August 6, 2003

Mr. Dennis L. O'Connor
P.O. Box 312
8 Lost Pond Lane
North Salem, NY 10560

Dear Mr. O'Connor:

I am responding to your letter of June 11, 2003, to the Chairman of the U.S. Nuclear Regulatory Commission (NRC) in which you expressed concerns over the safety and security of the Indian Point Nuclear Power Plant.

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. In particular, 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 11, 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, 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.

Although there have been no credible threats against the nation's nuclear power plants, the NRC has taken a number of steps to improve the already high level of security at the 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 (DBT) 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 some of the most secure industrial facilities prior to the September 11, 2001, attacks.

The effectiveness of these security programs has been verified by the NRC. NRC continues to take other actions including the initiation of a pilot program to test concepts to be used when regular, required force-on-force exercises are resumed on a triennial basis. These exercises

are designed to test the adequacy of licensee security programs. A pilot force-on-force exercise was recently conducted at Indian Point. During the exercise, the licensee used Multiple Integrated Laser Engagement System (MILES) equipment to optimize the realism of this exercise. The MILES gear is a ground combat training system used by the Department of Defense and helps the exercise controllers determine whether the security officers were able to successfully engage adversary forces. The results from the pilot force-on-force exercise at Indian Point show that the licensee has a strong defensive strategy and capability that continues to give the NRC reasonable assurance that Indian Point can be adequately protected against terrorist attacks. We also continue to inspect the facilities to confirm the enhanced security actions and activities taken by the licensees.

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. In the U.S., emergency planning for commercial nuclear power plants specifies two concentric emergency planning zones (EPZs), centered around the plants. The EPZs are the areas for which planning is needed to assure that prompt and effective actions can be taken to protect the public in the unlikely event of an accident. The first zone, called the plume exposure pathway EPZ, is an area of about 10 miles in radius from the center of the plant. The major protective actions planned within this EPZ are evacuation and sheltering in order to protect members of the public from adverse health effects due to inhalation or direct exposure to airborne radioactive material which may be released by the plant during an accident, i.e. the plume. The second zone, called the ingestion pathway EPZ, is an area of about 50 miles in radius from the plant to deal with potential lower-level, long-term risks primarily due to exposure from ingestion of contaminated food and water. Outside of 10 miles, direct exposure is expected to be sufficiently low that evacuation or sheltering should not be necessary. Exposure to a radioactive plume would not likely result in immediate or serious long-term health effects. Consideration of public sheltering and evacuation in emergency plans is very conservative and recommended at very low dose levels, well below the levels where health effects would be expected to occur.

Federal oversight of radiological emergency planning and preparedness associated with commercial nuclear facilities involves both the Federal Emergency Management Agency (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 licensees' 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. One important issue in the report which falls under our purview relates to plant security and the effect of potential terrorism. Thus, it is important to consider that significant steps have been taken to strengthen security at Indian Point and other nuclear plants since the September 2001 terrorist attacks.

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. At the Federal level, FEMA is responsible for evaluating the radiological planning and preparedness activities and oversight of offsite emergency preparedness for nuclear power plants. On July 25, 2003, FEMA issued its final determination of reasonable assurance that offsite preparedness for the Indian Point Energy Center is adequate. We have reviewed and concur with FEMA's determination of reasonable assurance at Indian Point. However, Federal evaluation of emergency preparedness is an ongoing process. Therefore, we continue to closely monitor the steps being taken by FEMA, the State, counties, and the plant operator, Entergy, to address concerns as they arise at Indian Point.

Regarding the disposition of spent nuclear fuel currently on site, the NRC shares your concern about the safeguards and physical security of spent fuel. We believe that spent fuel can be safely stored at the Indian Point reactor site until it can be shipped to a centralized interim spent fuel storage facility or a permanent disposal facility. The current spent fuel storage pool designs were reviewed and approved by the NRC. The construction of the spent fuel pools is robust, and the pools are protected by the licensee's security program. Additional information regarding spent fuel pools can be found on the NRC website at http://www.nrc.gov/waste/spent-fuel-storage/pools.html.

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.

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

Sincerely,

/RA/

James W. Clifford, Acting Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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James W. Clifford, Acting Director
Project Directorate I
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