

February 27, 2002

The Honorable Sandra R. Galef  
New York State Assembly  
Albany, New York 12248

Dear Ms. Galef:

I am responding on behalf of the Nuclear Regulatory Commission (NRC) to your letter of January 24, 2002, in which you request that the NRC adopt stronger standards for housing spent fuel at the Indian Point Nuclear Generating Station and require that Entergy Nuclear Northeast strengthen the existing spent fuel storage buildings at Indian Point. You also requested that the NRC inform the public that implementation of stronger standards will result in a more robust structure for storing spent fuel.

As you noted, following the terrorist attacks of September 11, 2001, I directed the staff to reevaluate the NRC's safeguards and physical security programs. This comprehensive reevaluation involves all aspects of the agency's safeguards and physical security programs, including the safeguards and physical security of spent fuel, and will consider what physical or procedural modifications are warranted to provide adequate protection of public health and safety. The reevaluation will carefully and realistically examine risks and benefits and recommend appropriate measures in light of those risks and benefits. When the reevaluation is complete, the Commission will be in a position to determine whether NRC regulations and requirements need to be revised or updated.

In the interim, the NRC staff believes that spent fuel can be safely stored at the Indian Point reactor site. Although the spent fuel storage buildings at Indian Point are not as hardened as the reactor containment structures, the spent fuel pools themselves are robust and relatively small structures. The spent fuel is stored in racks resting on the floor of the pools and is covered by several feet of water. The pools are designed to prevent a rapid loss of water with the structure intact. The robust design and small size of the pools minimize the likelihood that a terrorist attack would cause damage of a magnitude sufficient to result in an offsite release of radioactive material.

When the NRC staff completes its reevaluation of the physical security requirements, the Commission will be able to judge whether modifications to the spent fuel pool structures and enclosures are warranted, and if additional safeguards measures should be established. I want to assure you that the Commission will devote its highest priority attention to the staff's recommendations and will take appropriate security measures. In the meantime, the Commission has issued orders to all nuclear power plants requiring certain interim compensatory measures that will serve to augment security. I also assure you that we will keep the public informed of our actions in this important area.

The Honorable Sandra R. Galef

- 2 -

Thank you for your continued interest in these concerns of importance to the Nation and nuclear power plant security.

Sincerely,

**/RA/**

Richard A. Meserve