

May 6, 2002

Mr. Gary Altman
Legislative Counsel
The Council of the City of New York
City Hall
New York, NY 10007

Dear Mr. Altman:

I am responding to your letter dated April 25, 2002, in which you invited me to testify at a Committee on Environmental Protection hearing on a resolution regarding the Indian Point Nuclear Power Station. Regrettably, due to the current press of business, I am unable to attend this hearing. However, I would like to address some of the plant safety, security, and emergency preparedness issues addressed in your resolution.

The NRC programs for licensing and oversight of nuclear power plant operations are comprehensive. NRC establishes regulations for the design, construction and operation of nuclear reactors. To assure public health and safety, these regulations require plants be designed to provide "defense-in-depth" and ample safety margins. For example, regulations require redundant safety systems, formal procedural controls, extensive training programs, and quality assurance measures. Companies licensed by NRC to operate nuclear power plants, such as Entergy Nuclear Generation Company which operates the Indian Point units, are directly responsible for operating their facilities in conformance with these safety regulations.

NRC, through a comprehensive program of performance monitoring and inspection, assures that licensees meet these requirements. We have established a set of objective performance indicators covering areas such as safety system readiness, security, and emergency preparedness. Additionally, on a continuing basis, NRC performs onsite inspections of all facets of plant operations, including such activities as plant maintenance, control room evolutions, testing, engineering design, radiation protection, emergency preparedness, and implementation of security measures. These inspections are conducted by on-site "resident" inspectors and technical specialists from our regional and headquarters offices. Both performance indicators and inspection findings are assessed in terms of risk-informed thresholds which have been established to guide the nature and intensity of NRC oversight. As issues of increasing risk significance are identified, we increase the amount of inspection and oversight of plant operations.

Indian Point Unit 2 has received such heightened scrutiny over the past several years because of performance issues which arose at the plant. For example, in 2001, over 11,000 staff hours, more than twice the amount for an average plant, were spent conducting inspections at Indian Point 2. This included an inspection performed early last year by a large team of specialists to examine root causes and corrective actions being taken to address performance issues. We monitored control room evolutions around the clock for extended periods and directly evaluated competence of control room operators during plant simulator emergency exercises. We have

established through these ongoing activities that, while there have been some areas of weakness, safety margins have been preserved - - the plant is operating safely.

The new plant owner, Entergy, has developed, and is implementing, a plant improvement plan aimed at improving fundamental aspects of operations such as equipment reliability, training, and performance standards. We have, again, planned inspections which go beyond our baseline inspection routine to check on results.

With respect to security of the plants, the NRC and its licensees have dealt with the issue of protection of licensed facilities against sabotage or attack for a number of years. NRC regulations have ensured that nuclear power plants are among the most hardened and secure industrial facilities in our nation. Our regulations have required security programs that can protect against a determined violent external assault by a well-trained and well-armed group working with a knowledgeable insider. Providing this protection involves many barriers -- a substantial security fencing system and associated intrusion detection, surveillance and alarm systems around the plant site; a substantial armed guard force onsite at all times; background checks, extensive searches, and strict controls of personnel entering the plant; external vehicle barriers; and close examination of all materials and vehicles entering the plant.

Shortly after the events of September 11th, NRC recognized the need to re-examine basic assumptions underlying the current nuclear facility security and safeguards programs. Chairman Richard A. Meserve, with the full support of the Commission, directed the staff to undertake a top-to-bottom review of the NRC's security regulations and programs. The security review includes NRC interaction with representatives from numerous Federal and State agencies, including the Office of Homeland Security, the Federal Bureau of Investigations, Department of Transportation, the Department of Energy, and the New York State Office of Public Security.

On February 25, 2002, the NRC issued Orders to all operating power reactor facilities to require certain compensatory security measures be taken beyond that called for by current regulations. These measures are the result of the NRC's consideration of current safeguards and security plan requirements, as well as a review of information provided by the intelligence community. The Orders generally formalized a series of steps that nuclear power plant licensees had been advised to take by the NRC in the aftermath of the terrorist attacks on September 11th, as well as certain additional security enhancements. For security reasons, the details of specific security requirements cannot be made public, but include such things as additional personnel access controls; enhanced requirements for guard forces; increased control of vehicles approaching nuclear facilities; and heightened coordination with appropriate local, State, and Federal authorities.

With respect to emergency preparedness (EP) issues, the NRC and the Federal Emergency Management Agency (FEMA) are the two Federal agencies responsible for evaluating EP at and around nuclear power plants. The NRC is responsible for evaluating the adequacy of onsite emergency plans developed by the utility, while FEMA is responsible for assessing the adequacy of offsite (State and local) radiological emergency planning and preparedness activities. The NRC requires licensees to have detailed procedures for responding to events, make timely notifications to appropriate authorities, and provide accurate radiological information. The NRC relies on FEMA's findings in determining that there is reasonable

assurance that adequate protective measures can and will be taken in the event of a radiological emergency. The NRC and FEMA evaluate the licensee's and the surrounding counties' ability to implement the plan. These plans are "living" documents which are updated as needed to account for necessary changes and/or improvements. The NRC and FEMA are aware of current criticisms of the Indian Point plan, and are working with the counties as improvements are undertaken. Emergency exercise evaluations, inspections, and program reviews have verified that adequate protective measures can and will be taken in the event of a radiological emergency.

NRC strives to conduct as much of our work as possible in an open arena. In particular, we have sought to understand the concerns of the citizens and local officials regarding the Indian Point facility. Many of the issues contained in your resolution have been previously submitted to the NRC as concerns. There have been over a dozen public meetings in the local area over the last two years, providing both NRC inspection information and assessments of licensee performance. The NRC will continue to communicate with the public at meetings and be receptive to public input. Further, information regarding plant performance and assessment results can be found on the NRC website (www.nrc.gov/reactors/operating/oversight.html).

In closing, NRC has conducted comprehensive reviews of plant safety and security measures at Indian Point. In light of this and the additional steps taken to strengthen plant security in the aftermath of September 11th, we believe that the Indian Point plants are being operated safely. I want to assure you that we will continue to closely monitor plant performance and, if we should find the licensee is not complying with NRC requirements or not maintaining safe operations, the NRC will take appropriate action. If you have any further questions, or need additional information, please contact me.

Sincerely,

/RA/

Hubert J. Miller
Regional Administrator

cc: The Honorable James F. Gennero
New York City Counsel

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