

May 1, 2003

Ms. Linda Peterson
Town Clerk
Town of New Castle
Chappaqua, NY 10514

Dear Ms. Peterson:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letters of January 29 and February 12, 2003, in which you forwarded two resolutions by the Town Board of the Town of New Castle regarding the Indian Point Nuclear Generating Units Nos. 2 and 3 (Indian Point). Both resolutions cited concerns about the potential for terrorist attacks and the adequacy of emergency plans for Indian Point.

The NRC's primary mission is to ensure adequate protection of public health and safety. In this regard, the NRC closely monitors nuclear power plants to ensure that they are maintained and operated in accordance with NRC regulations. NRC regulations require that comprehensive emergency plans be prepared and periodically exercised to assure that actions can and will be taken to notify and protect citizens in the vicinity of a nuclear facility in the event of a radiological emergency. The NRC has responsibility for onsite emergency planning and requires nuclear plant operators to have detailed procedures for handling accidents, making timely notification to appropriate authorities, and providing accurate radiological information. This responsibility involves direct assessment of onsite emergency planning and preparedness of the facilities that we regulate, in addition to oversight of plant operations and security. The Federal Emergency Management Agency (FEMA) evaluates offsite emergency planning and response and provides the results of its evaluations to the NRC.

In your January resolution, you referenced a report by James Lee Witt Associates, LLC, regarding emergency response for Indian Point. The Witt Report, in large measure, addressed matters related to offsite planning and preparedness, which are matters primarily within the purview of FEMA. While any judgment as to the overall state of emergency planning and preparedness is for the NRC to reach, we look initially to FEMA for its views on the report relating to offsite preparedness. We are currently reviewing the report for any insights it may provide to improve emergency preparedness and are prepared to take appropriate action in coordination with FEMA. On February 21, 2003, FEMA issued its assessment report on the September 24, 2002, biennial emergency exercise at Indian Point. In this report, FEMA also addressed many of the issues in the Witt Report. It is our understanding that FEMA is working with the State and counties to address these issues. We will continue to work closely with FEMA, as well as with State and local officials to improve offsite emergency planning and preparedness.

One important issue in the Witt Report which falls under our purview relates to plant security and the effect of potential terrorism. NRC regulations set high standards for security programs at nuclear power plants and other sensitive nuclear facilities. 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, and strict access authorization requirements provide an effective deterrent against terrorist activities that could target equipment vital to nuclear safety. Emergency planning provides an additional layer of protection in the unlikely event of a successful terrorist attack.

Since the terrorist attacks of September 2001, the NRC has taken a number of actions to enhance the already high level of security at the nation's nuclear power plants. Immediately after the terrorist attacks, the NRC began a comprehensive review of the threat environment, as well as a review of our requirements for physical protection and security. We have approached these sensitive issues deliberately, consistent with the national view on the current threat environment, and have coordinated with the intelligence community, Federal law enforcement, the Department of Defense, the Department of Homeland Security, the Department of Energy, and various State officials. NRC has issued more than forty advisories to licensees to describe threat conditions or recommend additional measures. Compensatory measures that were considered necessary to provide adequate protection of public health and safety have been subsequently imposed by Order. These steps have resulted in, among other things, increased patrols, augmented security forces and capabilities, additional security posts, installation of additional physical barriers, vehicle checks at greater stand-off distances, enhanced coordination with law enforcement and military authorities, and more restrictive personnel access controls. The effectiveness of these security enhancements has been confirmed by NRC, as well as other authorities, including the Federal Bureau of Investigation. On April 29, 2003, the NRC issued three additional Orders dealing, in part, with changes to the design-basis threat, enhanced firearms and physical fitness training for security personnel, and fatigue from the increased demands on the security forces. We will continue to take actions, including the resumption of force-on-force exercises, to test the adequacy of licensee security programs and to confirm that the enhanced security measures and activities are effectively implemented by our licensees.

Although there are certainly areas for improvement at Indian Point, the NRC considers the facility to be operating safely and the current security posture to be strong. On the basis of the actions taken by the NRC and our current assessments, 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.

The Board's issues about planning for replacement power, job placement for displaced workers, and energy conservation that may result from a shutdown of the Indian Point facility would be better addressed to State or local authorities, such as the New York State Public Service Commission.

L. Peterson

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I appreciate the opportunity to respond to the Board's 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

L. Peterson

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

Sincerely,

/RA/

Stuart A. Richards, Director
Project Directorate I
Division of Licensing Project Management
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