

January 30, 2003

The Honorable Charles E. Schumer
United States Senate
Washington, D.C. 20510

Dear Senator Schumer:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter of December 10, 2002, concerning the adequacy of security at the Indian Point facility in New York. Citing a report commissioned by the owners of Indian Point, you indicated concern about physical fitness, training and qualification of security guards, as well as excessive hours of work. You were particularly concerned that the report suggested that the force-on-force exercises, designed to test the capability of the security force, "were manipulated to ensure that the mock attacks would not be successful." You also expressed concern that the guards at the plant felt that they could not raise issues without fear of reprisal. In response to these concerns, you requested an immediate investigation into the ability of security personnel at Indian Point to defend the facility from terrorist attack.

As you are aware, following the attacks of September 11, 2001, the NRC has taken a number of actions that have required NRC licensees to remain at a heightened level of security. On February 25, 2002, the NRC issued Orders to all power reactor licensees requiring that they incorporate specific interim compensatory measures into their safeguards and security programs. These requirements will remain in effect until the Commission determines otherwise.

The Entergy internal audit report described in your letter summarized an independent contractor's review of potential security and safeguards concerns at Indian Point. The review was conducted in late 2001, shortly after the events of September 11, 2001, and was issued in January 2002. Many of the issues in the report have been resolved by the security enhancements made by Entergy in response to NRC's threat advisories and Orders or by additional corrective actions taken by Entergy.

The NRC has reviewed the results of numerous inspections, reviews and investigations performed at Indian Point over the past several years. Some of these activities were conducted as part of our Reactor Oversight Process inspection program and our allegation process. Some were conducted to confirm actions taken by licensees in response to NRC threat advisories and Orders and others were conducted in response to the POGO and Entergy reports. In addition, the NRC's on-site resident inspectors provide regular feedback on both plant performance and security issues.

In August 2002, NRC security specialists performed an inspection focused on Entergy's ability to respond to contingency events. The inspection focused on the licensee's force-on-force exercise program, the intrusion detection and alarm systems, and the firearms proficiency

of the guard force. The inspectors concluded that the licensee was in compliance with all applicable security requirements. By the end of 2003, all plants will receive a comprehensive inspection of the interim compensatory measures taken in response to the February 25, 2002 Order. The NRC will complete the comprehensive inspection at Indian Point by the end of January 2003.

Based on our inspection findings to date and our ongoing review of Entergy's response to NRC threat advisories and Orders, the NRC staff considers security at Indian Point to be adequate to protect the public. The number of available security responders at the Indian Point facility has been substantially increased. Additionally, Entergy has taken significant steps since the September 11, 2001 attacks to strengthen physical barriers, security equipment and response strategies at the facility. Security personnel interviewed at the site following the recent media reports indicated that they were comfortable with their ability to implement the current heightened security program requirements.

NRC reviews of Indian Point security personnel records have indicated that all current guards have passed the required physical agility tests and meet the qualification requirements. Many officers would like more training on tactics and weapons proficiency and some believe that qualification requirements should be more challenging. While NRC believes that security personnel at nuclear power plants are prepared to respond effectively to a terrorist attack, the NRC is reassessing the adequacy of existing training and qualifications requirements as part of the ongoing review of safeguards and security programs. The Commission expects to receive a proposal from the staff shortly on how to improve these training requirements. NRC inspectors will continue to review site activities and address any concerns, and will take action as appropriate. Inspectors will also continue providing feedback received from security officers on NRC requirements to be considered in ongoing evaluations.

Excessive use of overtime resulting in security force fatigue has been a concern at many nuclear facilities since the attacks of September 11, 2001. Use of overtime at the Indian Point plants has been high, but Entergy is actively working to hire and train additional guard force personnel to reduce overtime. The NRC has commenced discussions with stakeholders to address the security guard fatigue issue. A proposed Order on security force work hours has been released for public comment. For the longer term, the NRC also contemplates a rulemaking relating to fatigue that will include security force personnel.

In your letter, you commented that NRC has not conducted a force-on-force exercise at Indian Point since 1994 and urged us to immediately assess the security situation at Indian Point. The NRC is currently working to schedule and conduct NRC-evaluated enhanced force-on-force exercises. We will give serious consideration to including Indian Point as an early exercise candidate for that program. These exercises will include enhanced adversary characteristics that go beyond the pre-September 11 design basis threat and are consistent with the current threat environment. We are not aware of any NRC-evaluated force-on-force exercises that were manipulated to ensure that mock attacks would not be successful. However, the media accounts of manipulated exercises may refer to training exercises conducted by Entergy in which certain activities were performed to validate response strategies and train responders in implementation of those strategies. NRC staff will continue to review this concern and monitor the Indian Point security program closely.

Our reviews of the Entergy report indicate that the assertions that guards at Indian Point are discouraged from raising concerns apply to issues not directly related to plant security or safety. In that report, some of the guards interviewed did in fact indicate that they did not feel comfortable raising certain concerns, such as labor issues, to management. However, the guards indicated that this did not apply to raising nuclear safety or security issues. Based on our inspection activities, including recent inspections of Entergy's corrective action program at Indian Point, employees appear to be willing to raise safety and security issues. This assessment was confirmed by recent interviews of a number of security guards at Indian Point. Entergy made some organizational and management changes to address these issues and has recognized the need to improve communications with the security forces at both units. Maintaining a positive safety culture requires a continuing effort and the NRC will continue to monitor Entergy's efforts in this area.

I hope that this letter has been responsive to your concerns. Please contact me if you have any additional questions regarding these matters.

Sincerely,

/RA/

Richard A. Meserve