

November 6, 2001

Mr. Robert A. Laurie
Commissioner and State Liaison Officer
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Dear Mr. Laurie:

I am writing in response to your letter dated September 25, 2001, to Mr. Ellis W. Merschoff, Regional Administrator for NRC Region IV. In your letter you requested information regarding the ability of nuclear power plants in California to withstand terrorist attacks similar to the September 11 attacks. Specifically, you requested responses to seven questions. The responses to your questions are enclosed. The NRC is conducting a top-to-bottom reevaluation of its security and safeguards programs, and the responses are therefore, provisional. Licensees have taken measures to increase security at their plants, following NRC recommendations to establish the highest state of readiness. The NRC is closely monitoring the security status of operating reactor facilities, including those in your State.

I appreciate the opportunity to respond to your concerns and I hope that I have adequately answered your questions.

Sincerely,

/RA/

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

cc: E. Merschoff

Enclosure: Responses to Questions

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Enclosure: Responses to Questions

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*See previous concurrence

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RESPONSES TO QUESTIONS

Question 1: *Did the NRC recommend or order that nuclear power plants go to their highest state of readiness following the attack on September 11? What are the repercussions of each?*

Answer:

Immediately after the terrorist attacks on September 11, 2001, the NRC issued an advisory to the licensees of all nuclear power plants, and other nuclear facilities. The advisory recommended that the licensees establish the highest level of security and referred them to NRC Information Notice 98-35, "Threat Assessments and Consideration of Heightened Physical Protection Measures," September 4, 1998. This information notice describes a set of measures for raising the security level at nuclear facilities and suggests that licensees consider these measures for responding to threats. Generally, the measures include: increasing patrols, augmenting security forces and capabilities, adding security posts, increasing coordination with law enforcement and military authorities, and limiting access of personnel and vehicles to the sites. Issuing the threat advisory on September 11, 2001, and referring to the security measures in the information notice allowed licensees to respond quickly to the threat environment.

The NRC's initial inquiry after the attacks uncovered no general or specific threats to U.S. nuclear facilities, and determined that the recommendation in the September 11, 2001, threat advisory was prudent. Licensees of nuclear power plants generally complied with the recommendation so that an order to change security posture was unnecessary.

The NRC retains the authority to issue orders requiring specific actions by some, or all, of its licensees. Because an order is the exercise of the Commission's legal authority, the NRC Office of the General Counsel must be involved to ensure its legal standing. Orders are used to compel a licensee to take certain actions necessary to protect the public health and safety when the licensee refuses to comply with NRC requirements. The staff has reviewed the actions described in the information notice and the actions taken by licensees as a result of the September 11 threat advisory. As a result of those reviews and new threat information, the NRC has issued subsequent advisories and implemented other regulatory activities regarding additional actions to be taken by its licensees.

Question 2: *What are the health, safety and environmental consequences of an aircraft attack upon California's nuclear facilities, similar to that which took place on September 11? What can be done now to mitigate against such an attack? What can our citizens do to prepare for such an attack?*

Answer:

The NRC did not require designers of nuclear power plants to contemplate impacts of aircraft such as Boeing 757s or 767s and nuclear power plants were not designed to withstand such crashes. However, nuclear power plants inherently have the capability to protect the public health and safety by virtue of their robust containment buildings, redundant safety systems, and

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highly trained operators. They are among the most hardened structures in the country and are designed to withstand extreme events, such as hurricanes, tornadoes, and earthquakes. In addition, all NRC licensees with significant radiological material have emergency response plans to mitigate the impact of a release on the public. As part of our follow up actions to the terrorist attacks, we are evaluating the potential consequences of such attacks on nuclear power plant systems and developing any needed compensatory measures and mitigation strategies.

Question 3: *To the extent that such information is not classified, please advise as to what types of terrorist events NRC includes in the design basis threat. Will aircraft attacks be included in modifications of the design basis threat?*

Answer:

The NRC has routinely monitored the threat environment since the design basis threat (DBT) statements were developed in the late 1970s. Many of the characteristics of the DBT are safeguards information. The staff was reevaluating and revising the Commission's regulations in this area before the attacks on September 11, 2001. On June 4, 2001, the staff forwarded to the Commission a proposed revision to Section 73.55 of Title 10 of the *Code of Federal Regulations* (10 CFR 73.55), "Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors Against Radiological Sabotage," with the recommendation that the NRC publish it in the *Federal Register* for public comment. In response to the recent terrorist attacks, the staff is reviewing existing Commission regulations and proposed revisions (including this revision) in conjunction with its reevaluation of all safeguards and security programs for civilian nuclear facilities. The staff will provide the results of its review to the Commission in the near future.

Question 4: *Is the NRC proposing or analyzing any modifications to safety requirements in light of the September 11 attack including increasing the control zones?*

Answer:

As mentioned in the response to the previous question, the NRC was taking steps before the recent terrorist attacks to reevaluate and revise regulations in the area of nuclear facility safeguards and security. In the wake of the terrorist attacks, the agency has undertaken a top-to-bottom reevaluation of security and safeguards programs. The reevaluation will consider pertinent information from Federal law enforcement, intelligence, and military agencies.

Question 5: *Did the NRC or Department of Transportation issue special safety directives to shippers and carriers of radioactive materials, explosives or dangerous chemicals or materials following the September 11 attack?*

Answer:

The NRC did not issue a safety directive to shippers or carriers of hazardous material. The Department of Transportation (DOT) issued a safety alert on September 26, 2001, recommending that security measures be reviewed and strengthened as appropriate and requesting shippers and transporters of hazardous materials to consider altering routes to avoid populated areas whenever practicable. Other recommendations were that transportation workers report any suspicious activities, that vehicles carrying hazardous material not be left

unattended, and that companies insure the reliability of workers involved in hazardous material shipment.

Question 6: *Will the NRC consider restoring its previous levels of security drills instead of relying on self-assessments at nuclear facilities?*

Answer:

In July 2001, the Commission approved the NRC staff's plans to conduct a 1-year pilot of the Safeguards Performance Assessment (SPA) program and to continue the Operational Safeguards Response Evaluation (OSRE) program at a reduced level. Under the SPA program, the licensee of the facility tests each key program element of its protective strategy. The OSRE is an NRC evaluation of the licensee's program. The NRC did not terminate the OSRE program, and during the past year, the NRC has further improved the OSRE program. In keeping with the NRC's effort to develop a rule-based 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 insights from the SPA program will supplement the findings of the OSRE program. During fiscal year 2002, the NRC intended to conduct 6 OSRE inspections and another 8 SPA NRC-evaluated exercises. As a result of the events of September 11, the initial activities in both programs have been suspended in order to focus licensee resources directly on plant security.

The NRC will consider the merits of the OSRE and SPA programs during the top-to-bottom reevaluation of security and safeguards programs being conducted in the response to the terrorist attacks.

Question 7: *Will the NRC consider utilizing the military for plant defense?*

Answer:

Concerned citizens and government representatives have urged that the military provide plant security or that security programs in nuclear power plants be federalized. This issue will be considered during the top-to-bottom reevaluation of the agency's security regulations and procedures that Chairman Meserve has directed be done. Other agencies of the U.S. Government will participate in this reevaluation.