

EDO Principal Correspondence Control

FROM: DUE: 04/17/03

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FINAL REPLY:

Senator Jeff Sessions

TO:

Chairman Meserve

FOR SIGNATURE OF :

\*\* GRN \*\*

CRC NO: 03-0182

Travers, EDO

DESC:

ROUTING:

Security Measures at Licensed Facilities and to  
Require Enhancement and Augmentation of Security  
Procedures and Processes in Light of the Terrorist  
Threat

Travers  
Paperiello  
Kane  
Norry  
Craig  
Burns  
Collins, NRR  
Reyes, RII  
Cyr, OGC

DATE: 03/27/03

ASSIGNED TO:

CONTACT:

NSIR

Zimmerman

SPECIAL INSTRUCTIONS OR REMARKS:

Template: SECY-017

E-RIAS: SECY-a



# United States Senate

WASHINGTON, DC 20510-0104

March 17, 2003

Mr. Richard A. Meserve  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Meserve:

As the Senator of a state with two nuclear power plants, I am intensely interested in the ongoing efforts of the Nuclear Regulatory Commission to reevaluate the adequacy of security measures at the facilities it licenses, and to require enhancement and augmentation of security procedures and processes in light of the terrorist threat we now face. As you have noted in your testimony before the Congress, this country's nuclear power plants are among the most robust, hardened and well-protected industrial facilities in the world and I commend the vigilance of NRC in acting to assure that they continue to be adequately protected from attacks. The National Strategy For The Physical Protection Of Critical Infrastructures and Key Assets also recognizes that "[f]or 25 years, federal regulations have required that these facilities maintain rigorous security programs to withstand an attack of specified adversary strength and capability," and that "[t]he security of nuclear power plants has been enhanced significantly in the aftermath of the September 11 attacks." These measures have placed nuclear plants far ahead of other elements of our critical infrastructure in terms of protection from terrorist attacks. I commend you for your efforts in this regard.

The National Strategy also emphasizes the importance of coordination between NRC and the Department of Homeland Security in the development of vulnerability and risk assessments and in the establishment of common processes and the identification of resources necessary for the enhancement and augmentation of security measures at nuclear power plants. I believe that such coordination is critical to the proper allocation of the nation's security resources across the spectrum of potential terrorist targets and the efficient division of responsibilities between the public and private sector.

For example, I am concerned with the emphasis some have placed on the threat posed to nuclear power plants, to the exclusion of other critical infrastructure that may be more vulnerable. Only by seamless coordination of the allocation of our assets can the proper balance be struck between protection of our nuclear facilities and other facilities that may be neither physically hardened nor protected by rigorous security processes.

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I am also concerned that the proper balance be struck between the responsibilities of nuclear licensees' civilian security forces and public law enforcement, homeland security, and military resources. In order to provide reasonable assurance of public health and safety, security measures should take into account the legal and practical limitations on the capabilities of civilian security forces to respond to threats from enemies of the state. Nuclear plant security forces are providing the maximum level of protection that is practical for civilian security forces. It is obvious that security plans must rely on the resources of the federal and state governments to protect against threats that involve the use of weapons and tactics equivalent to those employed by military forces. Because these resources must be relied upon to protect a wide variety of critical infrastructures, however, it is absolutely critical that NRC closely coordinate its activities with the comprehensive efforts being pursued by DHS.

Finally, I understand that the urgency of the situation immediately after the attacks of September 11, 2001 necessitated that interim security measures be implemented by order, without the normal opportunity for public comment and rulemaking processes required by the Administrative Procedures Act. The improvements currently in place, however, should provide NRC with adequate time to return to formal rulemaking in connection with the imposition of any additional or permanent requirements, including any necessary revisions to the Design Basis Threat. These processes will allow for more effective public participation and Congressional oversight of NRC's efforts.

The enhancements to nuclear plant security already in place should be sufficient to protect public health and safety so that consultations with DHS can take place in an orderly, thoughtful manner. I am confident that close coordination between NRC, DHS and owners of nuclear plants will assure that the nation's nuclear power plants will continue to be protected from the threat of radiological sabotage. If you believe that legislation is necessary to accomplish these purposes, I am ready to work with you. I look forward to your response.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeff Sessions", written in a cursive style.

Jeff Sessions  
United States Senator

JS:hs

cc: Secretary Ridge  
Senator Inhofe  
Senator Domenici