May 16, 2002

Mr. Michael D. Kohn
National Whistleblower Center
3238 P Street, NW.
Washington, DC 20007

Dear Mr. Kohn:

Your Petition dated October 24, 2001, as supplemented on January 27, 2002, submitted on behalf of the National Whistleblower Center and Mr. Randy Robarge, has been reviewed by the Nuclear Regulatory Commission staff pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations*. The staff's proposed Director's Decision on the Petition is enclosed. I request that you provide comments to me on any parts of the proposed Decision that you believe to be erroneous or any issues in the Petition that you believe have not been fully addressed. The staff will review your comments and consider them in the final version of the Director's Decision with no further opportunity to comment.

Please provide your comments by June 21, 2002.

Sincerely,

/RA/

John A. Zwolinski, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Enclosure: Proposed Director's Decision

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3238 P Street, NW.
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION

Samuel J. Collins, Director

In the Matter of	)
	)
ALL NUCLEAR POWER REACTOR LICENSEES	)
	)
	)
	)

PROPOSED DIRECTOR'S DECISION UNDER 10 CFR 2.206

I. INTRODUCTION

By letter dated October 24, 2001, Mr. Michael D. Kohn, on behalf of the National Whistleblower Center and Mr. Randy Robarge (Petitioners), submitted a Petition pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206), for corrective action to protect the public against the possibility of terrorists seizing control of a large commercial airliner and crashing it into a nuclear power plant in the United States. In addition, the Petitioner requested that the U.S. Nuclear Regulatory Commission (Commission or NRC) take compensatory measures, as set forth in the Petition, to protect the public and environment from the catastrophic impacts of any type of terrorist attack on a nuclear power plant or a spent fuel pool. The Petitioner also requested that the NRC ensure that these compensatory measures are immediately implemented, and that the NRC issue permanent rules, as discussed in the Petition.

Additionally, by letter dated January 16, 2002, Mr. Nicholas Reynolds of Winston & Strawn submitted comments on the Petition on behalf of several NRC licensees. The NRC considered the licensees' comments in preparing this Director's Decision. By letter dated

January 27, 2002, Michael D. Kohn submitted an amended Petition. The amended Petition included the names of six additional Petitioners who wished to be added to the Petition.

II. BACKGROUND

As a basis for the request described above, the Petitioner stated that:

- No commercial nuclear power plant located in the United States can withstand the impact of a large commercial airliner.
- The NRC intentionally misled the public about its failure to adequately consider risks associated with an air assault on a nuclear facility.
- The NRC knew or should have known that the current design and security measures at the spent fuel pools [SFPs] located at each nuclear power plant are incapable of protecting the population from the catastrophic release of radiation from a potential terrorist attack and immediate and long-term compensatory measures are needed to protect the United States and its citizens.
- The NRC [sic] radioactive material contained in the spent fuel pools are extremely vulnerable to terrorist attack within six months of a refueling outage. Immediate and long-term compensatory measures are needed to protect the United States and its citizens from an attack on a spent fuel pool within this six month window.
- The NRC must work directly with other security offices in approving compensatory security measures and in approving utility security plans and must re-evaluate its 1979 EIS [Environmental Impact Statement] and 1998 Final Rule regarding SFPs.

- The current background screening requirements which permit "temporary" clearances at nuclear plants do not adequately protect the public.
- The current background screening requirements for long-term clearances at nuclear plants do not adequately protect the public.
- The NRC ended the public's ability to effectively challenge the NRC's decision not to require nuclear power plants to be able to withstand airborne assaults by changing its rules allowing nuclear plants to obtain new 40 year licenses without permitting citizens to challenge "generic" concerns, including risks from terrorist attack.

Based on the information provided by the Petitioner, the Office of Nuclear Reactor Regulation's Petition Review Board (PRB) determined that the Petitioner's request met the criteria for review under 10 CFR 2.206. This determination was communicated to the Petitioner in a letter dated December 20, 2001. In addition, by letter dated February 20, 2002, the NRC informed the Petitioner that on January 16, 2002, Mr. Nicholas Reynolds of Winston & Strawn submitted comments on the Petition on behalf of several NRC licensees and that the NRC would consider these comments in preparing the Director's Decision.

By letter dated May xx, 2002, the NRC staff sent the proposed Director's Decision to the Petitioner. The Petitioner's comments and the staff's response are attached as Enclosures 1 and 2, respectively.

III. DISCUSSION

The Petition raises a number of issues associated with protecting our nation's nuclear power plants from terrorism. However, long before the terrorist attacks of September 11, 2001, the Commission had recognized the need for strict safeguards and security measures at these facilities. When Congress authorized the civilian use of atomic power by enacting the Atomic Energy Act of 1954, Congress realized that its primary duty was to ensure that public health and safety would be protected. Title 42, Chapter 23, Subchapter IX, Section 2133 of the United States Code (42 USC 2133) states that the NRC may issue commercial licenses only to those "who are equipped to observe and who agree to observe such safety standards to protect health and to minimize danger to life or property as the Commission may by rule establish," and that the Commission was to "promote the common defense and security and to protect the health and safety of the public." The NRC was, therefore, given the responsibility and authority to determine the requirements (including security requirements), that are necessary to ensure that public health and safety are protected when commercial nuclear power plant licenses are issued.

The regulations for protecting all nuclear power plants are provided in 10 CFR Part 73, "Physical Protection of Plants and Materials." These regulations represent an important cornerstone of the NRC's regulatory oversight responsibilities and include detailed and specific requirements that are designed to protect nuclear power plants against acts of radiological sabotage, prevent the theft of special nuclear material, and protect safeguards and classified information against unauthorized release by:

1. Permitting only authorized activities and conditions within established protected areas, material access areas, and vital areas by using controls and procedures,

defined boundaries, detection, communication and surveillance subsystems, and by establishing schedules of authorized operations;

2. Preventing unauthorized access of persons, vehicles, and materials into material access areas and vital areas by using detection and barrier systems;

3. Providing for authorized access, and assuring detection of and response to unauthorized penetrations of the protected area;

4. Permitting only authorized control and movement of special nuclear material; and

5. Providing response capabilities to assure that NRC requirements are achieved.

These performance capabilities for nuclear power plant physical protection systems are further defined in 10 CFR 73.55, “Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage,” which requires licensees to:

(1) Maintain a well-equipped and highly trained security organization.

(2) Install physical barriers to protect vital equipment and material access areas.

(3) Install detection, surveillance, and alarm systems with the capability to sense unauthorized penetration of the isolation zone and to permit response action.

(4) Have access authorization programs and procedures (e.g., background checks, routine worker screening, badging, etc.).

(5) Ensure that all guards and armed response individuals can communicate with a continuously manned alarm station.

(6) Establish an effective testing and maintenance program to verify that all physical barriers, and detection and alarm systems meet NRC requirements.

Security Organization

All operating nuclear power plant licensees are required to establish and maintain a site security organization. The site security organization includes its management staff, the guard

force, worker background investigation and badging personnel, access control and response procedures. To be a member of the security organization at a nuclear power plant, an individual must pass a Federal Bureau of Investigation (FBI) criminal records search and perform initial and requalification training. These and other security organizational requirements are designed to provide an effective deterrent against potential terrorist activities directed at nuclear power plants.

Protection of Vital Equipment

Paragraph (a)(1) of 10 CFR 73.1 requires licensees to protect against a determined violent external assault, attack by stealth, or deceptive actions by several persons using a four-wheel drive land vehicle for the transport of personnel and their hand-carried equipment to the proximity of vital areas. The rule requires licensees to assume that the potential terrorists (1) are dedicated and well-trained (including military training and skills); (2) have inside assistance, which may include a knowledgeable individual who attempts to participate in a passive role (e.g., provide information), an active role (e.g., facilitate entrance and exit, disable alarms and communication systems, participate in violent attack), or both; (3) possess suitable weapons, up to and including hand-held automatic weapons equipped with silencers and having effective long-range accuracy; (4) possess hand-carried equipment, including incapacitating agents and explosives, and (5) have a four-wheel drive land vehicle available for transporting personnel and their hand-carried equipment to the proximity of vital areas.

Licensees must also protect against a land vehicle bomb. NRC regulations require all licensees to (1) establish vehicle control measures, including vehicle barriers, to protect against the use of a land vehicle as a means of transportation to get close to vital areas; (2) compare the vehicle control measures established in accordance with 10 CFR 73.55(c)(7) to the Commission's design goals and criteria for protection against a land vehicle bomb; and

(3) develop a process to use alternative measures for protection against a land vehicle bomb (i.e., for those licensees with a particularly difficult site configuration). The alternative measures must provide substantial protection against a land vehicle bomb and must be supported by a licensee's analysis.

In brief, Congress understood the inherent need for strict security measures at commercial nuclear power plants, and NRC regulations have ensured that these are among the most hardened and secure industrial facilities in our nation. The many layers of protection offered by robust plant design features, sophisticated surveillance equipment, a professional security force, and regulatory oversight are an effective deterrent against potential terrorist activities targeting equipment vital to nuclear safety.

Therefore, on September 11, 2001, U.S. nuclear power plants already possessed a strong capability to prevent and respond to the most likely terrorist acts that could be directed at them. Consequently, the NRC deemed that certain actions, such as the immediate closure of nuclear power plants, were not necessary to provide adequate protection of the public health and safety. However, the NRC advised all nuclear power plants to go to the highest level of security, which they promptly did. The NRC also issued over 30 threat advisories to address specific concerns or vulnerabilities in the aftermath of September 11, and NRC security specialists performed numerous onsite physical security vulnerability assessments at licensed facilities to evaluate the effectiveness of the enhanced security measures that had been put into place. To this day, all nuclear power plant facilities continue to be at an appropriate and heightened security level.

The NRC quickly recognized the need to reexamine the basic assumptions underlying the current civilian nuclear facility security and safeguards programs. Chairman Richard A. Meserve, with the full support of the rest of the Commission, directed the staff to

undertake a comprehensive review of the NRC's security regulations and programs. The security review includes the NRC's participation with the Office of Homeland Security, the FBI, Department of Transportation (DOT), Department of Energy (DOE), and others, to keep the agency advised of the current threat environment. The NRC's participation with these agencies allows the agency to communicate its actions to other Federal agencies to ensure an appropriate and balanced response throughout the nation's entire critical energy infrastructure.

On February 25, 2002, the NRC issued Orders to all 104 operating power reactor facilities to require that certain interim compensatory measures be taken beyond those called for by current regulations. These requirements will remain in effect pending notification from the Commission that a significant change in the threat environment has occurred, or until the Commission determines that other changes are needed following the more comprehensive reevaluation of current safeguards and security programs. The Orders were effective immediately upon issuance. For the most part, the Orders formalized measures that NRC advised nuclear power plant licensees to take in the aftermath of September 11. The Orders also imposed certain additional security enhancements. The details of specific security requirements cannot be made public, but they include such things as additional personnel access controls; enhanced requirements for guard forces; increased stand-off distances for searches of vehicles approaching nuclear facilities; and heightened coordination with local, State, and Federal authorities.

If the NRC identifies a significant vulnerability during the ongoing reevaluation, the staff will determine physical protection, material control, or other appropriate requirements. The NRC will continue to assist the Office of Homeland Security and other Federal agencies to evaluate threats beyond the feasibility and capability of NRC licensees.

IV. EVALUATION OF SPECIFIC CONCERNS

The Petitioner raised concerns about the ability of nuclear power plants to withstand the impact of a commercial airliner, the design and security measures of spent fuel pools, background screening requirements, and public participation in the license renewal process.

1. Airborne Attacks

Petitioner's Concerns

The Petitioner stated that no commercial nuclear power plant located in the United States can withstand the impact of a large commercial airliner. The Petitioner also stated that the NRC intentionally misled the public about its failure to adequately consider risks associated with an air assault on a nuclear facility.

NRC Response

The NRC staff considered the potential for accidental aircraft impacts into reactors when the plants were licensed, with respect to their proximity to airports and air routes. Those plants not meeting a criteria for very low frequency of accidental impact had design enhancements made to make the containment able to withstand a specific design-basis aircraft impact. Only a few plants in the United States had such design enhancements imposed. In most cases, the estimated probability was found to be acceptably low. No existing nuclear facilities were specifically designed to withstand the deliberate high-velocity direct impact of a large commercial airliner such as a Boeing 757 or 767. Prior to September 11, such a scenario was not considered to be a credible threat.

Nonetheless, nuclear power plants are massive structures with thick exterior walls and interior barriers of reinforced concrete. The plants are designed to withstand tornadoes (and missiles generated by tornadoes), hurricanes, fires, floods, and earthquakes. As a result, the

structures inherently afford a measure of protection against deliberate aircraft impacts. In addition, the defense-in-depth philosophy used in nuclear facility design requires plants to have redundant, separated safety systems. That is, active components such as pumps have backups as part of the basic design philosophy. This redundancy provides a capability to respond to events of all types, including aircraft attacks.

The capability of a plant to successfully cope with an aircraft impact will depend upon the plant's design features and the ability of the licensee's staff to utilize backup systems. In the recent Orders to nuclear power plant licensees, the Commission directed licensees to develop specific plans and strategies to respond to explosions or fires that result in damage to large areas of their plants. The Orders also required that licensees' emergency preparedness and safeguards planning consider the actions and resources necessary for responding to such events.

The NRC is continuing a major engineering effort to evaluate the vulnerabilities and the potential effects of a deliberate aircraft impact and the resulting fire and explosion on the structural integrity of the reactor containment building and other reactor support facilities. Variables considered in the analyses will include aircraft size and speed, as well as the amount of fuel on board the airplane.

In addition to the recent Orders, other actions have been taken to address aviation security at nuclear power plants. For example, the Commission believes that the prompt response by Congress to strengthen aviation security under the Aviation and Transportation Security Act of 2001, will provide improved protection against air attacks on all industrial facilities, both nuclear and non-nuclear. The Commission believes that the nation's efforts associated with protecting against terrorist attacks by air should be directed toward enhancing security at airports and on airplanes. The NRC has been in regular communication with other

Federal agencies, specifically the Federal Aviation Administration (FAA) and the Department of Defense (DOD) which have acted more than once to protect airspace above nuclear power plants. In addition, the United States intelligence community and Federal law enforcement have increased efforts to identify potential terrorists and prevent potential attacks before they occur.

The Petitioner requested that no-fly zones be immediately established at every nuclear power plant. The NRC has discussed the protection of air space over sensitive sites with FAA and DOD. Shortly after the September 11 attacks, representatives of the FAA and DOD determined that a Notice To Airman (NOTAM), issued by the FAA, was the appropriate vehicle to protect the airspace above sensitive sites. This NOTAM strongly urges pilots "to not circle or loiter over the following sites: Nuclear/Electrical power plants, power distribution stations, dams, reservoirs, refineries, or military installations, unless otherwise authorized by air traffic control or as required to land or depart at towered/non-towered airports." This notice is still in effect. Should additional restrictions be deemed appropriate as a result of changing or more specific threats, our continuous communication with the other Federal agencies will allow prompt coordination.

Because there have been no specific credible threats against any NRC-licensed facility since September 11, and because aviation security is being strengthened under the Aviation and Transportation Security Act of 2001, the staff concludes that the probability of terrorists using a large airliner to damage a nuclear power plant remains acceptably low.

Regarding the assertion that the NRC intentionally misled the public about its failure to adequately consider risks associated with an air assault on a nuclear facility, we have referred your concern to our Office of the Inspector General for resolution.

2. Spent Fuel Pool Concerns

Petitioner's Concerns

The Petitioner stated that the NRC knew or should have known that the current design of and security measures for the spent fuel pools located at nuclear power plants are incapable of protecting the population from the catastrophic release of radiation from a potential terrorist attack and immediate and long-term compensatory measures are needed to protect the United States and its citizens. The Petitioner also stated that the radioactive material contained in the spent fuel pools is extremely vulnerable to terrorist attack within 6 months of a refueling outage, and that immediate and long-term compensatory measures are needed to protect the United States and its citizens from an attack on a spent fuel pool within this 6-month window.

NRC Response

The defense-in-depth philosophy used in nuclear facility design ensures safety by requiring plants to have redundant and separated systems. The spent fuel pools used to store and cool fuel assemblies removed from the reactor are typically robust structures that are constructed of steel reinforced concrete walls 4 to 6 feet thick with stainless steel liners. The pools are designed to prevent a rapid loss of water with the structure intact. The pool water level and cooling system are monitored and alarmed in the control rooms. In addition, the ability of the licensees to respond to an accident or attack to a spent fuel pool is generally greater than to a reactor. Because the spent fuel pools are open, it is much easier to add cooling water to the pool from various sources of water on-site. Also, the licensee has more time to respond to an event which can be used to draw on off-site sources to maintain cooling of spent fuel if necessary.

The robust design and small size of the pools minimize the likelihood that a terrorist attack would cause damage of a magnitude sufficient to result in an offsite release of

radioactive material. As previously described, NRC regulations require licensees to provide various security measures to safeguard facilities, including spent fuel facilities. The Orders issued on February 25, 2002, address additional measures that enhance security for the spent fuel pools.

Spent fuel stored at licensed facilities poses a security challenge that is less than that of an operating reactor because the risk posed to the public health and safety is diminished. The NRC's comprehensive safeguards and security program reevaluation includes the consideration of potential consequences of terrorist attacks using various explosives or other techniques on spent fuel pools and spent nuclear fuel dry casks at storage sites. The Commission continues to evaluate the need for additional interim compensatory measures to augment the enhanced security put in place after September 11.

To the extent that additional measures are being implemented by the licensees in response to the February 25, 2002, Orders, the NRC is partially granting the Petitioner's request that action be taken to protect spent fuel storage facilities.

3. Background Screening Requirements

Petitioner's Concerns

The Petitioner stated that the current background screening requirements, which permit "temporary" clearances and long-term clearances at nuclear plants, do not adequately protect the public.

NRC Response

To ensure that only authorized individuals enter vital areas of a nuclear plant, licensees are required to implement and maintain access authorization and control programs. The objective of these programs is to provide a high level of assurance that individuals who work at a nuclear power plant are trustworthy and reliable, and do not constitute an undue risk to the

health and safety of the public, including a potential to commit radiological sabotage. In order to achieve this objective, NRC regulations require licensees to (1) perform background investigations on workers granted unescorted access to the plant; (2) implement a badging system to identify those persons authorized to enter specific plant areas; (3) screen personnel, packages and vehicles entering the protected area; (4) search for firearms and explosives; (5) monitor entry and exit into certain areas of the plant; and (6) maintain a detection and alarm system.

Worker background investigations include verification of an individual's true identity and confirmation of the individual's employment history, education history, credit history, military service, character and reputation. All prospective employees must undergo a psychological assessment to evaluate trustworthiness and reliability. The investigations also include a criminal history check conducted via fingerprint submissions to the FBI. These requirements are designed to prevent unauthorized access of persons, vehicles, and materials into protected areas, and to ensure that only persons deemed trustworthy are authorized unescorted access to vital plant equipment.

Access to the protected area of a nuclear plant is achieved, in many cases, through a process which allows for access in a temporary capacity, after the licensee's fulfillment of specific requirements. These requirements are: (1) establishing the true identify of the applicant, (2) completion of a background investigation covering the past year, (3) completion of suitable inquiries of all employers for the past year, (4) a structured interview with one developed reference, (5) completion of psychological testing, (6) a credit check, and (7) submission of the applicant's fingerprints to the FBI. Additional actions post-September 11 include the limitation of the temporary unescorted access to persons required to conduct

essential activities, directly related to plant operation and maintenance, while under the oversight of persons with full unescorted access rights.

This temporary unescorted access period may be authorized for a maximum of 180 days pending completion of those checks required to fulfill the conditions of the unescorted access authorization program. Typically, a person in a 'temporary' status will be working at a nuclear power facility for a few days to complete a specific craft assignment, or will fulfill a general assignment lasting 30-60 days.

Once on-site, employees are subject to behavioral monitoring and are subject to fitness-for-duty requirements, which include random drug and alcohol testing. Further, those who enter the protected area pass through portal monitors that detect weapons or explosives, and all hand carried items are x-rayed.

Despite these safeguards, which were part of the NRC pre-September 11 requirements, the NRC took additional steps after September 11. The NRC, in coordination with the FBI, checked all NRC employees, licensee personnel, licensee contractors and registered visitors to licensee sites, against the FBI watchlist established as part of the investigation of the events of September 11. Since that time, the Office of Homeland Security has been coordinating efforts to facilitate information sharing among Federal agencies. The NRC is also coordinating with the Immigration and Naturalization Service (INS) in the INS's effort to validate the employment eligibility of employees at nuclear power plants to ensure that only persons authorized to work in the United States are employed at nuclear power plants. This review is continuing. In the meantime, the INS has completed a review of the lists of security guards who have access to the plants to ensure that only persons authorized to work in the United States are guards at the sites. The NRC has determined, in consultation with INS, that there are no issues concerning employment eligibility of guards working at nuclear power plants.

As part of its broad, top-to-bottom review of physical security requirements, the NRC will consider whether changes are necessary in its access authorization program and requirements. The NRC's comprehensive security program re-evaluation includes an assessment of the personnel access authorization requirements and programs at nuclear power facilities. This effort is intended, in part, to address heightened concerns pertaining to potential insider threats.

4. License Renewal Evaluations

Petitioner's Concerns:

The Petitioner stated that the NRC ended the public's ability to effectively challenge the NRC's decision not to require nuclear power plants to be able to withstand airborne assaults by changing its rules allowing nuclear plants to obtain new 40-year licenses without permitting citizens to challenge "generic" concerns, including risks from terrorist attack.

NRC Response

In 1995, the NRC amended the license renewal rule to establish a regulatory process that is more efficient, more stable, and more predictable than the previous license renewal rule. In particular, 10 CFR Part 54 was clarified to focus on managing the adverse effects of aging. The rule changes were intended to ensure that important systems, structures, and components will continue to perform their intended function during the 20-year period of extended operation.

There are several opportunities for members of the public to question how aging will be managed during the period of extended operation. Concerns may be litigated in a formal adjudicatory hearing if any party that would be adversely affected is granted a hearing. Members of the public may Petition the Commission pursuant to 10 CFR 2.206 for consideration of issues other than the management of the effects of aging during the period of extended plant operation.

In 2001, the NRC issued Regulatory Guide 1.188, which provided guidance on the format and content of the safety aspects of a license renewal application and endorsed a method of implementing the license renewal rule. Security programs were not included in the items required to be addressed for renewal of an operating license. However, additional security requirements, such as those mandated by the February 25, 2002, Orders, apply to all plants regardless of re-licensing status. Additional security measures that may be identified by ongoing NRC reviews will be applied to all sites.

IV. Conclusion

The Petitioner has raised the concern that no commercial nuclear power plant in the United States was designed to withstand the impact of a large commercial airliner. In addition, the Petitioner requested that compensatory measures, as set forth in the Petition, be adopted to protect the public and environment from the catastrophic impact of a terrorist attack on a nuclear power plant or a spent fuel pool.

The Petition has raised generic policy questions concerning public health and safety with respect to the possibility of terrorists seizing control of a large commercial airliner and crashing it into a nuclear power plant. The staff believes that this generic concern has been reasonably addressed by actions of Congress and the FAA to enhance aviation security, actions taken by various Federal agencies to deter terrorist activities, and the issuance of Orders to the operating nuclear power plants. The staff believes that the compensatory measures, as set forth in the Orders, are prudent, interim measures to adequately address the generalized high-level threat environment in a consistent manner throughout the nuclear power industry.

As a result, the staff does not presently believe that any additional regulatory actions to take compensatory measures, or to make permanent rules, as discussed in the Petition, are necessary to address the concerns raised in the Petition. However, following the ongoing

comprehensive review of security programs, the NRC may determine that additional measures are warranted. The staff has partially granted the Petitioner's request to the extent that the NRC has addressed the Petitioner's concerns by issuing Orders on February 25, 2002, to all 104 operating commercial nuclear power plants to implement interim compensatory security measures for the generalized high-level threat environment.

The specific actions required by the Orders contain sensitive security information, but generally include requirements for 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 for all personnel.

These are interim measures and the basis for the Orders is the need to take prudent actions to address security requirements in the present generalized high-level threat environment. These Orders do not eliminate the need for licensees to continue to meet the objectives of Security Level III described in NRC Information Notice 98-35, and maintain the effectiveness of existing security measures taken in response to the September 11 attacks. The requirements will remain in effect pending notification from the Commission that a significant change in the threat environment has occurred, or until the Commission determines that other changes are needed following a more comprehensive re-evaluation of current safeguards and security programs.

Some of the requirements formalize a series of security measures that NRC licensees had taken in response to advisories issued by the NRC in the aftermath of the September 11 terrorist attacks. Additional security enhancements, which have emerged from the ongoing comprehensive security review, are also spelled out in the Orders.

A copy of this Decision will be filed with the Secretary of the Commission so that the Commission may review it in accordance with 10 CFR 2.206(c). As provided for by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of the Decision unless the Commission, on its own motion, institutes a review of the Decision within that time.

FOR THE NUCLEAR REGULATORY COMMISSION

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this day of 2002.

Enclosures:
Comments on Proposed Director's Decision
NRC staff response to Petitioner's Comments

PROPOSED