

June 25, 2003

The Honorable Charles J. Fuschillo, Jr.
New York State Senate
Legislative Office Building, Room 947
Albany, NY 12247

Dear Mr. Fuschillo:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (the Commission or NRC) to your letter dated May 27, 2003, in which you forwarded concerns from your constituent, Mr. James Loughlin, regarding the Indian Point Energy Center (Indian Point). In his letter, Mr. Loughlin expressed concern that a terrorist attack or accident would affect a large number of people within 50 miles of Indian Point. He also expressed concern that spent nuclear fuel is stored on site, pending disposal in a national repository.

The NRC regulations set high standards for effective security programs at nuclear power plants and other sensitive nuclear facilities (described in Part 73 of Title 10 of the *Code of Federal Regulations*). The NRC has required significant protection of licensed facilities against sabotage or attack since the agency's inception. Security 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 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. In particular, the NRC staff 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. NRC coordination with these agencies remains ongoing.

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 FBI and authorized States. The NRC's actions have included issuing: (1) Orders on February 25, 2002, and April 29, 2003, formalizing certain security enhancements as requirements, security force fitness-for-duty and training enhancements, and design-basis threat revisions, (2) more than sixty advisories to licensees to describe threat conditions or recommend additional measures, and (3) 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. During 2003, the NRC continued to take other actions including the resumption of force-on-force exercises designed to test the adequacy of licensee security programs and to continue to inspect the facilities to confirm the enhanced security actions and activities taken by the licensees. A force-on-force exercise is planned at Indian Point in the near future.

Although any security program is open to improvement, the NRC considers the Indian Point facility to be operated safely and the current security posture to be strong. On the basis of the actions taken to date, 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.

Thank you for your interest in these concerns of importance to nuclear power plant security. I hope you find the information in this letter useful.

Sincerely,

/RA by RLaufer for/

Cornelius F. Holden, Jr., Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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