

November 28, 2001

The Honorable Howard Dean, M.D.  
Governor of Vermont  
Montpelier, Vermont 05609

Dear Governor Dean:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letters of September 20 and November 16, 2001, in which you requested information on NRC's oversight of security at Vermont Yankee in light of the recent terrorist actions.

Immediately after the attacks, the NRC advised nuclear power plants to go to the highest level of security. Though there have been no credible threats against any specific NRC-licensed facility, licensees remain at the highest level of security and are taking actions in accordance with several NRC safeguards advisories issued since September 11, 2001. On October 16, 2001, an NRC Security Specialist conducted an audit of Vermont Yankee's security posture and determined that the additional actions taken at the site, which included the assistance of local law enforcement agencies, were acceptable. We are continuing to monitor developments and issue updated safeguards advisories as conditions warrant. Previously, we provided your State Liaison Officer designee, Mr. William Sherman, copies of all NRC advisories issued since September 11, 2001; and NRC Information Notice 98-35, "Threat Assessments and Consideration of Heightened Physical Protection Measures." More broadly, in the aftermath of the terrorist attacks, I, with the full support of the Commission, have directed the NRC staff to conduct a thorough review of its safeguards and physical security programs, including a comprehensive examination of the basic assumptions underlying them.

Your September letter mentions certain security program deficiencies that were identified in 1998 and 2001. The NRC's inspection program at Vermont Yankee verified that the deficiencies were promptly corrected when they were identified. Furthermore, as part of the agency's oversight of security programs at Vermont Yankee, the NRC conducted an Operational Safeguards Response Evaluation (OSRE) in August of this year. An OSRE is a series of aggressive force-on-force exercise scenarios designed to find weaknesses in the licensee's design basis threat response strategy so that the weaknesses may be corrected, thereby assuring the effectiveness of the licensee's physical protection system. The OSRE at Vermont Yankee identified some weaknesses for which immediate compensatory measures were taken. These compensatory measures were verified by an NRC Security Specialist on September 27, 2001. We have kept your staff advised through routine communications with Mr. Sherman as we completed the OSRE inspection report and established necessary follow-up actions. We would be pleased to brief you on these matters if you would like additional information.

It is important to stress that none of the response strategy defects revealed by the Vermont Yankee OSRE were so serious that they could not be promptly addressed at the time of the inspection. In fact, the type of force-on-force exercises conducted during the OSRE are

purposely conceived and designed to challenge the licensee's responsive strategy aggressively in order to reveal aspects of its physical protection system that may require strengthening. On November 21, 2001, the licensee for Vermont Yankee sent a letter to the NRC Regional Administrator for Region I confirming certain short-term measures that were implemented to improve plant security in the wake of the September 11 events, and longer-term actions that will be implemented based on the results of the licensee's own analysis of the OSRE findings. As part of the agency's baseline inspection program, the NRC will conduct follow-up inspections to verify that these corrective actions are being properly implemented.

You also raised a question concerning spent fuel storage. The NRC's evaluation of Vermont Yankee has included an assessment of the adequacy of the security for spent fuel that is stored at the plant. We are satisfied that these materials are being adequately safeguarded.

The Commission appreciates your interest in this matter and trusts that this is responsive to your concerns. Please do not hesitate to contact me if you have any further questions.

Sincerely,

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Richard A. Meserve

cc: Ross Barkhurst, President, Vermont Yankee Nuclear Power Corporation  
Vermont Terrorism Task Force  
Senator Patrick Leahy  
Senator James Jeffords  
Representative Bernard Sanders  
L. H. Barrett, Acting Director, Office of Civilian Radioactive Waste Management, DOE