

October 23, 2003

The Honorable Edward J. Markey
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Markey:

I am writing on behalf of the Commission to express our concerns about the General Accounting Office's (GAO's) report entitled "Oversight of Security at Commercial Nuclear Power Plants Needs to be Strengthened" (GAO-03-752). GAO released this report to the public on September 24, 2003. The GAO report misrepresents the current high level of security at these facilities by mischaracterizing our inspection program and not recognizing the substantial improvement of security at our licensed facilities.

GAO stated in the report that: "While we agree that NRC has taken many actions since September 11, 2001, we note that most of these actions related to enhancing security at the plants and did not relate to NRC's oversight efforts. In fact, since September 11, NRC has suspended the two major elements of its oversight program, baseline inspections and force-on-force exercises." The unprecedented number of security requirements put in place since the terrorist attacks of September 11, 2001, stemmed directly from our oversight responsibilities related to security at commercial nuclear power plants. Despite considerable agency effort to support GAO in the performance of its study, we are concerned that the report does not provide a balanced perspective and does not recognize the breadth and effectiveness of Nuclear Regulatory Commission's (NRC's) security oversight program.

Our oversight program for security is far broader than just the baseline inspection program and force-on-force exercises. It also includes threat and vulnerability assessments, and related evaluations of mitigative strategies; development, implementation and inspection followup of advisories and orders; and a variety of other activities. NRC oversight has resulted in a multitude of security enhancements, including a substantial increase in the number of security officers, an increase in the number of security posts, increased vehicle standoff distances, tighter access authorization requirements at the facilities, limitations on security officer work hours, and more stringent security officer training and qualification requirements. For example, the nuclear industry has indicated that about 2000 additional security officers have been hired since September 11, 2001, due in large measure to post-9/11 industry initiatives and regulatory requirements.

With regard to GAO's concern that NRC suspended its baseline inspection program after 9/11, NRC appropriately refocused portions of its inspection program on verifying licensee implementation of the upgrades specified in NRC-issued advisories and orders. This shift was,

and continues to be, appropriate because it has allowed NRC to verify the security enhancements deemed essential by the Commission after the 9/11 attacks. Onsite security inspection hours per year have gone up considerably since 9/11 as described in the enclosure, contrary to the impression given in the GAO report.

NRC also temporarily postponed the force-on-force exercises after 9/11 for several obvious reasons, including personal safety of those participating in the exercise in light of the heightened threat environment subsequent to the attacks. Other reasons included that NRC had diverted staff to assist in the Agency's response center activities and to evaluate licensees' heightened security posture, while licensees had similarly concentrated resources on enhancing security at their facilities as required by the orders. NRC resumed tabletop security exercises in the second half of 2002 at seven sites. The force-on-force pilot program exercises began early this year and NRC has already completed 11 pilot exercises. Moreover, these exercises have provided an opportunity to test new equipment and methodologies beyond those previously used in the Operational Safeguards Response Evaluation (OSRE) program.

NRC's security oversight has been vigilant and has resulted in demonstrable enhancements in the security of the power reactors that have been verified by our inspectors. We believe this conclusion is supported by our federal partners, with which we work closely, including the Homeland Security Council staff, Department of Homeland Security, Department of Energy, Federal Bureau of Investigation, and Department of Defense.

Instead of focusing on the desired outcome of enhanced security, the GAO report takes relatively minor, isolated problems previously identified by the NRC at several sites, many of which were promptly resolved -- and draws broad conclusions. It does the Nation no service to issue a report that does not contain a balanced view and incorrectly implies that the public is substantially at risk because of weak oversight.

In short, the report misrepresents the current state of security at commercial nuclear power plants because it does not adequately acknowledge the extensive actions taken to enhance security and the role NRC's oversight program played in achieving these substantial enhancements since September 2001. The enclosure to this letter details more specific responses to the report.

Sincerely,

/RA/

Nils J. Diaz

Enclosure: As stated

October 23, 2003

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

Dear Congressman Dingell:

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Sincerely,

/RA/

Nils J. Diaz

Enclosure: As stated

cc: Representative W. J. "Billy" Tauzin
Representative Joe Barton
Representative Rick Boucher
Representative Tom Davis
Representative Henry Waxman
Representative David L. Hobson
Representative Peter J. Visclosky
Senator Susan Collins
Senator Joseph I. Lieberman
Senator James M. Inhofe
Senator James M. Jeffords
Senator George V. Voinovich
Senator Thomas R. Carper
Senator Pete V. Domenici
Senator Harry M. Reid

October 23, 2003

The Honorable David M. Walker
Comptroller General
General Accounting Office
Washington, D.C. 20548

Dear Mr. Walker:

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