

June 17, 2002

The Honorable George W. Gekas
U.S. House of Representatives
Washington, D.C. 20515-3817

Dear Congressman Gekas:

I am responding on behalf of the Nuclear Regulatory Commission (NRC) to your letter of March 29, 2002, in which you raise a number of issues related to nuclear power plant safety in light of the tragic events of September 11, 2001. The Commission's response to the specific issues raised in your letter is enclosed.

The NRC and the nuclear industry have taken a number of actions to ensure the safe operation of nuclear facilities and use of radiological materials. The NRC continues to assess the security posture at these facilities and will take action as needed to protect the public health and safety. Immediately following the attacks, the NRC advised nuclear power plant licensees to go to the highest level of security and all promptly did so. Subsequently, I, with the full support of the Commission, directed the staff to thoroughly reevaluate the NRC safeguards and security programs. This work is underway.

To put the actions taken in response to the initial and subsequent advisories in the customary regulatory framework and to implement additional security enhancements which have emerged from the NRC's on-going comprehensive security review, the NRC issued Orders to the 104 commercial nuclear power plants, the Honeywell International, Inc. uranium conversion facility, decommissioning commercial nuclear power plants with spent fuel stored in the spent fuel pool and independent spent fuel storage installations using pool storage. The requirements will remain in effect until such time as the Commission determines that the level of threat has diminished, or that other security changes are needed following the security review. The NRC is preparing to issue Orders to independent spent fuel storage installations using dry storage, fuel facilities, gaseous diffusion plants, licensees who ship or receive spent fuel or large quantities of radioactive material and is evaluating the need to issue Orders to certain other licensees.

We appreciate your interest in these matters. Please contact me if you have any additional questions or concerns.

Sincerely,

/RA/

Richard A. Meserve

Enclosure: NRC Responses to Statements of Concern

Congressman Gekas's Statements of Concern and NRC's Responses

- 1. NRC has acknowledged that neither Three Mile Island, nor any of the nation's 102 operating nuclear reactors, could be trusted to withstand the impact of an airliner the size of those which crashed into the World Trade Center and the Pentagon on September 11, 2001. Provide me with a detailed update of what this recent determination means.**

On September 21, 2001, NRC issued a press release entitled, "NRC REACTS TO TERRORIST ATTACKS." In that press release, we addressed the question of the effects of a large commercial airliner intentionally crashing into a nuclear power plant. The response indicates that nuclear power plants have the inherent capability to protect public health and safety through such features as robust containment buildings, redundant safety systems, and 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, NRC reactor and materials licensees with significant radiological material have emergency response plans to enable the mitigation of impacts on the public in the event of a release. However, the NRC did not specifically contemplate attacks by aircraft such as Boeing 757s or 767s and nuclear power plants were not specifically designed to withstand such crashes.

In the months since the September 11 attacks, the NRC staff has been working with the Sandia National Laboratories to evaluate the effects of a deliberate aircraft impact and the resulting fire on the structural integrity of the reactor containment building and other reactor support facilities and to evaluate the effectiveness of mitigation management strategies. Final results from that analysis are not yet available.

- 2. The NRC should already be making recommendations to licensees and emergency response personnel on how to handle an event like the one we saw on September 11, 2001.**

The NRC has issued advisories and Orders to licensees that include requirements for enhanced coordination with emergency response personnel concerning the response to terrorist attacks. We have maintained a steady flow of information to our licensees through over 30 threat advisories, regular communications with licensees, audits of licensee activities, and numerous meetings with licensee representatives.

Some of the specific measures implemented by the licensees in response to the advisories and Orders include increased patrols, augmented security forces and capabilities, additional security posts, installation of additional physical barriers, vehicle checks at greater stand-off distances, enhanced coordination with law enforcement and military authorities, and more restrictive site access controls. Subsequent inspections and audits by the NRC confirmed that licensees are appropriately responding to the actions specified.

The Commission continually assesses the threat environment in close cooperation with the national intelligence and law enforcement community and will take the necessary actions to protect the public health and safety.

3. **In your recommendations, I ask you to carefully evaluate all forms of security that may protect against all threats, both great and small, to nuclear facilities around the nation. I trust that you are even now evaluating ways to insure nuclear power plants against the catastrophic events we now know could occur. The NRC, in conjunction with other Federal agencies, should evaluate everything from the necessity of National Guard troops to protect nuclear facilities to hiring and background checks for facility security staff.**

The nature and scope of the recent terrorist attacks have made clear that we must ensure that our already robust security regime, involving the response capabilities of the NRC, licensees and Federal, State and local governments, is appropriate to the new circumstances. Shortly after the attacks, I, with the full support of the Commission, directed the staff to thoroughly reevaluate the NRC safeguards and security programs. The on-going review encompasses a re-analysis of the full range of measures that provide security, including physical security, personnel security, and information security. For example, we are re-evaluating the Agency's threat assessment framework and design basis threat, facility vulnerabilities, access authorization processes, augmentation of security using local, State, and Federal resources including the National Guard, emergency preparedness and response, and NRC's infrastructure, resources, and communications.

The NRC has maintained close interaction with the Department of Defense, Office of Homeland Security, Department of Energy, Federal Emergency Management Agency, Federal Bureau of Investigation, Federal Aviation Administration, as well as other Federal agencies, to ensure protection of the nuclear power plants and other nuclear facilities. The NRC will continue to take necessary actions to protect the public health and safety.

4. **I have introduced a resolution, H.Con.Res.267, in the House of Representatives that would call upon the NRC and other agencies to do just this.**

The Commission's position on the four central provisions of House Continuing Resolution 267 is summarized below.

(1) the President should direct the NRC, DOD, and other named agencies to conduct jointly a study to assess the present and future need for Army, Air Force, Coast Guard, and National Guard to augment security at NRC-licensed operating reactors;

A Presidential directive is not needed for this activity since this work is already in progress.

The NRC is conducting a comprehensive review of existing safeguards and security programs at the NRC, which includes consultation with the Federal Bureau of Investigation, Office of Homeland Security, Department of Energy, Department of Defense, Federal Emergency Management Agency, Coast Guard and other agencies to consider potential vulnerabilities that may exist in the current threat environment and whether additional measures are necessary and appropriate to enhance security at NRC-licensed nuclear reactors and other sensitive nuclear facilities.

The NRC has made recommendations, issued advisories and Orders to licensees, including requirements for enhanced coordination with emergency response personnel on

how to handle a September 11 type event. We have maintained a steady flow of information to our licensees through over 30 updates to the original threat advisory, regular communications with the licensees, audits of licensee activities, and numerous meetings with licensee representatives.

The NRC continues to coordinate closely with Department of Defense and other Federal, State, and local agencies to respond to specific threats, evaluate suspicious activities, and ensure protection of the public.

(2) the President should direct the NRC and the National Guard Bureau to work with State law enforcement agencies to establish guidelines for the training and use of National Guard units deployed at nuclear plants;

The NRC has been working with licensees to ensure coordination with State and local law enforcement agencies and with the National Guard. However the details of the coordination between State and local law enforcement and nuclear power plant licensee security forces is and should remain the primary responsibility of individual licensees. Specific response procedures, chain of command authority, communications, site layout, vital equipment, and integration of augmentation forces with site security varies from plant to plant. Therefore, training and use of National Guard units need to be tailored by and for each licensee.

Individual nuclear power plant licensees are required to establish and maintain defensive measures and strategies to address security threats against their facilities. On and after September 11, 2001, many licensees engaged local and State law enforcement agencies to enhance their security posture, as provided in their NRC-approved security plan and recommended by NRC advisories. In a letter dated September 26, 2001, the Commission facilitated coordination between State Governors and nuclear power plant licensees regarding additional resources that may be necessary to enhance the security of their facilities. In some cases, State Governors elected to deploy National Guard assets to aid in the protection of nuclear power plants. The duties and responsibilities of the National Guard forces, if deployed, would be site-specific based on the variables identified above.

(3) the costs of deploying the National Guard units at the power plants should be funded by the Federal Government;

Given the potential significance of nuclear power plants as part of the national infrastructure, Federal funding to augment security at these facilities and other critical infrastructure facilities, such as chemical plants and dams, should be considered. Deployment of National Guard assets to aid in the protection of nuclear power plants is generally a decision made by individual State Governors based on many factors, including prioritization of nuclear power plants among other State infrastructure assets and interests, public safety, and cost. NRC and other agencies can request deployment of the National Guard through the Department of Justice in an emergency to help secure nuclear facilities.

(4) the President should direct the NRC, FEMA, and FDA to establish emergency reserves of potassium iodide (KI) tablets in those communities within the emergency planning zone of each nuclear power plant site.

No Presidential directive is needed.

In coordination with FEMA and FDA, the NRC has already established policy with respect to KI distribution within the 10-mile emergency planning zone of each nuclear power plant. We are currently shipping KI tablets at Federal expense to States that have requested KI as part of their emergency response plans. Fourteen States have done so thus far. NRC coordinates closely with FEMA, FDA and the States with respect to this issue.