

May 16, 2002

Mr. Bruce D. Fiedorek  
998 5<sup>th</sup> Avenue, 5W  
New York, NY 10028

Dear Mr. Fiedorek:

I am responding to your letter of April 11, 2002, to Chairman Richard Meserve of the U.S. Nuclear Regulatory Commission (NRC). In your letter you supported the position taken in an April 10, 2002, editorial in The New York Observer. The editorial stated that the Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and 3) are vulnerable to terrorist attack. The article also cited an NRC "red finding" and stated that, even without the possibility of a terrorist attack, the plants pose a danger to the citizens of New York.

We understand that many of our fellow citizens are concerned that a U.S. nuclear facility could be a target of future terrorist attacks. In view of the recent unprecedented events, Chairman Meserve, with the full support of the Commission, has directed the staff to undertake a thorough review of our security regulations and procedures, including the basic assumptions of our current programs. This review involves coordination with U.S. national security organizations. The NRC recently issued Orders to all operating commercial nuclear power plants to implement interim compensatory measures for the high-level threat environment. Some of the requirements formalize a series of security measures that NRC licensees had already taken in response to advisories issued by the NRC following the attacks, and others are security enhancements which have emerged from the staff's ongoing security review. When the NRC staff completes its reevaluation of the physical security requirements, the Commission will be able to determine whether or not additional safeguards measures should be established.

Although we cannot rule out the possibility of future terrorist activity directed at one of our licensees' sites, we believe that these facilities can continue to operate safely. Nuclear power plants are inherently robust. Their design is based on defense-in-depth principles, and includes many features to protect public health and safety. Reinforced containment buildings and redundant safety systems would assist trained operators in preventing or limiting the release of radioactive material in the unlikely event of a terrorist attack. In light of the facility's defense-in-depth design, the heightened security measures implemented in response to the events of September 11<sup>th</sup>, and the NRC's ongoing reevaluation of its safeguards regulations and programs, we do not consider the immediate closure of IP2 and 3 to be necessary to provide adequate protection for the public health and safety.

The "red finding" at IP2 is associated with degraded performance that was revealed during a February 2000 steam generator tube failure. As a result of the degraded performance, the NRC heightened its oversight of IP2 and we will maintain this heightened oversight until we are confident that the licensee has made substantial improvements in the degraded areas. In addition to having two inspectors permanently assigned to IP2, the NRC has planned a variety of activities such as team inspections, site visits, and quarterly assessments during which we

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will review performance measures and independently verify licensee corrective actions. In spite of some degraded performance, the NRC considers that IP2 and 3 continue to be operated safely.

I trust that this addresses your concerns. If I may be of further assistance, please do not hesitate to contact me.

Sincerely,

*/RA/*

Stuart A. Richards, Director  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

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