

February 21, 2001

Mr. David A. Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street NW, Suite 600
Washington, D.C. 20006-3919

Dear Mr. Lochbaum:

Thank you again for your letters of October 20, 2000 and January 5, 2001, concerning the Operational Safeguards Response Evaluation (OSRE) program and the nuclear industry's recommended Safeguards Performance Assessment (SPA) pilot program. Your January 5 letter discussed issues such as the protection of spent fuel pools and waste gas decay tanks, the role of the active insider in exercise scenarios, the protection of non-power and research reactors, and the enforcement of 10 CFR 73.55. The staff has shared these documents with the Commission and senior agency management, and is considering the issues that you have raised in its development of OSRE guidance, the SPA pilot program recommendations, the formulation of the revised 10 CFR 73.55, and other safeguards deliberations. I appreciate our recent discussion and anticipate receipt of additional details from you regarding your concerns.

We have benefitted from the contributions of the Union of Concerned Scientists and other stakeholders through attendance at public meetings and correspondence, and we welcome your interest. I anticipate continuing discussion of these issues in a future public meeting. Thank you again for your contributions to this effort.

Sincerely,

/RA/

Glenn M. Tracy, Chief
Operator Licensing, Human Performance
and Plant Support Branch
Office of Nuclear Reactor Regulation

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Glenn M. Tracy, Chief
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* see previous concurrence

ADAMS ACCESSION NUMBER: **NOT ENTERED**

WORDPERFECT NAME: G:\IOLB\IRSS\ROSANO\LOCHBAUM

OFFICE	RSS/IOLB/DIPM	RSS/IOLB/DIPM	IOLB/DIPM
NAME	RRosano*	VOrdaz	GTracy
DATE	02/12/2001	02/15/2001	02/15/2001

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Correspondence from David A. Lochbaum

October 20, 2000

1. Do security plans include protecting the spent fuel pools?
2. There is no mechanism for “public stakeholders to independently evaluate” force-on-force exercise performance. “[B]iased self-assessments of force-on-force exercises will never be exposed....” Therefore, “I accept self-assessment in the reactor oversight process but reject it for force-on-force exercises.”
3. SPA is a “totally unacceptable substitute for the NRC’s OSRE program.” The industry is focused on saving money; NRC should be focused on safety.
4. “This entire debate [on OSHA regulations] is ludicrous.”
5. Run a SPA exercise and an OSRE at the same plant to test the validity of the SPA program.

January 5, 2001

1. Described violence perpetrated by former nuclear industry workers in Wakefield, Mass (January 2001) and New England (Carl Drega, August 1997).
2. “We remained concerned that the nuclear facilities licensed by the NRC under 10 CFR Part 50 may not be protected to the level specified in 10 CFR Part 73.”
3. Quotes from 73.1(a) re: the design basis threat.
4. DBT may not be enough but, further, the industry may not even be protecting against the current DBT.
5. Force-on-force exercise “non-conservatively restricts the role of knowledgeable individual” [insider]. “...NRC’s tests only simulate the insider in a passive role.”
6. Target sets are focused almost exclusively on reactor core damage. Why not the spent fuel pool and waste gas decay tanks?
7. NRC does not test the non-power and research reactors against radiological sabotage requirements.
8. “If the NRC is not fully enforcing the requirements of 10 CFR Part 73 for all applicable Part 50 licensees, then the agency lacks reasonable assurance that workers and members of the public are adequately protected from radiological sabotage.”

