



CHAIRMAN

**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

January 21, 2004

The Honorable Hillary Rodham Clinton
United States Senate
Washington, D.C. 20510

Dear Senator Clinton:

On behalf of the Nuclear Regulatory Commission (NRC), I am writing in response to your letter dated December 30, 2003, requesting a report on the additional measures to increase security at the Indian Point Nuclear Power Plant as a result of the national threat level increase to High (Orange) on December 21, 2003. In your letter, you refer to the shared responsibility the NRC has with the Department of Homeland Security (DHS) for safeguarding the health and security of New Yorkers affected by Indian Point and your belief that our agencies should be coordinating closely.

The Commission agrees with you that close coordination between NRC, DHS and other Federal, State, and local agencies, and private sector companies that operate nuclear power reactors is essential to ensuring protection of the public health and safety and promoting the common defense and security. Since the terrorist attacks on September 11, 2001, NRC has enhanced its communications and coordination both within the agency and with external entities, including Federal (e.g., DHS), State, and local agencies, and the private sector.

In conjunction with the decision by DHS on December 21, 2003 to raise the Homeland Security Advisory System (HSAS) national threat level from an "Elevated" to a "High" risk of terrorist attack (or from "Yellow" to "Orange"), NRC promptly advised licensees that operate nuclear power reactors and other sensitive nuclear facilities about the increase in the national threat level and the need to implement commensurate protective measures, consistent with established NRC/HSAS procedures. All power reactor licensees confirmed implementation of appropriate measures by December 22, 2003. The following day, NRC Resident Inspectors verified implementation of these protective measures, including measures taken at Indian Point.

As background information, on August 22, 2002, the NRC implemented a Threat Advisory and Protective Measures System based on the DHS color-coded system to communicate and respond to threats affecting NRC licensees and NRC facilities. The NRC's system provides a consistent national framework for allowing NRC to communicate the nature and degree of terrorist threats to our licensees, including Indian Point.

Details of the protective measures associated with various threat conditions are protected as Safeguards Information under Section 147 of the Atomic Energy Act and are not made public because of their sensitive nature. The NRC protective measures associated with the HSAS procedures and other security enhancements required by NRC include specific

actions to protect against each of the three attack modes that you mentioned in your letter (land, water, and air).

I am scheduled to meet with you on January 22, 2004, and look forward to discussing these matters, including relevant classified information, further with you at that time.

Sincerely,

/RA/

Nils J. Diaz

cc: The Honorable Tom Ridge, DHS

