

July 18, 2003

Mr. Hector L. Lopez  
208 Jelliff Mill Road  
New Canaan, CT 06840

Dear Mr. Lopez:

I am responding to your March 2003 letter to President Bush that was recently forwarded to the U.S. Nuclear Regulatory Commission (NRC). In your letter, you asked that the Indian Point Energy Center (Indian Point), located in Westchester County, New York, be shut down. You were concerned that Indian Point provides a target for terrorist attack with potentially devastating consequences. With your letter, you provided a petition signed by a number of concerned citizens in Fairfield County, Connecticut, expressing the same concern. You also were concerned about the danger of deterioration, accidents and the production of nuclear waste at the facility.

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 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), the Department of Homeland Security (formerly the Office of Homeland Security), the Federal Aviation Administration, the Department of Defense, State and local authorities, and other intelligence and law enforcement agencies. NRC coordination with these agencies remains ongoing.

The NRC has taken a number of steps to improve the already high level of security at the nation's nuclear power plants, including more training for security guards and requiring additional guards at the plants. Other NRC actions include issuing: (1) Orders formalizing certain security enhancements, security force fitness-for-duty and training improvements, 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 changes in the national threat environment. These and other actions make nuclear power plants 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 verified by the NRC, as well as other authorities, including the FBI and authorized State organizations. NRC continues to take other actions including a pilot program to test force-on-force exercises. Upon completion of the pilot, we plan to resume the force-on-force exercises on a 3-year cycle. These exercises are designed to test the adequacy of licensee security programs. A force-on-force exercise is planned 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.

The NRC's February 2002 security Orders also specifically required licensees to enhance their emergency response plans in light of the current threat environment. Licensees were required to ensure that emergency response plans appropriately recognized the potential for security threats. Licensees were also directed to evaluate and address potential vulnerabilities that could result from a terrorist attack, such as a large fire or loss of cooling for the reactor or spent fuel pool, and to develop specific guidance and strategies.

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. All commercial nuclear power plants in the U.S. are required to perform tests on and conduct inspections of various safety systems. The inspections, tests, and preventive maintenance conducted at nuclear plants are required, in part, to ensure that structures and systems important to safety will, if called upon, do their jobs as designed.

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. The NRC continues to actively monitor safety and security at Indian Point and is prepared to take measures to ensure the continued safety of Indian Point and all of our nation's nuclear facilities.

Regarding the disposition of nuclear waste currently on site, NRC regulations govern the storage and disposal of all commercially generated radioactive wastes in the U.S. and provide the acceptable performance criteria for waste management activities. These criteria and guidelines are designed to ensure adequate protection of the public health and safety and the environment. The NRC shares your concern about the safety and security, in particular, of high level waste, which is predominately spent nuclear fuel. NRC regulations require stringent design, testing and monitoring in the handling and storage of spent fuel to ensure that the risk to public health and safety is minimized. We believe that spent fuel can be safely stored at the Indian Point reactor site until it can be shipped to a permanent disposal facility. Furthermore, the NRC is performing a comprehensive safeguards and security program evaluation that includes a review of spent fuel safety and safeguards.

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

Sincerely,

*/RA/*

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

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

Sincerely,

*/RA/*

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Project Directorate I  
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