

November 21, 2001

The Honorable Sandra R. Galef
New York State Assembly
Albany, New York 12248

Dear Ms. Galef:

I am responding, on behalf of the Nuclear Regulatory Commission (NRC), to your letter of September 24, 2001, in which you requested that the NRC reevaluate the safety of the Indian Point Nuclear Generating Station. Specifically, you requested that the NRC determine whether additional security measures (such as air patrols, airspace restrictions, or new security structures) would be appropriate in light of the terrorist attacks on September 11, 2001. You further indicated that you would like a better understanding of the measures that the NRC will take to ensure the continued safety of residents who live near nuclear power plants.

The measures implemented on and since September 11, 2001, to protect the Indian Point facilities included actions taken by the NRC, as well as actions taken by the licensee, and other Federal agencies. Within 30 minutes after the terrorist attacks on the World Trade Center (WTC) and the Pentagon, the NRC activated and staffed its incident response centers at NRC headquarters and the regional offices, and began close coordination with the Federal Bureau of Investigation (FBI) and other intelligence and law enforcement agencies, our licensees, and various military, State, and local authorities. The NRC also immediately advised all licensees to go to the highest level of security. All power plants, research facilities, and fuel facilities acted promptly to implement a heightened security stance. The specific actions taken are understandably sensitive, but they generally included increased patrols, augmented security forces and capabilities, additional security posts, heightened coordination with law enforcement and military authorities, and more limited access of personnel and vehicles to the sites, among other measures. These actions were specifically intended to protect nuclear facilities against acts of sabotage or theft by armed intruders. Additionally, immediately after the attacks on the morning of September 11, 2001, the Federal Aviation Administration (FAA) prohibited all civilian aircraft operations within the United States and required all airborne aircraft to land. That temporary FAA action eliminated the immediate threat of aircraft attacks on all nuclear facilities, including those at the Indian Point site. In addition, the U.S. Coast Guard addressed any immediate threat of waterborne terrorist attacks at nuclear power plants by taking action to control the movement of vessels on navigable waters in the United States.

The NRC has actively monitored the situation since September 11, 2001. Through close liaisons with other Federal agencies, including intelligence agencies and the FAA, the military, and nuclear power plant licensees, the NRC continues to ensure that the appropriate security level is maintained. The NRC is assessing any threats and is taking measures to ensure the continued safe operation of the Indian Point Nuclear Generating Station and all

other nuclear facilities. The Indian Point licensee is maintaining the site at the heightened security level that was implemented on September 11, 2001. The NRC developed and implemented a checklist to verify licensee response to the threat advisories, and has found the Indian Point licensee's response to be acceptable. Also, on October 6, 2001, the NRC issued a safeguards advisory delineating certain actions to strengthen licensee capability to respond to a terrorist attack. Licensees, including the licensee for the Indian Point facility, are currently implementing those actions.

In the days following the WTC and Pentagon attacks, the NRC coordinated with the Coast Guard and nuclear power plant licensees to establish security zones around nuclear power plants that are located on navigable waters. As detailed in the *Notice to Mariners* that the First Coast Guard District issued on September 18, 2001, and revised on September 23, 2001, the Coast Guard has established a security zone around the Indian Point Nuclear Generating Station pier. Any vessel wishing to transit the zone is required to coordinate passage with the Coast Guard's on-scene commander, and all vessels transiting the Hudson River in the vicinity of the Indian Point Nuclear Generating Station are subject to random Coast Guard boarding.

As the national threat environment changes or if a specific credible threat is directed against a nuclear power plant, the NRC will coordinate with other Federal agencies and request or recommend specific actions designed to enhance security. Following the U.S. Attorney General's escalated threat advisory on October 29, 2001, the FAA issued another NOTAM (IFDC 1/1763, later updated by IFDC 1/1979, November 2, 2001) that established temporary no-fly zones over nuclear power plants. General aviation flights were prohibited from flying within 10 nautical miles radius of and below 18,000 feet (mean sea level) over these sites. This followed an earlier NOTAM issued on September 27, 2001, in which pilots were advised to avoid airspace near "nuclear power plants, power plants, dams, refineries, industrial complexes, and other similar facilities."

Several nuclear power plants, including the Indian Point Nuclear Generating Station, have received assistance as requested by their respective State governments. The National Guard was deployed at Indian Point at the request of the Governor of New York, and that presence continued following the escalated threat advisory that was issued on October 29, 2001.

For the longer term, I have directed the NRC staff to reevaluate the Agency's safeguards and physical security programs thoroughly. This reevaluation has already begun and will be a top-to-bottom analysis involving all aspects of the Agency's safeguards and physical security programs. The identification of necessary adjustments to the safeguards and/or physical security measures for civilian nuclear facilities must involve other U.S. national security organizations. As a result, the NRC is currently interacting with the FBI, other intelligence and law enforcement agencies, and the military to ensure that any changes to our programs will consider pertinent information from all relevant U.S. agencies. The staff is expected to forward an initial paper outlining the scope of this review to the Commission by the end of November.

Because the NRC's reevaluation is still ongoing, I am unable to provide complete and detailed information regarding any forthcoming changes to the Agency's programs or any requirements for new security structures. However, in the interim, I am available to respond to your questions. If you have further comments, please feel free to contact me.

Sincerely,

/RA/

Richard A. Meserve