



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

April 23, 2012

Mr. Paul J. Feiner, Supervisor  
Town of Greenburgh  
177 Hillside Avenue  
Greenburgh, NY 10607

Dear Mr. Feiner:

I am responding to your letter of February 29, 2012, to Chairman Gregory B. Jaczko conveying the concerns of the Greenburgh Town Board about the Indian Point Nuclear Generating Unit Nos. 2 and 3 license renewal applications. The resolution passed by the Greenburgh Town Board called on the NRC to reject the applications and order permanent plant shutdowns when the original 40-year licenses expire. The resolution referred to a number of areas of concern under U.S. Nuclear Regulatory Commission (NRC) jurisdiction including plant physical security and potential terrorism, adequacy of seismic design, operational safety, storage of nuclear waste, and emergency preparedness and evacuation planning.

Regarding the NRC's license renewal process, we consider the evaluation of seismic hazards and emergency planning (which includes evacuation planning) to be ongoing regulatory issues. Therefore, we review these items as part of our continuous oversight of operating reactors. The license renewal review is not a re-review of the licensing basis, rather, it is focused on managing the age-related degradation of passive systems, structures, and components to ensure they will fulfill their safety-related functions, as specified in the current licensing basis, during a period of extended operation. Any age-related degradation of systems, structures, or components in a plant's aging management plan will be evaluated by the applicant and reviewed by the NRC staff as part of the license renewal process.

The NRC has multiple processes to evaluate the adequacy of current plant operations and licensing bases. Should the NRC become aware at any time of information calling into question the continued safe operation of any nuclear power plant, including Indian Point Nuclear, the NRC will take appropriate actions, up to and including ordering a plant shutdown, regardless of whether those plants have or are seeking a renewed license.

Regarding the threat of terrorism, since September 11, 2001, NRC has significantly strengthened security at nuclear facilities by working with national experts using state-of-the-art structural and fire analyses to predict the consequences of terrorist acts in a realistic manner. These studies confirm that, given robust plant designs and the additional enhancements to safety, security, and emergency preparedness and response, it is unlikely that significant radiological consequences would result from a wide range of terrorist attacks, including one from a large commercial aircraft. Actions taken by the NRC include:

- Ordered plant owners to increase physical security programs to protect against a more challenging adversarial threat;
- Required more restrictive site access controls for all personnel;
- Enhanced communication and liaison with the Intelligence Community;
- Ordered plant owners to improve their capability to respond to events involving explosions or fires;

- Enhanced readiness of security organizations by strengthening training and qualifications programs for plant security forces;
- Required stand-off distances to protect against vehicle bombs;
- Enhanced force-on-force exercises to provide a more realistic test of plant capabilities to protect against an adversary force; and
- Improved liaison with Federal, State, and local agencies responsible for protection of the national critical infrastructure through integrated response training.

Regarding the events in Japan, the NRC established a senior-level agency task force to conduct a methodical and systematic review of our programs, processes, and regulations and make recommendations to the Commission about whether the agency should make additional enhancements to our regulatory system. This review included an assessment of regulatory issues associated with seismic and flooding hazards, with near-term and longer-term objectives. As part of the near-term review, the task force concluded that the continued operation of nuclear power plants does not pose an imminent risk to public health and safety. The near-term review and recommendations of the task force are available on the NRC website at [www.nrc.gov/japan/japan-info.html](http://www.nrc.gov/japan/japan-info.html).

The staff prioritized the recommendations of the near-term task force and on March 12, 2012, the NRC issued Orders and a request for information pursuant to Title 10 of the *Code of Federal Regulations*, Part 50, Section 50.54(f). The first phase of these actions require all licensees of nuclear power plants to re-evaluate the seismic and flooding hazards at their sites using updated seismic and flooding hazard information and present-day regulatory guidance and methodologies and, if necessary, perform a risk evaluation. The second phase will involve NRC review of this information and the determination of whether additional regulatory actions are necessary to provide additional protection against the updated hazards.

Regarding operational safety, by letter dated March 5, 2012 (Agencywide Documents Access and Management System Accession No. ML12061A159), the NRC issued its end-of-cycle performance review of Indian Point Nuclear Generating Unit Nos. 2 and 3. The NRC determined that overall, Indian Point Unit Nos. 2 and 3 operated safely. The NRC completed inspections and reviews associated with our comprehensive Reactor Oversight Process and determined that, while issues were identified in the past year, all findings were of very low safety significance, and performance indicators demonstrated plant performance to be in the range expected for nuclear power plants.

Regarding the storage of nuclear waste, until a permanent repository for spent nuclear fuel is available, all operating facilities will continue to store spent fuel in spent fuel pools and in NRC-approved dry storage casks. In response to the Fukushima accident, the NRC issued Orders requiring all reactor license holders to develop guidance and strategies to maintain and restore spent fuel pool cooling using existing or available resources if cooling is lost for any reason. In addition, the NRC Orders also require licensees to upgrade their spent fuel pool instrumentation. The Commission has determined that the enhanced instrumentation represents a substantial increase in protection to public health and safety.

Regarding the protection of spent nuclear fuel storage facilities against sabotage, theft, and diversion:

- The NRC sets the requirements for physical security and assesses compliance with the requirements. The licensees are responsible for providing the protection.
- The NRC has a threat assessment program to maintain awareness of the capabilities of potential adversaries and threats to facilities, material, and activities.
- The NRC's domestic safeguards program is focused on physically protecting and controlling spent nuclear fuel, against sabotage, theft, and diversion.
- Key features of the physical protection programs for spent nuclear fuel storage facilities include:
  - intrusion detection;
  - assessment of detection alarms to distinguish between false or nuisance alarms and actual intrusions and to initiate response; and
  - offsite assistance, as necessary, from local, State, and Federal agencies.
- Over the last 20 years, there have been no radiation releases which have affected the public and no known or suspected attempts to sabotage spent fuel casks or storage facilities.

The subject of evacuation following a radiological emergency was also included in your letter to Chairman Jaczko dated March 15, 2011 (ADAMS ML110890944). Our response to that letter (ADAMS ML111030223) described the roles of the NRC and the Federal Emergency Management Agency in evaluating emergency preparedness at and around nuclear power plants. In particular, it was noted that the size of the established emergency planning zones are not limits, but rather provide for an emergency planning framework that would allow expansion or contraction of response efforts based on actual and projected radiological conditions.

A radiological emergency would likely result from a slowly evolving event that would allow time to implement mitigating actions and offsite emergency plans. Evacuation does not always call for completely emptying the 10-mile zone around a nuclear power plant. In most cases, the release of radioactive material from a plant during a major incident would move with the wind, not in all directions surrounding the plant. The release would also expand and become less concentrated as it travels away from a plant. Under some conditions, people may be instructed by their local officials to take shelter in their homes, schools, or office buildings. Sheltering is a protective action that keeps people indoors to reduce exposure to radioactive material. It may be appropriate to shelter when the release of radioactive material is known to be short-term or controlled by the nuclear power plant operator. Additional information on evacuation and sheltering can be found on the NRC website at <http://www.nrc.gov/what-we-do/emerg-preparedness/evacuation-sheltering.html>.

P. J. Feiner

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In summary, the NRC continues to make its responsibilities for the licensing and oversight of U.S. licensees its top priority and is committed to ensuring the continued safe operation of U.S. nuclear power plants. The recommendations of the NRC's task force will be taken into account in carrying out our safety mission. Further, the NRC has the necessary regulatory tools to require changes to existing licenses should the agency determine that changes are necessary. Based on these efforts, the agency will take all appropriate actions necessary to ensure the continuing safety of the American public.

Thank you for your interest in these matters.

Sincerely,

A handwritten signature in black ink that reads "Michele G. Evans". The signature is written in a cursive style with a large initial "M".

Michele G. Evans, Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-247 and 50-286

cc: Listserv

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Michele G. Evans, Director  
Division of Operating Reactor Licensing  
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