

August 13, 2002

The Honorable John M. McHugh
United States House of Representatives
Washington, D.C. 20515

Dear Congressman McHugh:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter of May 23, 2002, in which you asked for information related to the three nuclear power facilities in your District. Your letter raised some questions concerning nuclear security plans and the lawful responsibility of the Oswego County Sheriff's Department in assisting with facility security. Responses to your questions are enclosed. Please contact me if you have any questions concerning this matter.

Sincerely,

/RA/

Richard A. Meserve

Enclosure: Answers to Questions

1. What action does the NRC envision licensees taking with regard to enacting their emergency contingency plans in the wake of September 11?

Nuclear power plant licensees are required by NRC regulations to have approved Physical Security and Safeguards Plans ("Emergency Contingency Plans" are subsumed in these plans). On September 11, 2001, the NRC issued an advisory to all nuclear power plant licensees to go to the highest level of security (i.e., Security Level 3), which they promptly did. Nuclear power plant licensees remain at a heightened level of security today. In October 2001, NRC advised licensees to review emergency plans and related procedures to ensure that they adequately accommodate potential terrorist attacks. On February 25, 2002, the NRC issued an Order to nuclear reactor licensees to implement interim compensatory security measures for the generalized high-level threat environment. This Order provided licensees additional instructions related to strengthening and upgrading the security at their facilities. The details of specific additional security requirements are sensitive information, but they include such requirements 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 appropriate local, State, and Federal authorities.

2. Is each licensee plant required to maintain an NRC-approved emergency contingency plan that is updated yearly? Did the September 11th attacks invoke these plants' emergency contingency plans?

As indicated in my response to question 1, operating nuclear plant licensees are required to have approved physical security, safeguards, and emergency plans. Accordingly, the NRC staff reviewed and approved the plans for each of the three nuclear facilities in your Congressional District. NRC staff periodically inspect licensees' security programs in accordance with our reactor oversight process for compliance with pertinent regulatory requirements. When security plans are in need of updating or revision, licensees submit their proposed changes to the NRC. There is no NRC requirement to update security plans yearly. Following the September 11th attacks, licensees did initiate contingency actions to increase security at each site. Additional actions to enhance security were implemented in response to NRC security advisories.

3. Based on the Level 3 security alert, was the Oswego County Sheriff's Department required by law to provide on-site assistance and protection to the three nuclear facilities in Oswego County? How long did the Level 3 security alert remain in effect?

The Oswego County Sheriff's Department provides assistance to nuclear facilities within its jurisdiction in Oswego County in accordance with its obligations under State and local law. In addition, we understand that the Oswego County Sheriff's Department has a Memorandum of Understanding (MOU) with the nuclear facilities in your Congressional District which delineates roles and responsibilities during times of heightened security. As indicated in question 1, the NRC has instructed licensees to maintain their current heightened level of security and to develop an integrated response plan with local law enforcement agencies. All nuclear plant licensees have remained at a Security Level 3 status since immediately following the terrorist attack of September 11.