

March 25, 2003

Dr. and Mrs. Lee Roesti
2447 Linn Blvd. SE
Cedar Rapids, IA 52403

Dear Dr. and Mrs. Roesti:

This is in response to your letter to President Bush concerning security at the Indian Point nuclear power plant in New York. To ensure an appropriate review of and response to your concerns and any necessary action, the White House forwarded your letter, dated December 9, 2002, to us, the U.S. Nuclear Regulatory Commission (NRC), for response.

Before responding to your specific concerns at Indian Point, I thought it would be beneficial to provide some background related to our efforts in enhancing security at all nuclear power plants. Since the terrorist attacks of September 11, 2001, the NRC has sought to ensure the continued protection of the nation's nuclear power plants, working initially in close coordination with the Federal Bureau of Investigation (FBI), other intelligence and law enforcement agencies, the Federal Aviation Administration, the Department of Defense, State and local authorities, and then with the newly created Office of Homeland Security (now the Department of Homeland Security), as well as NRC licensees. NRC coordination with these agencies is ongoing.

Since the terrorist attacks, the NRC has issued to its licensees more than 40 advisories concerning enhancements to security at the sites, including but not limited to: 1) increased patrols; 2) augmented security forces and capabilities; 3) additional security posts; 4) installation of additional physical barriers; 5) vehicle checks at greater stand-off distances; 6) enhanced coordination with law enforcement and military authorities; 7) more restrictive site access controls; and 8) the training of security officers on new response strategies. The licensees voluntarily implemented enhancements in response to these advisories and their own assessments.

Moreover, on February 25, 2002, the NRC issued Orders to the 103 operating commercial nuclear power plants mandating compensatory security measures. Some of these requirements formalized a series of security measures that NRC licensees had already taken in response to NRC advisories, and others are security enhancements which have emerged from the Commission's ongoing security review.

In August 2002, NRC security specialists performed an inspection on the ability of Entergy, the licensee for Indian Point, to respond to safeguard contingency events. The inspection focused on the licensee's security force program; the intrusion detection and alarm systems; and the firearms proficiency of the security force. NRC staff also worked closely with the New York State Office of Public Security as that State office conducted its review of security at the Indian Point facility. In addition, the NRC completed a comprehensive team inspection at Indian Point on January 31, 2003. This team inspection included a review of the specific security concerns that you raised in your letter. The inspection team consisted of both NRC and NRC-contractor personnel who specialize in power-reactor licensee response-strategy capabilities.

The team conducted a thorough review of the licensee's response-strategy capabilities. Based on in-depth discussions with the licensee on its strategy; tours of the plant's perimeter; assessment of contingency weapons and response positions; and the conduct of table-top drills, the team concluded that Indian Point was being appropriately protected. The plant did not appear to be vulnerable to any particular point of intrusion. Notwithstanding, the NRC may conduct more extensive contingency exercises at Indian Point in the near future.

With respect to the security perimeter being broken through five times, the team verified that this event occurred during a test of the intrusion-detection hardware covering a particular zone. The August 2002 test was being conducted under NRC observation as part of a routine inspection. While it is true that the zone failed to detect as designed, the licensee compensated for the deficiency after the first failure. Once the hardware failed, any subsequent test merely served to validate the initial failure. NRC requires licensees to test this type of hardware under various conditions and at a prescribed frequency, in order to identify possible equipment malfunctions.

For context, the intrusion-detection hardware that was being tested is located outside of the protected-area barrier. The area in question is monitored by closed circuit television (CCTV) and armed responders stationed in the immediate area. Therefore, a would-be intruder would still have to get through the barrier and avoid detection by both CCTV and responders in the area. The January 2003 team tested the entire perimeter at Indian Point and did not identify any deficiencies.

Independent of the inspection team's review of Indian Point's capabilities, the NRC conducted separate inspections of the site's implementation of the Order requirements. Through these extensive inspection activities, the NRC confirmed that Entergy has implemented the measures specified in the February 25, 2002 Order. The licensee has taken significant steps to strengthen physical barriers, security equipment, and response strategies at the facility. Additionally, the number of security officers at the Indian Point facility has been substantially increased. The NRC's on-site resident inspectors also provide regular oversight of both plant performance and security operations. Based on NRC inspection findings to date, security measures at Indian Point are adequate to protect public health and safety.

You also expressed concern that the employee who raised these security concerns at Indian Point could be fired. NRC regulations prohibit discrimination against an employee for engaging in certain protected activities, such as raising safety concerns. In this circumstance, discrimination includes discharge and other actions that relate to compensation, terms, conditions, or privileges of employment. When the NRC becomes aware that an individual may have been discriminated against for raising a safety concern, it evaluates the case to determine if there is a potential violation of NRC regulatory requirements.

The particular case referenced in your letter is being investigated by the NRC's Office of Investigations. Therefore, it would not be appropriate for further comments at this time. It should be noted that an employee's engagement in a protected activity does not automatically render the individual immune from discharge or discipline for legitimate reasons or from adverse action dictated by non-prohibited considerations.

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I hope that this letter has been responsive to your concerns. Please contact me or my staff member, Yen-Ju Chen at (301) 415-5615 or yjc@nrc.gov, if you have any additional questions or comments regarding these matters.

Sincerely,

/RA/

Roy P. Zimmerman, Director
Office of Nuclear Security
and Incident Response

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