

EDO Principal Correspondence Control

FROM: DUE: 11/27/01 EDO CONTROL: G20010512
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FINAL REPLY:

Senator Charles E. Schumer

TO:

Chairman Meserve

FOR SIGNATURE OF : ** PRI ** CRC NO: 01-0603

Chairman

DESC:

ROUTING:

Improving Security of Nuclear Power Facilites in
New York

Travers
Paperiello
Kane
Norry
Craig
Burns/Cyr
Miller, RI
Virgilio, NMSS
Wessman, IRO
ERCT
Schum, OEDO
Davis, NMSS

DATE: 11/15/01

ASSIGNED TO: CONTACT:
NRR Collins

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate response with ERCT.

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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PAPER NUMBER: LTR-01-0603 **LOGGING DATE:** 11/14/2001
ACTION OFFICE: EDO

AUTHOR: Charles Schumer
AFFILIATION: SEN
ADDRESSEE: Richard Merserve
SUBJECT: Concerns improving security of nuclear power facilities in New York

ACTION: Signature of Chairman
DISTRIBUTION: Chairman, Comrs, RF

LETTER DATE: 11/14/2001
ACKNOWLEDGED: No
SPECIAL HANDLING:

NOTES: Commission Corres
FILE LOCATION: Adams

DATE DUE: 11/29/2001 **DATE SIGNED:**

United States Senate

WASHINGTON, DC 20510

November 14, 2001

The Honorable Tom Ridge
Director
Office of Homeland Security
The White House, West Wing
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Richard A. Meserve
Chairman
Nuclear Regulatory Commission
Mail Stop TA-13
Washington, DC 20555

Dear Director Ridge and Chairman Meserve:

As you begin the process of bolstering America's security infrastructure, I would like to convey my concerns about the vulnerability of New York's nuclear facilities.

The State of New York is home to six commercial nuclear reactors; two academic research reactors based at Cornell University and Rensselaer Polytechnic Institute; two sites associated with the Naval Reactors program in West Milton and Schenectady; and the only commercial nuclear fuel reprocessing facility to ever operate in the United States – the West Valley Demonstration Project (WVDP).

All of these facilities are located in close proximity to highly populated residential areas, and a successful terrorist attack against any one of them would seriously endanger their surrounding communities. For example: The James A. Fitzpatrick plant is located seven miles northeast of Oswego at Nine Mile Point on Lake Ontario. Within a year, the storage pools in which the plant houses its spent fuel will have reached their maximum capacity, forcing the Fitzpatrick plant to place its spent fuel in above-ground dry cask storage. The 900 acre site is also the site of two other General Electric boiling water reactor facilities, Nine Mile Point 1 and 2. The Indian Point plant has two active units in Westchester County's town of Buchanan. The plant is located on 239 acres in the east bank of the Hudson River, just 24 miles north of the New York City boundary. In addition, Rochester Gas & Electric's Robert E. Ginna nuclear plant – a single unit Westinghouse 2-Loop pressurized water reactor – is located on Lake Ontario just east of Rochester.

Recent tests conducted by the Nuclear Regulatory Commission, studies by the General Accounting Office (GAO) and news accounts detailing the vulnerabilities of America's nuclear plants and facilities have revealed that they are among the weakest aspects of our national

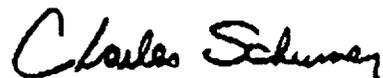
security infrastructure. For example, tests conducted by the NRC since 1992 to evaluate nuclear plant antiterrorism measures found 47% of reactors failed to thwart mock terrorist ground attacks.

Although the implementation of a temporary no-fly zone over nuclear plants was a good first step in the effort to improve security, I would like to urge you to explore a number of other measures, such as: 1) the reinstatement of a no-fly zone over nuclear facilities – implemented in coordination with the FAA to ensure sensitivity to the concerns of smaller airports – until adequate steps have been taken to fully address the threat of a potential aerial strike, 2) augmenting the authority of the Office of Nuclear Materials Safety and Safeguards (NMSS) and the Office of Nuclear Reactor Regulation (NRR) to penalize and remedy security deficiencies found at nuclear facilities, 3) allowing the NMSS, NRR, or OHS to order the deployment of military equipment and personnel to nuclear facilities when threat levels reach a threshold to be determined by the Director of the OHS, and 4) ensuring that the level of security at nuclear facilities under the jurisdiction of the DOE and U.S. military is reevaluated and reinforced.

Finally, I would like to urge the OHS and NRC to brief the local officials representing communities located near nuclear sites on what steps are being taken to improve security. As the likely first responders to any terrorist attack, it is vital that local municipalities are kept informed about what measures are being taken to improve security around these sites. By keeping local communities informed, officials on the ground can better deploy their scarce emergency resources in a manner that does not compromise their other public safety responsibilities. In addition, the OHS and NRC should review existing evacuation procedures for these facilities and their surrounding areas and ensure that local officials are fully briefed on them.

While the measures taken to date have been good first steps, we must do more to ensure that this vital security need is addressed to the fullest of our nation's capabilities. As a member of the Senate's Committee on Energy and Natural Resources, I look forward to working with you to ensure that these needs are met and hope that you will not hesitate to call on me if I can be of assistance.

Sincerely,



Charles E. Schumer
United States Senator