

December 5, 2007

Marvin S. Fertel, Senior Vice President  
and Chief Nuclear Officer  
Nuclear Energy Institute  
1776 I Street, N.W., Suite 400  
Washington, D.C. 20006-3708

Dear Mr. Fertel:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of October 25, 2007, regarding Plant Tours Under the Current Threat Level.

Public outreach and sharing information regarding the operation of a nuclear power plant can be an effective means for the nuclear industry to educate the public regarding nuclear energy. Activities such as site visits, briefings, and plant tours may enable licensees to establish a rapport with surrounding communities and the public in general. When conducting these activities, licensees should consider the most suitable means to provide information while maintaining a safe and secure environment in accordance with current threat conditions and information.

After the events of September 11, 2001, numerous NRC Information Assessment Team Advisories were issued to power reactor licensees recommending that Security Level 3 be established at the facility. The NRC recommended that only essential activities be conducted at the site for this threat level and, although not specifically stated, public tours were not deemed as an essential activity.

As you are well aware, on August 19, 2002, NRC Regulatory Issue Summary (RIS) 2002-12A, "Power Reactors NRC Threat Advisory and Protective Measures System," was issued. This RIS superseded Information Notice 98-35. The purpose of the RIS was to inform licensees of changes to the descriptions of various threat advisory conditions and provide guidance that licensees may use in preplanning graded protective measures to respond to changes in the threat environment. This RIS defines protective measures in five levels, which generally correlate with the five color-coded conditions of the Homeland Security Advisory System (HSAS). Protective measures at each level (color) build upon the actions defined in the lower levels (color).

Currently, no regulation in Title 10 of the *Code of Federal Regulations* nor any NRC Order requirement exists related to public tours of licensed power reactor facilities in relation to nuclear security and elevated threat levels. Licensees remain in an elevated threat condition (Yellow) which recommends that licensees limit, but not necessarily restrict access to their facilities in accordance with RIS 2002-12A. The NRC agrees that tours should not disrupt the safe operation of the facility or be distracting to operators and security personnel. Licensees should exercise discretion for allowing public tours and consider each on a case-by-case basis depending on its potential impact on plant and personnel safety, the type of tour, plant status and the internal procedures of the licensee. Licensee tour procedures may vary from site to

M. Fertel

-2-

site, but should have a nexus to the security threat level information identified in RIS 2002-12A. This is consistent with the common sense principles you noted in your letter.

If the current threat condition would escalate from "elevated" to "high", then protective measures would change in accordance to RIS 2002-12A causing a change to the consideration for public tours at these facilities. The NRC recommends that only essential activities be conducted at the site when in a "high" threat condition and although not specifically stated, public tours would not be considered an essential activity during this threat condition.

If you have any additional questions or comments, please feel free to contact me.

Sincerely,

*/RA/*

Luis A. Reyes  
Executive Director  
for Operations

site, but should have a nexus to the security threat level information identified in RIS 2002-12A. This is consistent with the common sense principles you noted in your letter.

If the current threat condition would escalate from "elevated" to "high", then protective measures would change in accordance to RIS 2002-12A causing a change to the consideration for public tours at these facilities. The NRC recommends that only essential activities be conducted at the site when in a "high" threat condition and although not specifically stated, public tours would not be considered an essential activity during this threat condition.

If you have any additional questions or comments, please feel free to contact me.

Sincerely,

*/RA/*

Luis A. Reyes  
Executive Director  
for Operations

**DISTRIBUTION:** G20070757/EDATS: OEDO-2007-0631/NSIR-07-0483  
EDO r/f            RidsEDOMailCenter            RidsNSIRMailCenter

**ADAMS Accession No.: ML073050033**

**Log # 861**

<b>OFFICE</b>	BC:RSOB:NSIR	BC:SPEB:NSIR	DD:DSO:NSIR	D:NRR	D:NRO
<b>NAME</b>	F. Peduzzi	R. Albert <small>(A. Rayland for)</small>	R. Correia	J. Dyer	R. Borchardt
<b>DATE</b>	11/02/07	11/09/07	11/17/07	11/14/07	11/13/07
<b>OFFICE</b>	OGC	D:DSO:NSIR	D:NSIR	DEDR	EDO
<b>NAME</b>	J. Goldberg	D. Dorman	R. Zimmerman <small>(W. Dean for)</small>	B. Mallett	L. Reyes
<b>DATE</b>	11/15/07	11/19/07	11/26/07	12/05/07	12/05/07

**OFFICIAL RECORD COPY**