

June 14, 2002

Ms. Mary C. Ott, Co-Chairman
Duxbury Citizens Urging Responsible Energy
P.O. Box 2621
Duxbury, Massachusetts 02331

Dear Ms. Ott:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your electronic mail (e-mail) dated March 28, 2002, in which you requested that the NRC issue an order, effective immediately to: (1) shut down Pilgrim Nuclear Power Station (Pilgrim) during "alert" status, and (2) install a Federal presence at Pilgrim capable of repelling a tragic act of terrorism such as that evidenced on September 11, 2001. As the basis for your request, you stated that as a potential target, Pilgrim represents a clear and present danger to the Plymouth area and most of New England. You stated that the tragic events of September 11, 2001, demand that a design-basis accident be redefined. You also stated that monitoring the situation for the past 6 months is unsatisfactory; and, Federal regulations are in place to empower the NRC and specifically, its Chairman, Dr. Richard Meserve, to protect the public. Your e-mail referenced excerpts from Title 10 of the *Code of Federal Regulations* (10 CFR), Section 1.11, as pertinent to the basis of your request.

We, as well as many of our fellow citizens, are concerned that a U.S. nuclear facility could be a target of future terrorist attacks. Immediately following the events of September 11, 2001, the NRC advised all nuclear power plants to go to the highest level of security, which all promptly did. The NRC also issued over 30 threat advisories to address specific concerns or vulnerabilities. In view of the unprecedented events, Chairman Meserve, with the full support of the Commission, directed the staff to undertake a thorough review of our security regulations and procedures, including the basic assumptions of our current programs. This review involves coordination with the Office of Homeland Security, the Federal Bureau of Investigation (FBI), other intelligence and law enforcement agencies, the Federal Aviation Administration, U.S. military, State and local authorities, as well as with the operators of the plants. The comprehensive review takes advantage of insights gained by the NRC in consultation with other Federal agencies. This cooperation further allows the NRC to keep abreast of the current threat environment, and communicate its actions to other Federal agencies to ensure an appropriate and balanced response to security concerns throughout the nation's entire critical energy infrastructure.

On February 25, 2002, the NRC issued Orders to all commercial nuclear power plants to implement interim compensatory security measures for the present generalized high-level threat environment. Some of the requirements formalize a series of security measures that NRC licensees had already taken in response to advisories issued by the NRC, and others are security enhancements that have emerged from the Commission's ongoing security review. NRC security specialists performed numerous onsite physical security vulnerability assessments at licensed facilities to evaluate the effectiveness of the enhanced security measures that have already been put into place. The NRC continues to interact with the Intelligence Community and is prepared to take measures to ensure the continued safety of all

nuclear facilities. To this day, all U.S. nuclear power plants remain at a heightened security level.

While we cannot rule out the possibility of future terrorists attacks targeted at a U.S. nuclear power plant, the NRC believes that these facilities can continue to operate safely. Nuclear power plants are inherently robust structures. Their design is based on defense-in-depth principles, and includes many features to protect the public health and safety. The many layers of protection offered by robust plant design features, sophisticated surveillance equipment, a professional security force, and regulatory oversight are an effective deterrence against terrorist activities that could target equipment vital to nuclear safety. Prior to 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. Therefore, in light of the facility's robust design, the heightened security measures implemented in response to the events of September 11, 2001, and the ongoing reevaluation of safeguards regulations and programs, the Commission determined that certain actions, such as ordering the immediate closure of U.S. nuclear power plants, including Pilgrim, were not necessary to provide adequate protection for the public health and safety.

You also requested that the NRC install a Federal presence at Pilgrim capable of repelling a tragic act of terrorism such as that evidenced on September 11, 2001. The installation of a Federal security force at U.S. nuclear power plants is not within the NRC's purview. When Congress authorized the civilian use of atomic power by passing the Atomic Energy Act of 1954, it realized that a primary consideration was to ensure that public health and safety would be protected. Specifically, the Atomic Energy Act 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 given the responsibility and authority to determine the requirements, including rules governing security, that are necessary to ensure that public health and safety are protected. Consequently, the regulatory framework established makes the NRC responsible for determining the requirements for security and providing oversight, while licensees have the responsibility to implement the requirements and provide physical protection.

Current security forces at nuclear power plants are well-trained, well-paid, and have high retention rates. The NRC inspection program provides for routine inspections of security programs at nuclear power plants by NRC inspectors trained in the area of physical security. The NRC has determined that the qualified, trained, and tightly regulated private guard forces at nuclear power plants, in combination with actions taken by various federal agencies, adequately assure protection against potential terrorist attacks.

M. Ott

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Thank you for your continued interest in these concerns of importance to the nation and nuclear power plant security. I trust that this letter addresses your concerns. If you have any further questions, please do not hesitate to contact me.

Sincerely,

/RA/

Stuart A. Richards, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Thank you for your continued interest in these concerns of importance to the nation and nuclear power plant security. I trust that this letter addresses your concerns. If you have any further questions, please do not hesitate to contact me.

Sincerely,
/RA/

Stuart A. Richards, Director
Project Directorate I
Division of Licensing Project Management
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*Concurred by phone

**See previous concurrence

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