

January 22, 2002

Ms. Mary Lampert
Massachusetts Citizens for Safe Energy
Duxbury Nuclear Advisory Committee
148 Washington Street
Duxbury, Massachusetts 02332

Dear Ms. Lampert:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter of September 24, 2001, in which you expressed concerns regarding the security of nuclear power plants in the wake of the terrorist attacks on September 11, 2001. To address those concerns, you recommend that the NRC institute 17 measures.

The NRC is currently considering the issues that you raise, along with many other security-related issues, as part of our ongoing reevaluation of the agency's safeguards and security programs. This reevaluation will be a top-to-bottom analysis of all aspects of the agency's safeguards and security programs. As such, the reevaluation will consider pertinent information from other Federal law enforcement, intelligence, and military agencies. The NRC continues to actively monitor the security situation at all sensitive U.S. nuclear facilities, and has issued advisories to licensees to ensure that they are taking appropriate security measures.

Several of your recommendations deal with issues that are under consideration as part of the ongoing reevaluation of the agency's safeguards and security programs. However, I can provide current information with respect to some of your suggestions.

You recommend that armed guards be required at nuclear power plants. Armed guards are currently protecting all nuclear power plants, and the NRC has taken steps both to augment those security forces in the wake of September 11 and to increase their authority. This past June, the NRC renewed its request for Congress to provide legislation which would allow nuclear facility guard forces to use weapons comparable to those available to the Department of Energy's private security forces and to use deadly force if necessary to protect civilian nuclear facilities. We have also requested the strengthening of existing Federal criminal laws in order to provide greater deterrence for acts of theft and sabotage aimed at these facilities. We have strongly urged prompt Congressional action on our legislative proposals.

With regard to your suggestion to require the presence of National Guard troops at sensitive nuclear facilities, the Commission believes that the individual Governors, working in consultation with their security advisors and Federal law enforcement authorities, can best determine where to deploy National Guard assets to protect critical infrastructure. I have written to the Governors of the affected States to ensure that they are aware of the nature and the limitations of the defensive capabilities at nuclear sites. My aim was to ensure coordination with the sites and to assist the Governors in allocating resources responsibly.

You also urge NRC to support the establishment of “no fly zones” over commercial nuclear power plants. In response to the events of September 11, the NRC has been in regular communication with other federal agencies, including the Federal Aviation Administration (FAA) and the Department of Defense (DOD). Among the important subjects that have been discussed is the protection of air space over sensitive sites. Shortly after the September 11 attacks, representatives of the FAA and DOD determined that a Notice To Airman (NOTAM), issued by the FAA, was the appropriate vehicle to protect the air space above sensitive sites. This NOTAM strongly urges pilots “to not circle or loiter over the following sites: Nuclear/Electrical power plants, power distribution stations, dams, reservoirs, refineries, or military installations, unless otherwise authorized by air traffic control or as required to land or depart at towered/non-towered airports.” This notice is still in effect. Should additional restrictions be deemed appropriate as a result of changing or more specific threats, our continuous communication with the other Federal agencies will allow prompt coordination.

In light of the difficulty in protecting the numerous specific potential targets of an aircraft attack, the NRC agrees with the strategy of enhancing security at airports and within airplanes in flight, and not necessarily of seeking to defend all potential targets of such terrorism. The Commission also believes, however, that additional attention should be devoted to assessing the potential vulnerability of sensitive sites, including commercial nuclear facilities. At this time, the NRC staff is evaluating the effects of a deliberate aircraft impact and the resulting fire and explosion on the structural integrity of the reactor containment building and other reactor support facilities. The NRC will consider the results of this study during the top-to-bottom reevaluation of security and safeguards programs being conducted.

You make several recommendations about Operational Safeguards Response Evaluation (OSRE) security tests. The overall goal of the OSRE is to improve the efficacy of facility security by identification and correction of weaknesses. It is Agency policy for NRC licensees to address identified weaknesses immediately through the implementation of corrective actions. NRC believes that the program has served an important function by contributing to the identification of areas for improvement in the licensees’ security programs. The tests are difficult because they are designed to exploit potential vulnerabilities revealed in table top drills. They do not necessarily reflect the likelihood of success by a less informed attacking force. In keeping with the NRC’s effort to improve the effectiveness of the exercise program, the NRC intends to pilot new ways to test the adequacy of physical protection at nuclear power plants. One way is to combine self-assessment with agency oversight. The NRC will consider the OSRE program during the reevaluation of security and safeguards programs.

You also suggest that the NRC require plant operators to implement the measures associated with the highest alert status following any serious incident, such as the recent terrorist attacks. You also recommend that power plant operators be required to shut down or to curtail operations in the event of a terrorist situation. Immediately after the terrorist attacks on September 11, 2001, the NRC issued an advisory to the licensees of all nuclear power plants and other sensitive nuclear facilities. The advisory informed the licensees that they should move to the highest level of security, which all promptly did. We have issued a variety of subsequent advisories in order to assure an adequate security response in the event of a terrorist attack against a sensitive nuclear facility and have conducted audits of the security posture at all nuclear power plants in the Nation. The NRC retains the authority to issue orders

requiring specific actions by some or all of its licensees if necessary, but such action was not needed. Further evaluation of security issues is of course being undertaken in the context of our top-to-bottom review.

You further propose that the NRC require stockpiles of potassium iodide (KI) for public use and take other steps to facilitate its distribution. A year ago the NRC revised a portion of its emergency response regulations to require that KI be considered as a protective measure for the general public in the event of a severe nuclear power plant accident. In doing so, the Commission found that KI is a reasonable, prudent, and inexpensive supplement to evacuation and sheltering for specific local conditions. In recognition of the States' responsibility for implementing emergency response activities, the Commission left the final decision to the States on whether the use of KI was warranted as a supplemental measure. However, subject to available resources, the Commission agreed to fund the initial purchases of KI for any State making a decision to stockpile KI. The NRC has worked with a host of Federal agencies, such as the Federal Emergency Management Agency (FEMA), the Food and Drug Administration (FDA), and the Environmental Protection Agency (EPA) to put the new program in place. We recently informed the States of our program to fulfill requests for KI.

I appreciate the opportunity to respond to your concerns. Please do not hesitate to contact me if you have any further questions.

Sincerely,

/RA/

Richard A. Meserve

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