

February 19, 2003

Mr. Jay Newman
24 West 10th Street
New York, NY 10011

Dear Mr. Newman:

I am responding to your letter of April 5, 2002, to President Bush in which you expressed concerns over the safety and security of the Indian Point Nuclear Power Plant. The letter was recently forwarded to the U.S. Nuclear Regulatory Commission (NRC). I regret the delay in responding to your letter.

The NRC's primary mission is to ensure adequate protection of public health and safety. In this regard, the NRC closely monitors the nuclear power plants to ensure that they are maintained and operated in accordance with NRC regulations. The specific nature and level of these planned oversight activities are governed by the guidance in the NRC's Reactor Oversight Process. In particular for Indian Point Unit 2, the NRC has been conducting a number of detailed inspections to closely monitor the licensee's actions to improve the performance of the plant. During these inspections, the NRC has determined that the facility has operated in a manner that preserved public health and safety and that substantial progress to address past performance problems has been made at the station. Significant additional resources have been committed by the licensee to its improvement initiatives, and plant management has brought higher performance standards and levels of accountability to the station.

The NRC regulations set high standards for effective security programs at nuclear power plants and other sensitive nuclear facilities (described in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73). The NRC has required significant protection of licensed facilities against sabotage or attack since the agency's inception. Security against sabotage has been an important part of the NRC's regulatory activities, with defense-in-depth as the guiding design and operating principle. NRC regulations ensure that nuclear power plants are among the most hardened and secure industrial facilities in our nation. The many layers of protection offered by robust plant design features, sophisticated surveillance equipment, physical security protective features, professional security forces, access authorization requirements, and emergency planning provide an effective deterrence against potential safety or security problems related to terrorist activities that could target equipment vital to nuclear safety.

Since the terrorist attacks of September 11, 2001, the NRC has taken a number of steps to enhance the already high level of security at the nation's nuclear power plants. These steps have resulted in, among other things, more guards being trained and placed on duty at the plants, making them even better protected than what had been the best protected commercial facilities prior to the September 11, 2001, attacks. The effectiveness of these security programs has been confirmed by NRC, as well as other authorities, including the Federal Bureau of Investigation and authorized States. The NRC's actions have included issuing Orders in February 2002 formalizing certain security enhancements as requirements, issuing more than forty advisories to licensees to describe threat conditions or recommend additional measures, issuing an NRC Threat Advisory and Protective Measures System, consistent with the Homeland Security Advisory System, to rapidly respond to national changes in the threat

environment, and other actions. During 2003, the NRC will continue to examine other actions including the resumption of force-on-force exercises designed to ensure the adequacy of licensee security programs and the inspection of the facilities to confirm the steps taken by the licensees.

Although there are certainly areas for improvement at Indian Point, the NRC considers the facility to be operated safely and the current security posture to be strong. On the basis of the actions taken, the NRC does not feel that the operation of the Indian Point facility should be suspended at this time. The NRC continues to actively monitor the situation and is prepared to take measures to ensure the continued safety of Indian Point and all of our nation's nuclear facilities.

I appreciate the opportunity to respond to your concerns, and I hope that you find this information useful.

Sincerely,

/RA/

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

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