

September 8, 2004

The Honorable Tom Ridge
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Ridge:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am writing to update you on recent actions the NRC has taken to continue enhancing the security of NRC-regulated nuclear facilities and radioactive materials.¹

The NRC has exercised its statutory responsibility to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment from potential hazards involved in the civilian use of nuclear materials. In the weeks and months following the terrorist attacks on September 11, 2001, the NRC focused its efforts on improving security at the facilities it regulates, including nuclear power reactors and fuel manufacturing facilities that possess significant quantities of special nuclear material, and activities such as transportation of spent nuclear fuel. On February 25, 2002, the NRC issued Orders to all nuclear power plant licensees requiring that they increase their defensive capabilities to protect against the new threat. These enhancements to security included increased security patrols, augmented security forces, additional security posts, increased vehicle standoff distances, and improved coordination with law enforcement and intelligence communities, as well as strengthened safety-related mitigation procedures and strategies.

On January 7, 2003, the NRC required further enhancements to access controls for the power plants. On April 29, 2003, the NRC issued three additional Orders requiring additional security enhancements, including:

- Work-hour limitations on security personnel;
- Enhanced training and qualification requirements for security force personnel; and
- Revisions to licensee security, training and qualifications, and contingency plans to protect against the supplemented design basis threat of radiological sabotage.

The April 2003 Orders required that the licensees submit their revised plans to the NRC for review and approval by April 29, 2004, and that the plans be implemented at the nuclear power plants by October 29, 2004. The licensees submitted revised security plans in April 2004. The NRC staff is on schedule to complete its review of those plans and will work with licensees to implement them.

¹ See previous annual letters on NRC's web site @ www.nrc.gov.

Over the past year, we have continued to enhance security for NRC-licensed facilities and activities. On October 23, 2003, the Commission issued an immediately effective Order imposing additional security measures to all power reactor licensees and research reactor licensees who transport spent nuclear fuel. On January 12, 2004, the Commission issued an immediately effective Order imposing additional security measures for source manufacturers and distributors of high risk radioactive sources. In July 2004, the Commission approved issuance of Orders imposing additional security measures for the Honeywell uranium conversion facility, independent spent fuel storage facilities, and all decommissioning nuclear power plants with spent fuel in the spent fuel pool. Some of the requirements set forth in these various Orders formalize a series of security measures that NRC licensees had taken in response to advisories issued by the NRC in the aftermath of the September 11, 2001 terrorist attacks. Additional security enhancements, developed during our ongoing security review, are also provided in these Orders. The specific security measures addressed by the Orders, which supplement existing regulatory requirements, are classified as Safeguards Information under Section 147 of the Atomic Energy Act, as amended. These Orders remain in effect until the Commission determines otherwise.

In addition to these enhancements, we have continued to improve our security performance evaluation program (our force-on-force evaluations), which we consider an important element for ensuring protection of the Nation's critical infrastructure. In February 2003, we resumed the force-on-force program in the form of a pilot program to test recent program enhancements. In February 2004, the NRC began a transition force-on-force program, incorporating the lessons learned during the pilot program. The transition program follows the same format as the pilot program; however, the "mock adversary" force now uses the characteristics of the Design Basis Threat (DBT), as enhanced and supplemented by our Orders, to prepare for resumption of the full security performance assessment program in November 2004. Under that program, we will conduct approximately 22 force-on-force exercises per year, so that each site's security will undergo an NRC evaluated exercise at least once every three years. This represents a significant increase in the exercise frequency; in addition, each plant is required to conduct independent exercises at least once each year.

During the pilot program, the NRC identified the need to improve the offensive capabilities, consistency, and effectiveness of the exercise adversary force. The Commission addressed this need by directing the staff to develop a training standard for a Composite Adversary Force (CAF). The CAF for a given NRC-evaluated force-on-force exercise will comprise security officers from various nuclear power facilities (excluding the licensee being evaluated) and will have been trained in offensive, rather than defensive, skills to perform the adversary function.

The NRC has conducted detailed, site-specific engineering studies of a limited number of typical plants to assess potential vulnerabilities of nuclear power plants to deliberate attacks involving large commercial aircraft. The results of these studies have confirmed the effectiveness of the required mitigative measures and have identified further enhancements to mitigative strategies. For the facilities analyzed, the studies confirm that the likelihood of both damaging the reactor core and releasing radioactivity that could affect public health and safety is low. Even in the unlikely event of a radiological release due to a terrorist use of a large aircraft against a nuclear power plant, the studies indicate that there would be time to implement the required on-site mitigating actions. These results have also validated the off-site emergency planning basis. Additional studies are being considered to further enhance mitigative

capabilities, and we will continue to coordinate with the Department of Homeland Security on this initiative.

The studies to date also indicate that significant releases of radioactive material due to a terrorist attack on a spent fuel pool are very unlikely. The safety and security of spent fuel storage is ensured through many safety and security measures that provide protection against terrorist threats. In addition, the studies indicate it is highly unlikely that a significant release of radioactivity would occur from a dry spent fuel storage cask, and no release of radioactive material is expected from an aircraft attack on a transportation cask. Measures are in place to adequately protect the public from attacks on spent fuel, in either wet or dry configurations.

In terms of nuclear material security, the NRC has taken action with our domestic and international counterparts to ensure protection of radioactive sources that could pose significant hazards to public safety. In partnership with the U.S. Departments of State and Energy, we have made key contributions to revising the Code of Conduct for the Safety and Security of Radioactive Sources promulgated by the International Atomic Energy Agency (IAEA) in September 2003 at the 47th session of the General Conference. We have also worked with the U.S. Departments of State and Energy to hold consultations with supplier nations concerning export/import controls. The NRC has independently proposed an export/import rule to enhance controls on these radioactive sources consistent with the IAEA Code of Conduct. The NRC has also coordinated with State officials to enhance controls on radioactive sources and as such, NRC has completed an interim source database that will, in time, grow into the National Source Tracking System consistent with the IAEA Code of Conduct for the Safety and Security of Radioactive Sources.

Another noteworthy action taken in the past year to enhance the security and safety of nuclear materials was the issuance of a regulatory bulletin requesting about 1,100 licensees to perform verification of certain types of nuclear materials currently in their possession. This activity supports NRC's Nuclear Materials Management and Safeguards System (NMMSS), a national database used by the NRC and the Department of Energy (DOE) to track certain nuclear materials and other government-owned materials.

With respect to emergency preparedness and incident response, the NRC continues to work with the U.S. Department of Homeland Security and other Federal agencies to integrate Federal Response Plans into a unified National Response Plan and National Incident Management System, and to refine the National Preparedness Policy. We have also completed the development of the commercial Nuclear Reactors, Materials, and Waste Key Resource Plan for Critical Infrastructure Protection. This document serves as the Sector-Specific component of the National Infrastructure Protection Plan. In addition, we continue to coordinate protective strategies with various components of the U.S. Department of Defense, including NORTHCOM and NORAD, and have recently participated in exercises such as Unified Defense '04 and Amalgam Virgo '04. We have also conducted integrated response tabletop exercises, involving licensees, State and local responders, as well as multiple Federal agencies, to focus combined efforts and actions when responding to a possible terrorist event at a nuclear power plant. In June 2004, the NRC integrated emergency preparedness functions into the Office of Nuclear Security and Incident Response to handle preparedness and response activities more effectively and efficiently.

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In summary, the NRC has made, and will continue to make, significant progress in supporting our Nation's efforts to enhance homeland security and preparedness. Please do not hesitate to contact me for additional information.

Sincerely,

/RA/

Nils J. Diaz

Identical letter sent to:

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The White House
Washington, D.C. 20500

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National Security Advisor to the Vice President
Eisenhower Executive Office Building
Washington, D.C. 20501

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Washington, D.C. 20426

Mr. Joe F. Colvin, President
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Nuclear Energy Institute
1776 I Street, N.W., Suite 400
Washington, D.C. 20006

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Mr. Alfred Tollison, Jr., President
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Institute of Nuclear Power Operations
700 Galleria Parkway, N.W.
Atlanta, Georgia 30339

Mr. Kevin Knobloch, President
Union of Concerned Scientists
Two Brattle Square
P.O. Box 9105
Cambridge, Massachusetts 02238-9105

Governors

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Governor of Iowa
Des Moines, Iowa 50319-0001
cc: Daniel K. McGhee

The Honorable Kathleen Sebelius
Governor of Kansas
Topeka, Kansas 66612-1590
cc: Thomas A. Conley

Governors (Contd)

The Honorable Ernie Fletcher
Governor of Kentucky
Frankfort, Kentucky 40601
cc: Robert L. Johnson

The Honorable Kathleen Blanco
Governor of Louisiana
Baton Rouge, Louisiana 70804-9004
cc: Michael E. Henry

The Honorable John Baldacci
Governor of Maine
Augusta, Maine 04333
cc: W. Clough Toppan

The Honorable Robert Ehrlich
Governor of Maryland
Annapolis, Maryland 21401
cc: Thomas Snyder

The Honorable Mitt Romney
Governor of Massachusetts
Boston, Massachusetts 02133
cc: Cristine McCombs

The Honorable Jennifer Granholm
Governor of Michigan
Lansing, Michigan 48909
cc: Liane Shekter Smith

The Honorable Tim Pawlenty
Governor of Minnesota
St. Paul, Minnesota 55155
cc: Patricia Bloomgren

The Honorable Haley Barbour
Governor of Mississippi
Jackson, Mississippi 39205
cc: Robert W. Goff

The Honorable Bob Holden
Governor of Missouri
Jefferson City, Missouri 65101
cc: Ronald A. Kucera

Governors (Contd)

The Honorable Judy Martz
Governor of Montana
Helena, Montana 59620
cc: Dan McGowan

The Honorable Mike Johanns
Governor of Nebraska
Lincoln, Nebraska 68509-4848
cc: Robert E. Leopold

The Honorable Kenny Guinn
Governor of Nevada
Carson City, Nevada 89701
cc: Robert R. Loux

The Honorable Craig Benson
Governor of New Hampshire
Concord, New Hampshire 03301
cc: Bruce Cheney

The Honorable James McGreevey
Governor of New Jersey
Trenton, New Jersey 08625
cc: Bradley M. Campbell

The Honorable Bill Richardson
Governor of New Mexico
Santa Fe, New Mexico 87300
cc: Derrith Watchman-Moore

The Honorable George Pataki
Governor of New York
Albany, New York 12224
cc: Peter R. Smith
John P. Spath

The Honorable Michael Easley
Governor of North Carolina
Raleigh, North Carolina 27699-0301
cc: Beverly O. Hall

The Honorable John Hoeven
Governor of North Dakota
Bismarck, North Dakota 58505-0001
cc: Terry L. O'Clair

Governors (Contd)

The Honorable Juan Babauta
Governor of the Northern Mariana Islands
Saipan, MP 96950

The Honorable Bob Taft
Governor of Ohio
Columbus, Ohio 43215-6117
cc: Carol O'Claire

The Honorable Brad Henry
Governor of Oklahoma
Oklahoma City, Oklahoma 73105
cc: Mike Broderick

The Honorable Ted Kulongoski
Governor of Oregon
Salem, Oregon 97301-4047
cc: David Stewart-Smith

The Honorable Edward Rendell
Governor of Pennsylvania
Harrisburg, Pennsylvania 17120
cc: David J. Allard

The Honorable Sila Calderon
Governor of Puerto Rico
San Juan, Puerto Rico 00902-0082
cc: Esteban Mujica

The Honorable Don Carcieri
Governor of Rhode Island
Providence, Rhode Island 02903-1196
cc: Peter Todd

The Honorable Mark Sanford
Governor of South Carolina
Columbia, South Carolina 29211
cc: Henry J. Porter

The Honorable Mike Rounds
Governor of South Dakota
Pierre, South Dakota 57501
cc: Rick Lancaster

Governors (Contd)

The Honorable Phil Bredesen
Governor of Tennessee
Nashville, Tennessee 37243-0001
cc: L. Edward Nanney

The Honorable Rick Perry
Governor of Texas
Austin, Texas 78711
cc: Roger Mulder

The Honorable Olene S. Walker
Governor of Utah
Salt Lake City, Utah 84114
cc: Dane Finerfrock

The Honorable James H. Douglas
Governor of Vermont
Montpelier, Vermont 05609
cc: David O'Brien
William Sherman

The Honorable Charles Turnbull
Governor of the Virgin Islands
St. Thomas, Virgin Islands 00802

The Honorable Mark Warner
Governor of Virginia
Richmond, Virginia 23219
cc: Michael M. Cline

The Honorable Gary Locke
Governor of Washington
Olympia, Washington 98504-0002
cc: Bob Nichols

The Honorable Bob Wise
Governor of West Virginia
Charleston, West Virginia 25305-0370
cc: Dan Hill

The Honorable Jim Doyle
Governor of Wisconsin
Madison, Wisconsin 53702
cc: Paul S. Schmidt

Governors (Contd)

The Honorable Dave Freudenthal
Governor of Wyoming
Cheyenne, Wyoming 82002
cc: Joe Moore

State Homeland Security Contacts

James M. Walker, Jr.
Alabama Director of Homeland Security
PO Box 3711
Montgomery, AL 36109-0711

Colonel Craig Campbell
Adjutant General and Commissioner
Alaska Dept. of Military and Veterans Affairs
and Emergency Services PO Box 5800
Ft. Richardson, AK 99505-0800

Frank Navarette
Homeland Security Director,
Director of the Division of Emergency Management
1700 W. Washington Street, 3rd Floor
Phoenix, AZ 85007

Colonel Wayne Ruthven
Director
Homeland Security and State
Emergency Manager
PO Box 758
Conway, AR 72033

Ronald "Ron" Iden
Director of Office of Homeland Security
State Capitol, 1st Floor
Sacramento, CA 95814

Joe Morales
Executive Director,
Colorado Office of Public Safety,
Preparedness and Security
700 Kipling Street
Denver, CO 80215

Majar John Buturla
Acting Director, Office of Homeland Security
55 West Main St., Suite 500
Waterbury, CT 06702

Phil Cabaud, Jr.
Homeland Security Advisor
Tatnall Building
150 William Penn Street
Dover, DE 19901

State Homeland Security Contacts (Contd)

Guy M. Tunnell
Commissioner of the Florida Department of Law
Enforcement (FDLE)
P.O. Box 1489
Tallahassee, FL 32302-1489

William W. "Bill" Hitchens
Director of Homeland Security
Georgia Homeland Security Office
PO Box 1456
Atlanta, GA 30371

Brigadier General Robert Lee
Adjutant General
3949 Diamond Head Rd.
Honolulu, HI 96816-4495

Major General Jack F. Kane
Adjutant General
4040 West Guard Street
Boise, ID 83705-5004

Carl Hawkinson
Deputy Chief of Staff of Public Safety
and Homeland Security Advisor
207 State House
Springfield, IL 62706

Clifford Ong
Director, Indiana Counter-Terrorism
and Security Council (C-TASC)
100 North Senate Avenue
Indianapolis, IN 46204

Ellen M. Gordon
Homeland Security Advisor
Hoover State Office Bldg,
1305 E. Walnut
Des Moines, IA 50319

Colonel Tod Bunting
Homeland Security Advisor
2800 SW Topeka
Topeka, KS, 66611-1287

State Homeland Security Contacts (Contd)

Lieutenant Erwin Roberts
Office for Security Coordination
Boone National Guard Center
100 Minuteman Parkway
Frankfort, KY 40601-6168

Major General Bennett C. Landreneau
Adjutant General and Director
of the Louisiana Office of Emergency
Preparedness
7667 Independence Blvd.
Baton Rouge, LA 70806

Brigadier General John Libby
Adjutant General
1 State House Station
Augusta, ME 04333-0001

Dennis Schrader
Homeland Security Director
100 State Circle
Annapolis, MD 21401

Edward A. Flynn
Secretary, Executive Office of Public Safety
1 Ash Burton Place - Room 2133
Boston, MA 02133

Colonel Tadarial Sturdivant
Director, Michigan State Police
713 South Harrison Road
E. Lansing, MI 48823

Michael Campion
Acting Commissioner of Public Safety
and Homeland Security Director
DPS, North Central Life Tower
445 Minnesota Street, Suite 1000
St. Paul, MN 55101

Dewitt Fortenberry, Jr.
Commissioner of Public Safety
and Homeland Security Advisor
1900 E. Woodrow Wilson
Jackson, MS 39216

State Homeland Security Contacts (Contd)

Colonel Tim Daniel
Director, Office of Homeland Security
PO Box 809
Jefferson City, MO 65102

Steve Knecht
Acting Homeland Security Advisor
Department of Military Affairs - HAFRC,
Montana Disaster and Emergency Services
1900 Williams Street PO Box 4789
Helena, MT 59604-4789

The Honorable David Heineman
Lieutenant Governor of Nebraska
Lincoln, NE 68509-4848

Jerry Bussell
Homeland Security Advisor
101 N. Carson Street
Carson City, NV 89710

Bruce Cheney
Homeland Security Advisor
33 Hazen Drive, Room 105
Concord, NH 03305

Sid Caspersen
Director, NJ Office of Counter-Terrorism
PO Box 091
Trenton, NJ 08625-0091

Brigadier General Annette Sobel, M.D., M.S.
Homeland Security Director
New Mexico Department of Public Safety
400 State Capitol
Santa Fe, NM 87503

James McMahon
Director, Office of Public Safety
Executive Chamber, 633 3rd Ave, 38th Floor
New York City, NY 10017

State Homeland Security Contacts (Contd)

Bryan Elliot Beatty
Secretary
Department of Crime Control
and Public Safety
4701 Mail Service Center
Raleigh, NC 27699

Douglas C. Friez
Homeland Security Coordinator
and Emergency Management Director
Fraire Barracks Ln, Bldg 35,
Bismarck, ND 58504

Kenneth L. Morckel
Director of Public Safety
1970 West Broad Street
Columbus, OH 43223

Kerry Pettingill
Acting Director, OK Office of Homeland Security
State Capitol Bldg, Room 212
Oklahoma City, OK 73105

Craig Campbell
Senior Policy Advisor, Homeland Security
Office of the Governor of Oregon
160 Capitol Building
900 Court Street
Salem, OR 97310

General Keith Martin, Ret.
Director, Homeland Security
508-E Main Capitol Building
Harrisburg, PA 17120

Major General Reginald Centracchio
Adjutant General
222 State House
Providence, RI 02903

State Homeland Security Contacts (Contd)

Robert M. Stewart
Chief, S.C. Law Enforcement Division (SLED)
PO Box 21398
Columbia, SC 29221-1398

John A. Berheim
Director, Division of Emergency Management
500 East Capitol Avenue
Pierre, SD 57501

Major General Jerry Humble, USMC (Ret)
Director, Office of Homeland Security
215 Eighth Avenue, North
Nashville, TN 37203

Jay Kimbrough
Deputy Attorney General
for Criminal Justice
PO Box 12428
Austin, TX 78711

Nannette Rolfe
Division of Emergency Services
and Homeland Security
State Office Building., Rm. 1110
Salt Lake City, UT 84114

Major Kerry Sleeper
Field Force Commander
Vermont State Police and Commissioner
103 South Main Street
Waterbury, VT 05671-2101

George W. Foresman
Assistant to the Governor
and Homeland Security Advisor
202 N. Main Street, 5th Floor
Richmond, VA 23219

State Homeland Security Contacts (Contd)

Major General Timothy J. Lowenberg
Adjutant General/SEMO
State Homeland Security Advisor
Washington Military Dept., Bldg 1
Camp Murray, WA 98430-5000

Joe Martin
Secretary
Department of Military Affairs
and Public Safety
State Capitol Complex, Bldg 6, Rm B-122
Charleston, WV 25305

General Al Wilkening
Homeland Security Advisor
PO Box 7865
Madison, WI 53707-7865

Joe Moore
Director, Governor's Office of Homeland Security
Office of Homeland Security
122 West 25th St.
Cheyenne, WY 82002

Maragret N. Kellems
Deputy Mayor for Public Safety and Justice
1350 Pennsylvania Avenue, NW, Suite 327
Washington, DC 20004

Frank Blas, Jr.
Homeland Security Advisor
and Director, Emergency Management
PO Box 2950
Hagatna, GU 96932

Jerry Crisostomo
Special Advisor for Homeland Security
Caller Box 10007
Saipan, MP 96950

Rosaida Melendez
Homeland Security Advisor
La Fortaleza, PO Box 9020082
San Juan, PR 00902-0082

State Homeland Security Contacts (Contd)

Major General Cleave A. McBean
Adjutant General
Virgin Islands National Guard
Executive Director, Emergency
Management Homeland Security Advisor
21-22 Kongens Gade
St. Thomas, VI 00802

Leiataua Birdsall "Birdie" Ala'ilima
Territorial Homeland Security Advisor
Territorial Office of Homeland Security
Office of the Governor American Samoa Government
Pago, Pago, AS 96799