

July 9, 2003

Ms. Jeanette Nebus  
19 Overhill Road  
Middletown, NY 10940

Dear Ms. Nebus:

I am responding to your letter dated June 7, 2003, to the Chairman of the U.S. Nuclear Regulatory Commission (NRC) in which you expressed concern about the absence of the NRC at the public meeting on May 13, 2003 in Orange County about emergency response plans for the Indian Point nuclear power plants. You also expressed concern about the vulnerability of the plants to terrorist attacks and the adequacy of the evacuation plans.

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. These regulations set high standards for effective 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 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 access authorization requirements 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 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 the Department of Homeland Security (formerly the Office of Homeland Security), as well as NRC licensees. The NRC has taken a number of steps to enhance the already high level of security at the nation's nuclear power plants. NRC's actions have included issuing: (1) Orders formalizing enhanced security measures, design-basis threat revisions, and security force fitness-for-duty and training improvements; (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. 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 prior to the terrorist attacks.

The effectiveness of these security programs has been confirmed by NRC, as well as other authorities, including the FBI and authorized States. NRC continues to take other actions designed to test the adequacy of licensee security programs, including the resumption of force-on-force exercises. One of these exercises will be conducted at Indian Point in the near future. We also continue to inspect the facilities to confirm the enhanced security actions and activities taken by the licensees.

NRC regulations also require that comprehensive emergency plans be prepared and periodically exercised to assure that actions can and will be taken to protect citizens in the vicinity of a nuclear power plant. Federal oversight of radiological emergency planning and preparedness associated with commercial nuclear facilities involves both FEMA and NRC. While NRC has overall responsibility, FEMA takes the lead in reviewing and assessing offsite planning and response and in assisting State and local governments. NRC reviews and assesses the licensee's onsite planning and response. We work closely with and support FEMA in its assessment of offsite emergency preparedness.

Federal evaluation of emergency preparedness is an ongoing process. Earlier this year, FEMA provided the final exercise report for the Indian Point biennial exercise conducted in September 2002 and updated its review of emergency response plans that were revised in 2002. In the report, FEMA identified a number of areas requiring corrective action, but did not identify any issues that would preclude protection of public health and safety. FEMA considered the findings of the independent report, prepared by James Lee Witt Associates for the State of New York, in their report.

Federal law establishes the criteria for determining whether offsite plans and preparedness provide reasonable assurance that appropriate measures can and will be taken to adequately protect the public in the event of a radiological emergency. FEMA is currently reviewing State and county documents, as well as other information, to make this determination for Indian Point. We are closely monitoring the steps being taken by FEMA, the State, counties, and the plant operator, Entergy, to address the concerns at Indian Point.

NRC strives to conduct as much of our work as possible in an open arena. In particular, we have sought to understand the concerns of the citizens and local officials regarding the Indian Point facility. In the last three years, we have held more than a dozen public meetings in the local area, providing both NRC inspection information and assessments of licensee performance. Most recently, we held a public meeting in Buchanan on April 28 to discuss our assessment of Entergy's performance at the plants. Unfortunately, we were unable to participate in the public forum sponsored by Orange County Executive Diana. However, I want to assure you that we have been and continue to address issues raised at Indian Point. For example, we have responded to petitions from local stakeholders on the safety of Indian Point and are currently addressing a similar petition from the Connecticut Attorney General. In all cases, we have kept Congressional, State and local officials apprised of our actions.

Jeanette Nebus

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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. If you have any further questions, please feel free to contact me at 610-337-5080.

Sincerely,

/RA/

Brian Holian, Deputy Director  
Division of Reactor Projects

Jeanette Nebus

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