

August 4, 2004

Ms. Mary Elizabeth Lampert
148 Washington Street
Duxbury, MA 02332

Dear Ms. Lampert:

Your petitions dated June 18 and June 25, 2004, and addressed to the Chairman of the U.S. Nuclear Regulatory Commission (NRC or the Commission), have been referred to the Office of Nuclear Reactor Regulation pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206 of the Commission's regulations.

In your June 18, 2004, petition, you requested that the NRC require Pilgrim Nuclear Power Station (Pilgrim) to cease operations over a sufficient period bracketing the July 4th National Holiday and the Democratic National Convention (DNC) in Boston, Massachusetts. As the basis for your request, you stated, in part:

Nuclear reactors are known terrorist targets.

The [F]ederal [G]overnment has warned of increased threat of a terrorist attack during the Democratic National Convention. One can not assume that the threat pertains only to downtown Boston. [A]n attack anywhere in the area would have the desired impact. In fact there are few other targets with greater potential impact.

The [F]ederal [G]overnment has also warned that important national holidays present increased risk of terrorism. July 4th indeed would be symbolic, especially a strike on America[']s Hometown.

In this petition, you referenced statements from members of the Union of Concerned Scientists regarding their view of risk reduction for shutting down Pilgrim, compared to operating at full or reduced power levels. You then go on to state:

Therefore, to preserve public safety and public confidence in the NRC's ability and willingness to regulate in the public[']s interest, I request in this petition that Pilgrim Nuclear Power Station not be allowed to continue to operate over a sufficient time period bracketing the Democratic National Convention in Boston and the July 4th National Holiday. Warnings of increased terrorist threat have been announced for those periods. Hence, it is no time to take chances; indeed, with nuclear power, there is never any time for chances.

In your June 25, 2004, petition, you and your co-petitioners, Ms. Sandra Gavutis and

Ms. Deborah Grinnell, requested that the NRC require both Seabrook Nuclear Power Station (Seabrook) and Pilgrim to cease operations over a sufficient period bracketing the DNC in Boston, Massachusetts, to place both reactors on the highest alert status, and increase security at both sites with a special focus on protecting the spent fuel. You provided the same basis for these requests that you provided in your June 18, 2004, petition with additional information on spent fuel pools.

The Petition Review Board (PRB) considered the information provided in your petitions as well as the information you provided during a teleconference with the PRB on July 1, 2004. The staff considered your petition, and determined that there was no need for action to shut down Pilgrim and Seabrook because you had not provided any information that identified a specific credible threat. The staff also evaluated, in close coordination with Federal intelligence agencies, all available information and determined that there was no specific, credible intelligence or threat indicating that an attack on the facilities was likely. Subsequent to the teleconference noted above, the Petition Manager notified you on July 1, 2004, that the NRC staff would be denying your request.

The staff has also concluded that your petitions do not meet the criteria for consideration under 10 CFR 2.206. In accordance with NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," the staff will not review a petition if the petitioner raises issues that have already been the subject of NRC staff review unless the petition presents significant new information. In 2002, there were two Director's Decisions under 10 CFR 2.206: DD-02-04 and DD-02-03. Both decisions are publicly available at <http://www.nrc.gov/reading-rm/doc-collections/petitions-2.206/directors-decision/2002/index.html>. These decisions address very similar issues to those raised in your petitions. These issues are considered applicable to both Pilgrim and Seabrook and are considered resolved.

The staff has also determined that you have not provided any significant new information that supports your assertion that Pilgrim and Seabrook are specifically targeted for terrorist actions. It is not sufficient to assert that the Associated Press (AP) reported a Federal Bureau of Investigation announcement on July 1, 2004, urging police nationwide to step up patrols and watch for signs of terrorism activity during the holiday weekend. This is a general assertion already know to the NRC staff. The AP article also reported that "officials said there was no specific, credible intelligence indicating an attack was likely."

Licensees throughout the nuclear industry have significantly enhanced security by upgrading security measures and coordinating with local, State, and Federal agencies to better prepare for a significant terrorist event. The NRC did issue a Security Advisory to all nuclear facilities within close proximity to Boston, Massachusetts, during the DNC. The details of the Advisory are considered Safeguards information and are not publicly available.

In general, however, some of the measures implemented by licensees in response to the NRC advisories and Orders included 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. Additional information regarding the security of nuclear power plants is available on our public Web site at <http://www.nrc.gov/what-we-do/safeguards.html>.

M. Lampert

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The NRC will, continue to monitor threat-related developments, and will coordinate its assessment activities with other Federal and State agencies for any indications of a threat to licensees.

Based on the fact that your request does not provide significant new information that would require the NRC to re-evaluate its current position regarding nuclear power plant security, the staff will not take further action on your petitions. However, the NRC sincerely appreciates your bringing these issues to our attention.

Sincerely,

/RA/

J. E. Dyer, Director
Office of Nuclear Reactor Regulation

Enclosures: 1. Mary Lambert's 2.206 Request of June 18, 2004
2. Mary Lambert's 2.206 Request of June 25, 2004

cc w/encls: See next page

M. Lampert

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