

April 26, 2002

The Honorable Hillary Rodham Clinton
United States Senate
Washington, D.C. 20510

Dear Senator Clinton:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter of April 18, 2002, in which you ask the NRC to explain a news report of a small plane flying over the Indian Point Nuclear Plant in Westchester, New York, including the potential threat posed by small planes to the plant, and proposals on how these threats can be minimized. With respect to the specific incident reported in the media, NRC is currently working with the Federal Aviation Administration (FAA) to determine what occurred and what actions, if any, need to be taken. In this connection, I have enclosed a letter from Phil Boyer, President of the Aircraft Owner Pilots Association, that, if verified, would cast significant doubt on the press report.

Both the NRC and the FAA have provided direction regarding flyovers of nuclear power plants to NRC licensees and general aviation pilots. On September 26, 2001, the FAA issued a Notice to Airmen (NOTAM) that advised pilots to avoid the airspace above or in the proximity to various structures, including nuclear power plants. It also indicated that pilots "should not circle as to loiter in the vicinity of such facilities." This NOTAM was reissued on December 19, 2001, to include military facilities. On October 6, 2001, the NRC advised licensees to report any flyovers that are considered too close to their sites or that are of a suspicious nature to the local FAA, local Federal Bureau of Investigation, local law enforcement, and the NRC. This direction remains in effect today.

You inquired about the threat posed by small planes. Nuclear power plants have an inherent capability to protect public health and safety through such features as robust containment buildings, redundant safety systems, and highly-trained operators. These plants are among the most hardened structures in the country and are designed to withstand extreme events, such as hurricanes, tornadoes, and earthquakes. It is, therefore, not expected that the impact of a small plane into a site structure would result in a serious threat to public health and safety.

You also asked about the Indian Point spent fuel pools. These pools are constructed of thick reinforced concrete and are built at least partially below ground. It is unlikely that a small plane could succeed in striking the spent fuel pools at Indian Point due to the relatively small size of the pools, their location on the site in relation to other site structures, the landscape of the site, and power lines that restrict aerial access to the pools. In the highly unlikely event that a building housing a spent fuel pool were impacted and fuel were damaged by falling debris, the pool water would reduce the release of radioactive material to the environment. A release

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under these conditions would be small and should pose no significant threat to public health and safety. In addition, the licensee has an emergency response plan to mitigate any impact on the public.

Please contact me if you have additional questions regarding this matter.

Sincerely,

/RA/

Richard A. Meserve

Enclosure: As stated