

Enclosure

August 7, 2003

The Honorable Charles Schumer
United States Senate
Washington, D.C. 20510

Dear Senator Schumer:

I recently returned from a two-day visit to the Indian Point Energy Center in New York and, in light of your interest, wanted to share with you my observations on the current status of safety, security and emergency preparedness at the site. First and foremost, let me assure you that the Commission takes its public health and safety responsibility very seriously and that we remain focused on providing a strong and independent oversight program at Indian Point.

The primary purpose of my visit was to observe first hand the force-on-force site exercise. This force-on-force exercise is part of a pilot program that NRC is conducting at over a dozen sites. During my site visit, I also had the opportunity to tour the plants, the Emergency Offsite Facility and much of the nearby surrounding area. Mr. Hubert Miller, the NRC Region I Regional Administrator, who is responsible for the NRC staff that monitors and inspects Indian Point, accompanied me throughout my visit. We reviewed many of the safety and security enhancements made to the plant and its programs since September 11, 2001. The range of enhancements reflects the NRC's "defense-in-depth" safety philosophy, in which requirements for plant safety features and mitigation strategies, security measures, and emergency preparedness are addressed in an integrated manner. Our observations and ongoing oversight support the NRC's judgment that public health and safety continues to be adequately protected at Indian Point in each of these areas.

At Indian Point, the NRC had more than 20 staff and expert contractors overseeing the force-on-force security exercise. The exercise was also observed by the FBI, New York State Office of Public Security and other State and local officials. I should add at this point that there has been and continues to be excellent support from local, State and Federal authorities, including on-site National Guard, Coast Guard, and local law enforcement officers.

My observations of the pilot force-on-force exercise at Indian Point indicate that the licensee has a strong defensive strategy and capability. The Indian Point security force personnel successfully protected the plant from repeated mock-adversary attacks during the exercise.

The purpose of the force-on-force exercises is to identify deficiencies in nuclear power plant site protective strategies in defending against a design basis threat (DBT) so they can be promptly addressed by the licensee, and to train personnel in the response to an assault. The DBT represents the largest reasonable threat against which a regulated private guard force should be expected to defend under existing law. An improvement employed during the Indian Point force-on-force exercise was the licensee use of Multiple Integrated Laser Engagement

System (MILES) equipment to enhance the realism of this exercise. MILES gear is a ground combat training system used by the Department of Defense and other agencies, incorporating modified weapons fitted with laser transmitters which enable the exercise controllers to determine whether the security officers were able to successfully engage adversary forces. Additional information on the pilot force-on-force program is included in the enclosed Fact Sheet.

There is no doubt that terrorism has introduced challenges to nuclear power plants and the Nation. In response to the attacks of September 11, 2001, the NRC initiated new studies of the security and vulnerability of nuclear power plants, including assessments for land-based, water-borne and aircraft terrorist attacks. Although the studies will not be fully completed until the fall of this year, it is already clear that the planning basis for off-site emergencies remains valid in terms of timing and magnitude for the range of potential radiological consequences of a terrorist attack upon the reactors or spent fuel pools.

As you are aware, on July 25, 2003, the Federal Emergency Management Agency (FEMA) determined that it had reasonable assurance that appropriate protective measures to protect the health and safety of surrounding communities can be taken and are capable of being implemented in the event of a radiological incident at the Indian Point Energy Center. Based on this finding and in conjunction with our continuing oversight of the licensee's on-site emergency planning and preparedness, the NRC remains assured that emergency preparedness for this site is adequate. However, we recognize that planning for possible emergencies is an ongoing process. The NRC will continue to work closely with FEMA, State and local officials as well as the plant operator in their continuing efforts to improve emergency planning and preparedness. In this regard, NRC and FEMA have committed to work with State and local officials to include a simulated terrorist scenario in the next emergency preparedness exercise for Indian Point.

With respect to the safety performance of the Indian Point facility, the NRC has maintained heightened oversight during the past several years. Progress in strengthening station safety programs has been documented in our periodic plant performance reviews. In the near future, we will be issuing mid-cycle safety performance assessments for all 103 operating nuclear reactors and we will provide you with a copy of the performance assessment letter for the Indian Point plants.

I want to assure you that the NRC is committed to a strong and independent oversight program to ensure safety, security and emergency preparedness at Indian Point and all of our licensees.

Sincerely,

/RA/

Nils J. Diaz

Enclosure: Force-on-Force Fact Sheet