

November 21, 2001

The Honorable William D. Delahunt
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Delahunt:

I am responding on behalf of the Nuclear Regulatory Commission (NRC) to your letter of November 9, 2001, in which you refer to the Temporary Flight Restriction (TFR) over the Pilgrim Nuclear Plant near Plymouth, Massachusetts, and seek clarification as to the responsibility and criteria for establishing TFRs. Attached to your letter was a letter from Mr. Thomas Maher, Airport Manager for the Plymouth Airport, which described the potential economic impacts of TFRs on the Plymouth Airport and the small businesses in and around the airport.

While I understand, and am sympathetic to, the concerns about the potential economic impacts of TFRs, I must point out that the NRC has no authority or jurisdiction with regard to the issuance of TFRs. The authority to issue TFRs and the attendant responsibility to develop criteria and guidance on TFRs lie with the Federal Aviation Administration (FAA). NRC can and does provide information on NRC-licensed facilities to the FAA, the Department of Justice, the Federal Emergency Management Agency, the Office of Homeland Security, the Department of Defense and other Federal entities involved in the protection of the nation's infrastructure, but the NRC does not have the authority to control the use of the nation's airspace. Consequently, I am not able to respond to your questions concerning the criteria for issuance of TFRs and provisions for local community involvement prior to the implementation of TFRs.

I fully agree with your suggestion that Federal, State and local governments should continue to work together to develop approaches in this seemingly uncharted area. The NRC stands ready to participate in those collaborative efforts. In the meantime, if I can be of further assistance, do not hesitate to contact me.

Sincerely,

/RA/

Richard A. Meserve