

December 20, 2001

Mr. Michael D. Kohn
National Whistleblower Center
3238 P Street, N.W.
Washington, D.C. 20007

Dear Mr. Kohn:

Your letter dated October 24, 2001, submitted on behalf of the National Whistleblower Center and Mr. Randy Robarge, has been referred to me pursuant to 10 CFR 2.206 of the Commission's regulations. Your letter requested that the NRC take immediate short-term and long-term corrective actions to protect the public against the possibility of terrorists seizing control of a large commercial jetliner and crashing into a nuclear power plant in the United States. Your letter also requested that the NRC staff take certain specified compensatory measures, to protect the public and the environment from the catastrophic impact of a terrorist attack on a nuclear power plant or a spent fuel pool.

We understand and share your public safety concerns following the events of September 11, 2001. The NRC has taken a number of measures to protect the public. Most notably, we are undertaking a top-to-bottom review of the agency's safeguards and physical security programs, including the basic assumptions of current programs, in light of the continuing uncertainty about future terrorist intentions. This review involves U.S. national security organizations and is part of a broader review being undertaken by the Federal Government. In the meantime, the NRC continues to advise all nuclear facilities to maintain a heightened security stance, and regularly monitors relevant information that the agency receives on security at nuclear facilities through close coordination with other Federal agencies. Although we cannot rule out the possibility of future terrorist activity directed at one of our licensee sites before implementing any potential enhancements to our safeguards programs, we believe that these facilities can continue to operate safely. Nuclear power plants are inherently robust. Their design is based on defense-in-depth principles, and includes many features to protect public health and safety. For example, reinforced containment buildings and redundant safety systems would help assist trained operators in preventing or limiting the release of radioactive material in the unlikely event of a terrorist attack. In light of the facility's defense-in-depth, the heightened security measures implemented in response to the events of September 11th, and the NRC's ongoing reevaluation of its safeguards regulations and programs, we do not consider the immediate closure of any NRC licensed sites to be necessary to provide adequate protection for the public's health and safety. Hence, we believe that public health and safety can be reasonably protected at this time, and therefore, we are denying the part of your letter that requested immediate actions.

We normally allow individuals who have petitioned the NRC an opportunity to discuss their concerns with the Office of Nuclear Reactor Regulation's Petition Review Board (PRB) before determining whether a request is to be reviewed as a petition pursuant to 10 CFR 2.206. However, since the subject of your letter involves safeguards matters, the PRB has decided not to make your letter public or publicly discuss your letter to avoid disclosure of potentially sensitive security information. Also, your letter has been determined to meet the threshold for a

10 CFR 2.206 petition; therefore, a meeting with the PRB for the purposes of you providing additional information to support the petition meeting the 10 CFR 2.206 criteria is not believed to be necessary or appropriate at this time. We discussed this with you in a phone call on December 7, 2001, and also requested that if you have additional information related to your petition, please forward this information to the assigned petition manager.

As provided by 10 CFR 2.206, we will take actions on your request within a reasonable time. I have assigned Mr. Girija Shukla to be the petition manager for your petition. Mr. Shukla can be reached at 301-415-8439. Your petition is being reviewed by the Division of Licensing Project Management within the Office of Nuclear Reactor Regulation, and other NRC Safeguards staff. I have also referred to the NRC Office of the Inspector General those allegations of NRC wrongdoing contained in your petition.

I have enclosed for your information a copy of the notice that is being filed with the Office of the *Federal Register* for publication. I have also enclosed for your information a copy of Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," and the associated brochure NUREG/BR-0200, Revision 4, "Public Petition Process," prepared by the NRC Office of Public Affairs.

Sincerely,

/RA by Brian W. Sheron for/

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. *Federal Register* Notice
2. Management Directive 8.11
3. NUREG/BR-0200

December 20, 2001

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Samuel J. Collins, Director
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1. *Federal Register* Notice
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Distribution: See next page w/o encl. 2 and 3

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Accession Number: Pkg. #ML013330336 - Letter #ML013330305 *See previous concurrence

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DATE	12/5/01	12/5/01	12/5/01	12/5/01	11/26/01

OFFICE	ØØØ	DLPMDD*	DLPMDD*	ADPT\NRR*	NRR\D
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U.S. NUCLEAR REGULATORY COMMISSION
THE UNPLUG SALEM CAMPAIGN
THE NATIONAL WHISTLEBLOWER CENTER AND MR. RANDY ROBARGE
RIVERKEEPER, INC., ET AL
RECEIPT OF REQUESTS FOR ACTION UNDER 10 CFR 2.206

Notice is hereby given that by the following three petitions, the Nuclear Regulatory Commission (NRC) was requested to take immediate corrective actions to protect the public against the possibility of terrorists seizing control of a large commercial jetliner and crashing into a nuclear power plant in the United States.

1. From Mr. Norm Cohen, on behalf of the UNPLUG Salem Campaign, dated September 17, 2001.
2. From Mr. Michael D. Kohn, on behalf of the National Whistleblower Center and Randy Robarge, dated October 24, 2001.
3. From Messrs. Alex Matthiessen, and Karl Coplan, on behalf of the Riverkeeper, Inc., et al, dated November 8, 2001.

The petitioners requested that the NRC staff take certain specified compensatory measures, to protect the public and environment from the catastrophic impact of a terrorist attack on a nuclear power plant or a spent fuel pool.

These requests are being treated pursuant to 10 CFR 2.206 of the Commission's regulations. These requests have been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by Section 2.206, appropriate action will be taken on these petitions within a reasonable time.

Since the subject of these petitions involves safeguards matters, the NRC has decided not to make the petitions public or publicly discuss the petitions to avoid disclosure of potentially sensitive security information.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA by Brian W. Sheron for/

Brian W. Sheron, Acting Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
this 20th day of December 2001