October 15, 2004

The Honorable Richard Blumenthal
Attorney General
State of Connecticut
Hartford, Connecticut 06141-0120

Dear Attorney General Blumenthal:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter of July 15, 2004, expressing a variety of concerns about the plan for storage of spent nuclear fuel at the Indian Point Energy Center. Your letter further requests that the NRC reject the licensee's current plans and instead require the licensee to move all available spent fuel to a dry cask facility at the earliest opportunity.

While the current licensed storage capacity of the spent fuel pools at Indian Point Units 2 and 3 is greater than the original licensed capacity, the current capacity was approved only after NRC verified the adequacy of the pools and the associated systems to safely store the additional fuel as required by the regulations. The current capacity of the spent fuel pools was achieved by physical modification of the facility, including the installation of higher density design fuel storage racks. At Indian Point, the spent fuel pools are rugged structures constructed of thick reinforced concrete with stainless steel liners (Units 2 and 3) and are located inside of the plant protected area. In addition, the Indian Point spent fuel pools are located partially below grade (with the fuel mostly below grade) and are partially shielded by other structures.

The results of recently completed and ongoing studies of the capabilities of the available fuel storage options to resist terrorist attack show that significant releases due to a terrorist attack on a spent fuel pool are very unlikely. Under such conditions, there would be time to take mitigating actions and implement offsite emergency plans. These safety and security studies thus confirm that NRC's emergency planning basis remains valid. Therefore, the NRC continues to conclude that fuel is safely stored either in wet pools or in dry storage casks and that significant measures, such as removing large amounts of fuel from pools, are unwarranted.

Recent NRC analyses use updated and more realistic (yet still conservative) analysis methods. Insights from these more realistic analyses indicate that the spent fuel stored in spent fuel pools is more easily cooled than predicted in earlier NRC studies. Moreover, the radioactive release from a spent fuel pool accident would be smaller and begin later than previously estimated, providing more time for implementing effective protective measures. In particular, the analyses show that: (1) if cooling becomes inadequate, more time is available to implement backup cooling measures than previously estimated; and, (2) if the backup measures were somehow inadequate, the consequences would be less severe than previously estimated because the radioactive release would be smaller.

Regarding your request that the NRC reject the licensee's current plans for moving fuel to dry cask storage, Entergy Nuclear Operations, Inc., intends to use the General License granted under 10 CFR Part 72, Subpart K. Entergy is required to use a dry cask storage system previously reviewed and approved by the NRC and to perform evaluations of the planned independent spent fuel storage installation (ISFSI) site to demonstrate that the site meets the NRC-approved cask system design parameters. These evaluations are subject to NRC inspection before Entergy starts using the ISFSI to ensure that the radiation safety, licensing, security, and other NRC requirements are met.

As part of its regulatory responsibilities, the NRC staff will review the licensee's procedures for accomplishing the specific tasks that take place from cask loading to ultimate placement on the ISFSI pad. During this review, the staff will observe a dry run of these activities before the first cask is loaded.

The NRC appreciates your concern about the safety and security of spent fuel. We have concluded that spent fuel is safely stored at the Indian Point reactor site. Additionally, the NRC will continue to ensure, through our normal regulatory oversight process, that the licensee is safely storing spent fuel either in the spent fuel pools or in an ISFSI at Indian Point. As discussed above, the NRC has been conducting comprehensive evaluations of the safety and security of spent fuel at all of our Nation's nuclear facilities. If the results of these evaluations or any other information indicate that further actions are necessary, the NRC will take appropriate measures to ensure the continued safety and security of these facilities and the health and safety of the public.

We hope that you find this information helpful in addressing your concerns.

Sincerely,

/RA/

Luis A. Reyes
Executive Director
for Operations

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Sincerely,

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Luis A. Reyes
Executive Director
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