

September 13, 2002

The Honorable George E. Pataki
Governor of New York
Executive Chamber
State Capital Building
Albany, New York 12224

Dear Governor Pataki:

I am responding on behalf of the Nuclear Regulatory Commission (NRC) to your letter of July 1, 2002, in which you requested that the NRC and the Federal Emergency Management Agency (FEMA) review the safety and security measures in place at Indian Point and other nuclear facilities, including a review of offsite safety and evacuation planning. We understand that New York State will be performing an independent review of off-site emergency preparedness plans and procedures for New York's nuclear power plants, commencing with Indian Point. We stand ready to assist that review and will appreciate receiving your comments once the review is complete.

The mission of the NRC is to regulate the Nation's civilian uses of nuclear material and to ensure adequate protection of public health and safety. Thus, we completely share your view that ensuring public health and safety is vitally important. The nature and scope of the September 11 terrorist attacks have made clear that we must ensure that our already robust security regime, involving the response capabilities of the NRC, licensees and Federal, State and local governments, is appropriate to the new circumstances. As you may know, within a few weeks of the terrorist attacks, I, with the full support of the Commission, directed the staff to assess the NRC safeguards and security programs thoroughly. This comprehensive review encompasses a re-analysis of the full range of measures affecting physical security, personnel security, and information security. This work is now well underway and has informed a series of Commission actions.

On February 25, 2002, NRC issued Orders to all operating reactor licensees requiring that they implement interim compensatory measures to enhance security in response to the current threat environment. These measures generally included increased patrols, augmented security forces and capabilities, additional security posts, closer coordination with law enforcement and military authorities, and greater restrictions on site access. Some of the requirements formalized a series of security measures that NRC licensees had taken in response to advisories issued by the NRC last year, and others were security enhancements which had emerged from the NRC's ongoing security review. The Order also directed licensees to evaluate and address potential vulnerabilities of spent fuel pools and the reactor plant itself, and to develop specific guidance and strategies to respond to an event that damages large areas of the plant due to explosions or fire. As of August 31, 2002, Entergy is in fully compliance with the Order and the enhanced security measures are in place at the Indian Point

facility. The requirements will remain in effect until the Commission determines that other changes are needed.

The Commission will soon issue Orders to all nuclear power plant licensees which will direct further enhancements in the already strict access authorization programs of these licensees. I will inform you separately when these Orders are issued.

In addition, the NRC has been working closely with numerous Federal agencies, including the Department of Defense, Office of Homeland Security, Department of Energy, Federal Emergency Management Agency, Federal Bureau of Investigation, and Federal Aviation Administration to develop interagency response procedures and enhancements. We are also working in partnership with State governments to enhance security of nuclear facilities and activities. In this vein, more than 150 people, including New York State representatives, attended a meeting on June 28, 2002, to discuss NRC's implementation of the Homeland Security Advisory System. Those discussions influenced the final shape of NRC's five-level Threat Advisory and Protective Measures System, about which I informed you in my letter of August 20, 2002. We continue to review the threat environment in coordination with other Federal agencies and expect that the NRC staff will forward to the Commission for its consideration a proposed revision of the design basis threat for commercial nuclear power plants in the last quarter of this year.

With respect to emergency preparedness, NRC regulations require that comprehensive emergency plans be prepared and periodically exercised to assure that actions can and will be taken to protect citizens in the vicinity of a nuclear power plant. Emergency response plans are periodically updated and are designed to be flexible enough to respond to a wide variety of adverse conditions, including a terrorist attack. FEMA, with the assistance of the Regional Assistance Committee (RAC), a panel of experts in various aspect of emergency preparedness from a number of Federal agencies, periodically reviews these plans. These reviews consistently indicate that the emergency response plans for Indian Point provide a sound framework for effective decision making and implementation of essential emergency preparedness functions.

As you are aware, the upcoming biennial emergency response exercise, scheduled for September 24, 2002 at Indian Point, will provide an integrated test of Entergy, the State, and counties' preparedness. This exercise will be evaluated using a new methodology, developed from FEMA's strategic review of the Radiological Emergency Preparedness (REP) program, which is expected to result in a more realistic exercise of preparedness for an actual event.

Emergency planning is a dynamic process. While the emergency response plans have been found adequate, FEMA, the State, the counties, and Entergy are working closely on further enhancements. These enhancements consider such issues as the locations of school reception centers, traffic control contingencies, and potassium iodide distribution and use. After the September exercise, as these enhancements are completed, they will be tested, as appropriate, in conjunction with ongoing evaluations of specific emergency response plan facilities and functions.

In your letter of July 1, 2002, you requested that the NRC provide an opportunity for public input in the reviews of safety and security measures. As you know, to the extent possible without compromising sensitive security information, we strive to conduct our work in an open

manner. In particular, the NRC has actively sought to understand the concerns of citizens and elected officials regarding the Indian Point facility more thoroughly. In the last two years, the NRC has held numerous open meetings near Indian Point, many of which provided ample opportunity for public comments. On September 4, 2002, NRC held a regulatory assessment meeting near Indian Point to discuss the performance of the plant. It was widely attended by the public. After the upcoming September emergency exercise is conducted, FEMA, supported by the NRC, will host a meeting to present preliminary exercise results. This meeting will be open to the public and will provide opportunity for public questions and comments. I assure you that the NRC will continue to communicate with the public at meetings and be receptive to public input.

In summary, we believe that significant progress has been made since September 11 toward enhancing the security of our Nation's nuclear facilities and radiological materials. NRC intends to remain engaged with FEMA as it works with the States and counties to review the off-site emergency plans and address the issues and concerns raised by stakeholders. We also offer assistance, if needed, to New York State in its efforts to evaluate off-site safety and evacuation planning. We are confident that the current emergency plans and security measures are adequate, and that enhancements will continue to be made, as appropriate, to maintain the adequate protection of the health and safety of the public around Indian Point and other nuclear facilities.

Sincerely,

/RA/

Richard A. Meserve

cc: J. Allbaugh, Director
Federal Emergency Management Agency