

February 18, 2009

Mr. Christopher Bonanti, Director  
Office of Security and Hazardous Materials  
Federal Aviation Administration  
800 Independence Avenue SW, Room 300 East  
Washington, DC 20591

SUBJECT: FEDERAL AVIATION ADMINISTRATION INSPECTIONS AT U.S. NUCLEAR  
REGULATORY COMMISSION LICENSED FACILITIES

Dear Mr. Bonanti:

I am writing regarding U.S. Nuclear Regulatory Commission (NRC) licensee familiarity with site-access requirements for Federal Aviation Administration (FAA) inspections at NRC licensed facilities. In general, access to NRC licensee sites, particularly in the aftermath of September 11, 2001, is strictly controlled; in fact, most NRC licensee site visits are coordinated in advance. However, we recognize that, under U.S. Department of Transportation (DOT) regulations and under the NRC/DOT Memorandum of Understanding, NRC reactor (and other) licensees that ship hazardous materials are subject to inspection by DOT personnel (including FAA field agents), and that in order to accomplish their safety objectives, these inspections may need to be unannounced. Since FAA inspections at NRC licensee sites are not routine, there was some confusion regarding the inspection and associated access procedures this past summer at the Clinton reactor site in Illinois. I believe it is appropriate to take this opportunity to provide clarification regarding FAA inspections at reactor facilities, which would be generally informative for other licensees as well.

I understand that you have been in contact with John Cook of my staff regarding methods to further inform our licensees regarding FAA inspections, and to better inform FAA inspectors of NRC licensed facility access and contact procedures. In this regard, you have kindly offered to prepare a letter to provide background information on FAA inspections at NRC licensed facilities. Our Regional Offices have expressed support for your approach, and have provided input regarding additional information that would be useful to our licensees. We suggest that the following points or recommendations for FAA inspectors be addressed in the letter:

- A discussion of the FAA inspection program, including a brief discussion of the inspection purpose and duration, the elements they review and inspection procedures that they implement, and information/documents that they would normally request (to facilitate licensee document retrieval upon inspector request). In addition, our licensees and staff would be interested in any changes to the FAA's inspection program that would impact the frequency of FAA inspections at NRC licensees.
- Licensees requested that the inspector arrive with official credentials, and that FAA inspectors provide a telephone contact (or points of contact) for licensee use to verify the credentials.

- When they arrive onsite, FAA inspectors should contact the Licensing/Regulatory Assurance Manager or Facility Manager for assistance. In the case of the Clinton inspection, the inspector requested assistance from the “shipping department.” Based on the inspector’s needs, facility management can arrange a meeting with the appropriate personnel.
- FAA inspectors should indicate whether they may need to access the protected area (i.e., the secure area of the site). If the inspectors only wish to review documents and interview personnel, the inspection can be conducted at an administrative building outside of the protected area, thereby expediting the inspection process.

Our intent is to distribute the letter for information to reactor and other selected licensees, within NRC headquarters, regional and on-site resident offices, and suggest that it be provided to FAA field agents that might conduct inspections at NRC licensed facilities. We believe the letter will lead to improved understanding and preparation of affected parties regarding future FAA inspections. The letter should be addressed to:

Director  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

As a final point, should FAA desire to notify NRC prior to a licensee inspection, we offer NRC’s Headquarters Operations Officer (which also takes notification from FAA regarding no fly zones, etc.) as point of contact, available 24 hours a day/7 days a week, at 301-816-5100. The NRC also maintains staff (resident inspectors) at each operating nuclear power plant that may be able to assist the FAA inspectors in obtaining contacts or information, if the FAA inspector encounters difficulties.

We appreciate your cooperation and initiative in this matter; please do not hesitate to contact me (301-492-3300) or Mr. Cook (301-492-3318) should you require any additional information or assistance.

Sincerely,

**/RA/**

E. William Brach, Director  
Division of Spent Fuel Storage  
and Transportation  
Office of Nuclear Material Safety  
and Safeguards

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E. William Brach, Director  
 Division of Spent Fuel Storage  
 and Transportation  
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