

EDO Principal Correspondence Control

FROM: DUE: 08/19/03

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FINAL REPLY:

Representative Nita M. Lowey

TO:

Chairman Diaz

FOR SIGNATURE OF :

** PRI **

CRC NO: 03-0508

Chairman

DESC:

ROUTING:

Force-on-Force Exercise at Indian Point

Travers
Norry
Paperiello
Kane
Collins
Dean
Burns/Cyr
Miller, RI
Borchardt, NRR

DATE: 08/07/03

ASSIGNED TO:

CONTACT:

NSIR

Zimmerman

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate response with NRR.

Template: SECY-017

E-RIDS: SECY-01

**OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET**

Date Printed: Aug 07, 2003 11:29

PAPER NUMBER: LTR-03-0508 **LOGGING DATE:** 08/06/2003
ACTION OFFICE: EDO

AUTHOR: Nita Lowey
AFFILIATION: REP
ADDRESSEE: Nils Diaz
SUBJECT: Indian Point Energy center

ACTION: Signature of Chairman
DISTRIBUTION: RF

LETTER DATE: 08/06/2003
ACKNOWLEDGED No
SPECIAL HANDLING:

NOTES: Commission Correspondence

FILE LOCATION: Adams

DATE DUE: 08/21/2003 **DATE SIGNED:**

EDO --G20030458

Point," Lowey said. "NRC must take its duties to both protect and inform the public more seriously."

Please see the letter below Lowey sent to NRC today.

August 6, 2003

Nils J. Diaz, Ph.D.
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Diaz:

I am writing regarding the force-on-force exercises conducted at the Indian Point Energy Center in Buchanan, New York from July 28 to August 1, 2003.

I have long held that the force-on-force exercises should incorporate threats comparable to September 11th, including attacks by multiple teams of highly-skilled attackers employing sophisticated tactics and weaponry. I was disappointed to learn that the force-on-force drills would rely chiefly on the design basis threat in place prior to September 11th. Furthermore, unlike past drills, the NRC will not warn or fine companies for security deficiencies. In order to reassure the public, and particularly those residing in the vicinity of Indian Point, of the integrity of the evaluation process, I request comprehensive information on the design of the drill and guard performance at Indian Point. I strongly believe that the formal release of any unclassified information would strengthen public oversight and improve agency accountability.

I hope you can expeditiously provide a comprehensive report on this week's force-on-force drills at Indian Point, including the following safeguards and non-safeguards information:

- the agency affiliation and title of the individuals evaluating the drill;
- detailed descriptions of each of the attack scenarios employed, including the number of attackers involved; the number and location of entry points used; the tactics of the mock assailants, including their operation in a single unit or multiple teams; the time of day; and assumptions about the weaponry, vehicles, and communications and surveillance equipment utilized by the attack force;

- the text of the revised design basis threat;
- those elements of the new design basis threat included or excluded from the Indian Point force-on-force exercise;
- all written comments on the drills submitted to the NRC by the evaluation team; and
- a detailed description of the performance of the guard force in each of the scenarios, including any deficiencies and compensatory measures identified. An overall evaluation of guard performance should also be included.

Recent decisions by NRC highlight the need for heightened oversight and greater agency accountability. On Friday, July 25th, the Commission approved the emergency response plans for Indian Point within minutes of FEMA's certification of the plans, refusing to perform an independent review. Both FEMA and the NRC have failed to provide a comprehensive justification of their decision. Given the complexity and controversy surrounding these plans, such a decision was astounding. The nearly 20 million people living within 50 miles of the plant deserve a complete explanation of NRC's conclusion.

An article in the *Journal News* on July 25th, which reveals an extraordinary volume of whistleblower complaints, reinforces the need for careful scrutiny of force-on-force drills. Approximately three-fourths of the 28 allegations registered by Indian Point employees with NRC involved security operations. These complaints, which follow a 2001 Entergy internal report documenting a "chilling effect" and low guard morale at Indian Point 2, suggest persistent security problems. I would expect the NRC to give employees' concerns a more thoughtful and thorough review than it did the emergency response plans for Indian Point.

Thank you in advance for your consideration, and I look forward to carefully reviewing your response.

Sincerely,

Nita M. Lowey

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Congresswoman Nita M. Lowey

New York's 18th District



Representing Westchester and Rockland Counties

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LOWEY CALLS ON NRC TO RELEASE REPORT ON INDIAN POINT FORCE-ON-FORCE DRILLS

August 6, 2003

WHITE PLAINS, NY - Congresswoman Nita M. Lowey (D-Westchester/Rockland) today called on the Nuclear Regulatory Commission to release a comprehensive report regarding the force-on-force security drills at Indian Point last week.

Citing deficiencies in the drills, lack of consequences for poor performance, and an excessive number of security-related personnel complaints, Lowey said in a letter to NRC Chairman Nils Diaz, "the formal release of any unclassified information would strengthen public oversight and improve agency accountability."

"The federal agencies charged with ensuring the safety of our nuclear facilities seem to think they are exempt from accountability," said Lowey. "Security is not a one-man show. Working together to protect our communities is a must. NRC must come clean with the public and elected officials on the contents and results of these drills."

Lowey reiterated her concerns that NRC recently rubber stamped the Federal Emergency Management Agency's certification of the emergency evacuation plans for Indian Point instead of conducting an independent review. She said residents living in the communities surrounding the facility deserve an explanation from both FEMA and NRC about how they reached their decisions to approve the plans.

Lowey cited an extraordinary volume of whistleblower complaints related to security, reported last week by the *Journal News*, in her call for careful scrutiny of force-on-force drills. Indian Point employees logged 28 complaints with the NRC last year - the highest number for any nuclear power plant in the nation and well above the national median of four. Approximately three-fourths of the allegations involved security operations.

"I would expect the NRC to give employees' concerns a more thoughtful and thorough review than it did the emergency response plans for Indian