

July 27, 2004

Ms. Kathryn Elizabeth Adams
21 Blaisdell Road
Medford, MA 02332

Dear Ms. Adams:

This letter documents the information summarized in the July 15, 2004, telecommunication between you and Daniel Hughes, Marvin Mendonca, and Patrick Madden of my staff.

Your petition, dated June 28, 2004, and addressed to the Chairman, U.S. Nuclear Regulatory Commission (NRC), was received on July 8, 2004, and was referred to the Office of Nuclear Reactor Regulation pursuant to Section 2.206 of the Commission's regulations in Title 10 of the *Code of Federal Regulations* (10 CFR 2.206).

In your letter of June 28, 2004, you requested that the NRC take immediate action to require the Massachusetts Institute of Technology (MIT) Research Reactor to cease operations during the Democratic National Convention (DNC). As the basis for your request, which relates to safety concerns about the heightened threat of terrorism during the DNC, you state:

The Federal Government has warned of increased threat of a terrorist attack during the Democratic National Convention. The Federal Government has also warned that important national holidays present increased risk of terrorism. Nuclear reactors are known terrorist targets, as the 9/11 Commission Report testifies.

In that same letter, you cite a preliminary analysis of the Indian Point Nuclear Power Station by Dr. Edwin Lyman, who states that a shutdown of 20 days would greatly reduce the radioactive inventory in the core and that the number of fatalities from core melt can thereby be reduced. 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 the MIT Research Nuclear Reactor not to be allowed to continue to operate over a sufficient time period bracketing the Democratic National Convention in Boston. Warnings of increased terrorist threat have been announced for this period. Given the location of this facility in a heavily populated and traveled area and the proximity of the reactor to Democratic National Convention activities and lodgings, it would be most prudent to use all means necessary to minimize potential impact of a terrorist attack.

Due to the proximity of the Democratic National Convention, the basis of your petition request, and the date by which you and your co-petitioners requested action, the NRC's Petition Review Board (PRB) viewed this petition as a request for immediate action on July 13, 2004. The PRB reviewed your petition on July 13, 2004, and determined that there was no need for immediate action to shutdown the MIT Research Reactor because there is no specific intelligence or threat against the facility.

The PRB also concluded that your submittal does not meet the criteria for consideration under 10 CFR 2.206. Specifically, in accordance with NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions", the staff will review petitions if the request meets all of the following criteria:

- The petition contains a request for enforcement-related action such as issuing an order modifying, suspending, or revoking a license, issuing a notice of violation, with or without a proposed civil penalty, etc.
- The facts that constitute the bases for taking the particular action are specified. The petitioner must provide some element of support beyond the bare assertion. The supporting facts must be credible and sufficient to warrant further inquiry.
- There is no NRC proceeding available in which the petitioner is or could be a party and through which the petitioner's concerns could be addressed. If there is a proceeding available, for example, if a petitioner raises an issue that he or she has raised or could raise in an ongoing licensing proceeding, the staff will inform the petitioner of the ongoing proceeding and will not treat the request under 10 CFR 2.206.

Your request satisfies only the first and third criteria. The second criterion is not satisfied because you have not provided any additional security information that supports your assertion that the MIT Research Reactor is specifically targeted for a terrorist action. To date, the NRC has received no information concerning a specific, credible threat towards any U.S. nuclear facility during the period starting with and ending after the DNC. The NRC has and will continue to monitor threat-reports and other relevant developments, and will coordinate its assessment activities with other Federal and State agencies for any indications of a threat to licensees.

In your letter you indicated that the NRC had ordered the shut down of the Georgia Tech and University of Utah research reactors before the respective Olympic Games. This statement is inaccurate. In both instances those facilities voluntarily shut down, as the MIT Research Reactor is planning to do for the DNC.

Additionally, in accordance with NRC Management Directive 8.11, the staff will not review a petition if the request meets the following criterion:

The petitioner raises issues that have already been the subject of NRC staff review and evaluation either on that facility, other similar facilities, or on a generic basis, for which a resolution has been achieved, the issues have been resolved, and the resolution is applicable to the facility in question.

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. In response to the NRC advisories and confirmatory action letters the licensees implemented various specific measures. These included enhancements in screening of personnel, controlling access to the facility, observation of activities within the facilities, operability of communication systems, vehicle and package searches, physical barriers, and heightened coordination with appropriate local, State, and Federal resources. The most recent advisory was issued to MIT on May 28, 2004, by the NRC in coordination with the U.S. Department of Homeland Security.

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The NRC staff, through its licensing and regulatory processes, has considered the specific characteristics of the MIT Research Reactor including, power levels, safety systems, and emergency planning and security measures (as previously mentioned), and has determined that the facility design and its security features are acceptable under the current threat environment.

Therefore, the issues you raise have already been considered and resolved by the NRC staff.

Thank you for bringing these issues to the attention of the NRC.

Sincerely,

/RA/ R.W. Borchardt for

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

Docket No. 50-20

cc: See next page

cc:

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Test, Research, and Training
Reactor Newsletter
University of Florida
202 Nuclear Sciences Center
Gainesville, FL 32611

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