

From: Sheila McKelvin  
To: internet:WH\_AGL\_BULK@WHO.EOP.GOV  
Subject: WH #347475 - MR. MATT RUBINGER

Attached is the response to a letter referred to the Nuclear Regulatory Commission (NRC) for reply. This items was referred to NRC from the Department of Energy by letter dated 02/18/2004.

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 6  
FOIA/PA-2005-0119

A-6

March 18, 2004

Mr. Matt Rubinger



Ex. 6

Dear Mr. Rubinger:

I am responding to your letter to President Bush dated January 15, 2002, that was recently forwarded to the U.S. Nuclear Regulatory Commission (NRC). In your letter, you recommended converting the Indian Point nuclear power plant to another type of energy facility due to the potential consequences from a terrorist attack.

The NRC's mission is to license and regulate the Nation's civilian use of byproduct source, and special nuclear materials to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment. NRC requirements set high standards for effective security programs at nuclear power plants and other sensitive nuclear facilities. The NRC closely monitors nuclear power plants to ensure that they are operated in accordance with NRC requirements. Nuclear power plants are built of massive structures with thick exterior walls and interior barriers of reinforced concrete. The plants are designed to withstand tomadoes, hurricanes, fires, floods, and earthquakes. As a result, the structures inherently afford a measure of protection against deliberate aircraft impacts. The layers of protection offered by plant design features, sophisticated surveillance equipment, physical security protective features, professional security forces, and access authorization requirements provide an effective deterrence against potential terrorist attacks. As a result of the terrorist attacks of September 11, 2001, the NRC has required enhancements to security and increased its focus on security and emergency preparedness at nuclear power plants. Contingency measures are in place to address situations associated with potential terrorist attacks on the facility. Additional information on emergency preparedness, safety, security and actions taken since September 11<sup>th</sup> can be found on the NRC website (<http://www.nrc.gov>).

The NRC considers Indian Point to be operated safely and the current security posture to be strong. On the basis of the actions taken by the utility and the NRC's oversight, the NRC has concluded that operation of the Indian Point facility does not need to be suspended. The NRC continues to actively monitor the situation at Indian Point and all of our nation's nuclear power plants, and ensures the continued safety of those nuclear facilities.

Mr. Rubinger

— 2 —

The NRC has no authority to decide that the Indian Point nuclear power plant should be converted to another type of energy generating facility. The NRC's authority is limited to regulating nuclear facilities in accordance with the Atomic Energy Act and other applicable authorities to ensure protection of the public health and safety, to promote the common defense in security, and protect the environment. Thank you for your interest in these important concerns. I hope you find the information in this letter useful.

Sincerely,

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Roy P. Zimmerman, Director  
Office of Nuclear Security and  
Incident Response