

May 13, 2003

Mr. John P. McGuire  
P.O. Box 189  
Tarrytown, New York 10591

Dear Mr. McGuire:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letters dated March 11, 2003, and March 14, 2003, to Chairman Diaz and former Chairman Meserve in which you requested information regarding the Indian Point nuclear power station and circumstances that could occur if the plants were shut down.

The NRC's primary mission is to ensure adequate protection of public health and safety. In this regard, the NRC closely monitors nuclear power plants to ensure that they are maintained and operated in accordance with NRC regulations. Any NRC decision to shut a plant down, should it occur, would be made primarily on safety considerations. If the NRC determined that a plant was not being operated safely or was not complying with regulations such that safety is significantly degraded, we could require action to enforce a temporary or permanent shut down of the plant.

If a nuclear power plant were to be shut down permanently, either voluntarily or as the result of a NRC order, the plant licensee would still be responsible for complying with NRC shutdown regulations. These responsibilities include plant security, maintenance of the facility, and decommissioning. With regard to plant decommissioning, NRC regulations require that, once a licensee permanently ceases operations, decommissioning of the facility must be completed within 60 years. The licensee must submit a post-shutdown decommissioning activities report (PSDAR) which includes a description of planned decommissioning activities, along with a schedule, and an estimate of expected costs. Decommissioning cost estimates must meet certain minimum amounts specified in the regulations, and certification must be submitted that funds have been provided by a method acceptable to the NRC. In the case of Indian Point, the current licensee, Entergy, would be responsible for the cost of decommissioning unless the license were transferred to another entity. Any license transfer would have to be approved by the NRC and would include a finding of reasonable assurance that funding for decommissioning was available.

When a nuclear power plant is shut down, the spent nuclear fuel is initially stored in the spent fuel pool. After several years, when the fuel has cooled sufficiently, it can be moved to an on-site dry cask storage facility or transported to a long-term storage facility for high-level waste, if available. The risk to the public from stored spent fuel decreases over time as radionuclides decay. Stored spent fuel is still considered a radiological concern that warrants continued monitoring, control, and appropriate security measures.

For many years all nuclear power plants have been required to have security programs sufficient to defend against violent assaults by well-armed, well-trained attackers. Numerous additional steps have been taken since September 2001 to thwart potential terrorist acts.

Through formal Orders, the NRC has required increased security enhancements at both operating and decommissioned plants. Additionally, the Commission has undertaken a comprehensive review of safeguards and security programs, in close consultation with the Department of Homeland Security and other Federal agencies, and with significant involvement by State agencies. This ongoing review includes the consideration of the potential consequences of terrorist attacks using various explosives or other techniques on spent fuel pools and spent nuclear fuel dry casks at storage sites.

Additional information regarding decommissioning of nuclear power plants is available in NUREG-1628, "Staff Responses to Frequently Asked Questions Concerning Decommissioning of Nuclear Power Plants." NUREG-1628 can be obtained from the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1628/sr1628.pdf>. With regard to economic hardships that may result from the shutdown of the Indian Point facility, such as lost jobs, the effects on the local tax base, or replacement energy costs, these questions would be better addressed to State or local authorities, such as the New York State Public Service Commission or Westchester County.

Thank you for your interest in these matters. If you should have any further questions, please feel free to contact Brian Holian in the NRC Region I office at (610) 337-5080.

Sincerely,

**/RA/**

William D. Travers  
Executive Director  
for Operations