly designed dry cask facility at the earliest opportunity.

Yours truly,



RICHARD BLUMENTHAL
Attorney General

RB/RDS:lcs

cc: Charles Donaldson, AAG, New York Department of Law
Mr. John Fulton, Entergy Nuclear Operations, Inc.
Brian E. Holian, Deputy Director, U.S. Nuclear Regulatory Commission Region 1
Mr. David Lochbaum, Union of Concerned Scientists
Mr. Alex Matthiessen, Riverkeeper, Inc.
Mayor, Village of Buchanan
Brian McDermott, Chief, Projects Branch 2, U.S. Nuclear Regulatory Commission Region 1
Mr. Christopher Schwarz, Entergy Nuclear Operations, Inc.
Senior Resident Inspector's Office, Indian Point 2, U.S. Nuclear Regulatory Commission