



NUCLEAR ENERGY INSTITUTE

Marvin S. Fertel
SENIOR VICE PRESIDENT AND
CHIEF NUCLEAR OFFICER

August 5, 2004

The Honorable Frank Libutti
Under Secretary
Information Analysis and Infrastructure Protection
U.S. Department of Homeland Security
Nebraska Avenue Complex
Nebraska and Massachusetts Avenues, NW
Washington, D.C. 20528

Dear Mr. Under Secretary:

The Nuclear Energy Institute (NEI)¹ has a long and sustaining history of representing the interests of the commercial nuclear sector and promoting the peaceful uses of nuclear energy and materials. Our roots can be traced back to the Atomic Industrial Forum, created in 1953, two years before the "Atoms for Peace" conference, which marked the dawn of the nuclear age.

With our headquarters in Washington, DC and a staff of about 120 employees, NEI is governed by a 60-member board of directors representing the full scope of domestic commercial nuclear activities. The NEI Security Working Group sponsored within NEI has been involved in efforts to promote critical infrastructure protection and security in the nuclear sector for many years. In February 2003, the President issued the National Strategy on the Physical Protection of Critical Infrastructures and Key Assets and in December 2003 he issued HSPD-7, dealing with critical infrastructure identification, prioritization, and protection. The National Strategy and HSPD-7 recognized nuclear power plants as a Key Resource meriting unique and focused national attention for protection. To enhance our sector's ability to meet these needs, we have re-organized our Security Working Group, with key members forming a coordinating council with the title of "Nuclear Sector Coordinating Council" (NSCC). This council consists of members representative of our industry and covers the broad interests of nuclear sector security. The NSCC agenda includes sector wide policy, strategy, programmatic planning, risk assessment and management approaches. In addition the Council

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all companies licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear materials licensees, and other organizations and individuals involved in the nuclear energy industry.



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will establish requirements for information sharing, research and development activities, sector outreach and awareness, and facilitate the sharing of best practices.

To establish a formal working relationship and to coordinate our protection activities with DHS and other federal agencies, we request formal recognition from DHS of the Nuclear Sector Coordinating Council (NSCC). We believe that the NSCC would function as the key channel of interaction between DHS, other relevant federal entities, and the nuclear industry for homeland security issues dealing with commercial nuclear interests in the United States.

The Nuclear Sector Coordinating Council (NSCC) will consist of members representing the majority of the owners and operators of the sector, and will function as a consensus driven body working through the NEI formal governance structure. This organizational makeup ensures long-term sustainability of the NSCC.

The chairman of the Nuclear Sector Coordinating Council is Michael J. Wallace, President, Constellation Generation Group, Constellation Energy. Constellation has broad holdings in the energy sector and is the owner and operator of Calvert Cliffs, Nine Mile Point, and Ginna nuclear power stations. Mr. Wallace is also Chairman of the Security Working Group at NEI. Joining Mr. Wallace as signatories to this letter of request are executives and principals that hold key leadership positions in their respective companies. These signatories, broadly representing the nuclear sector, are recorded in the enclosure.

We appreciate the opportunity to work with the Department of Homeland Security to define the roles and responsibilities of both private industry and the federal government in securing the nuclear sector. Our hope is that this relationship can result in increased cooperation, more effective and efficient security measures and improved preparation for the broad spectrum of threats against our sector. We look forward to our first joint industry/government NSCC meeting and propose that it be held October 13. If you have any questions or need additional information, please do not hesitate to call me at 202-739-8125 or Mike Wallace at 410-783-2877.

Sincerely,

Marvin S. Fertel

Marvin S. Fertel

Enclosure

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*Jim McDonnell, NSCC
, GE rep*

Enclosure

**Signatories Requesting DHS Recognition of a Nuclear Sector
Coordinating Council**

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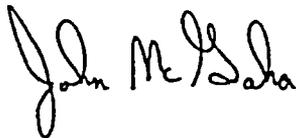
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