

December 20, 2001

Mr. Norm Cohen  
Coordinator, The UNPLUG Salem Campaign  
Coalition for Peace and Justice  
321 Barr Avenue  
Linwood, NJ 08221

Dear Mr. Cohen:

Your September 17, 2001, letter to Chairman Meserve on behalf of the UNPLUG Salem Campaign has been referred to me pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206). In the letter, you requested that: (1) the U.S. Nuclear Regulatory Commission (NRC) order either the closure of, or an immediate security upgrade at, the Salem Nuclear Generating Station, Unit Nos. 1 and 2 (Salem), Hope Creek Generating Station (Hope Creek), and Oyster Creek Nuclear Generating Station (Oyster Creek); (2) the plants' defenses be upgraded to withstand a jet crash similar to that which occurred at the World Trade Center (WTC) on September 11, 2001; (3) all the spent fuel pools be brought into the containment buildings, until a new jet-bomber-proofed containment is built for them; (4) the NRC triple the number of Operational Safeguards Response Evaluation (OSRE) security inspections; and (5) the NRC cancel proposals to allow nuclear plants to conduct their own security inspections. You cited the events of September 11, 2001, as the basis for your request, stating that the four New Jersey nuclear power plants are vulnerable to terrorist threats, including a suicide airplane attack similar to the attack on the WTC.

The NRC has, in effect, partially granted your request for an immediate security upgrade at Salem, Hope Creek, and Oyster Creek. On September 11, 2001, the NRC quickly took action to enhance security at all nuclear facilities, including the ones in New Jersey. Immediately after the attacks, we advised all nuclear power plants to go to the highest level of security, which they promptly did. These facilities have remained at an appropriate and heightened security level since that time. The NRC continues to work with other Federal agencies, and is monitoring all relevant information it receives on security matters at nuclear facilities. We are prepared to make immediate adjustments as necessary to continue to assure adequate protection of the public.

We also understand and recognize that many of our fellow citizens are concerned that a U.S. nuclear facility could be a target of future terrorist action. In view of the recent unprecedented events, Chairman Richard A. Meserve, with the full support of the Commission, has directed the staff to undertake a top-to-bottom review of our security regulations and programs, including the basic assumptions of our current programs. This review involves U.S. national security organizations, and is part of a broader review being undertaken by the Federal Government.

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. Therefore, in light of the sites' 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 the Salem, Hope Creek, and Oyster Creek nuclear power plants to be necessary to provide adequate protection for the public's health and safety.

We will treat your September 17, 2001, letter, as a 10 CFR 2.206 petition. Under normal circumstances, we closely follow Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," when reviewing requests for enforcement action; however, since your letter involves sensitive security issues, we are deferring application of certain public aspects of the MD 8.11 process pending further developments of our security review. For example, we normally give individuals who have petitioned the NRC an opportunity to provide additional information to the Office of Nuclear Reactor Regulation (NRR) Petition Review Board (PRB) before determining whether a request is to be reviewed as a petition pursuant to 10 CFR 2.206. Since your request is already being treated as a 2.206 petition, and because of the sensitive nature of this information, we have determined that a public meeting or telephone conference with the PRB is not necessary or appropriate at this time. We discussed this with you in a phone call on December 7, 2001, and requested that you forward any additional information related to your petition to the assigned petition manager.

We will take actions on your request within a reasonable time, using the 10 CFR 2.206 petition process where possible. Mr. Robert Fretz has been assigned as the Petition Manager for your request. Mr. Fretz may be reached at 301-415-1324 (email: rxf@nrc.gov). Your petition is presently being reviewed by members of the NRR staff. Also, enclosed for your information are: (1) a copy of the notice that is being filed with the Office of the Federal Register for publication; (2) a copy of MD 8.11; and (3) NUREG/BR-0200, Revision 4, "Public Petition Process," a brochure prepared by the NRC Office of Public Affairs.

Sincerely,

***/RA BSheron for/***

Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

Docket Nos. 50-219, 50-272, 50-311,  
and 50-354

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

cc w/o encls: See next page

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**/RA BSheron for/**  
 Samuel J. Collins, Director  
 Office of Nuclear Reactor Regulation

Docket Nos. 50-219, 50-272, 50-311,  
 and 50-354

- Enclosures: 1. *Federal Register* Notice  
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cc w/o encls: See next page

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\* See previous concurrence.

ACCESSION NO: ML013410020 INCOMING NO: ML012630245 PACKAGE: ML012710153

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Oyster Creek Nuclear Generating Station

cc:

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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/*

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

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