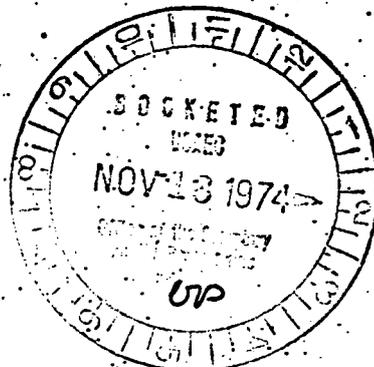


ATOMIC ENERGY COMMISSION

REGISTERED CORRESPONDENCE

WASHINGTON, D.C. 20545

OCT 31 1974



Mr. Henry Eschwege, Director
Resources and Economic Development Division
United States General Accounting Office
Washington, D. C. 20548

Dear Mr. Eschwege:

This is in response to your letter of October 16, 1974, concerning a General Accounting Office survey of the security systems at commercial nuclear power plants.

Security in the nuclear industry has been and continues to be a matter of concern to the Atomic Energy Commission as well as within the Congress and public as you point out. The AEC has recognized that nuclear power plants offer a potential for sabotage that could result in a serious threat to life, property or national security. To deter or prevent sabotage of a nuclear power plant, a substantive safeguards program has been developed. With over 200 years of reactor operating experience in this country there has been no sabotage of commercial reactors. However, to ensure that the protection provided by the safeguards program remains as effective as in the past, existing safeguards measures are periodically evaluated and, whenever necessary, upgraded commensurate with changes in the nature of the threat, related technology, and the form and quantity of nuclear material in the industry.

Your letter, while indicating several weaknesses in security systems at plants visited by the GAO during early 1974, does not reflect the impact of new requirements implemented or new regulations under consideration as a result of the periodic evaluation of safeguards described above. The following actions were taken during the past year or are presently underway that substantially upgrade the physical security at commercial power plants.

Upgraded Physical Protection Requirements

Regulations issued in November 1973 required licensees to submit physical security plans describing their measures to be used for the protection of nuclear power reactors against sabotage. These became effective in December 1973. During the period of the GAO inspection of commercial nuclear power

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plants, physical security plans were submitted by licensees in accordance with this new requirement and were reviewed and approved by the AEC. The AEC review of the upgraded security plans was completed on September 1, 1974, and a comprehensive inspection for compliance with these revised plans has been completed. Substantial compliance has been observed. However, two licensees have been fined for failure to comply with their revised security plans and further enforcement actions and civil penalties are being considered.

The Commission is presently considering further amendments to 10 CFR Part 73 to codify the improved security program as well as to specify additional measures for physical protection of nuclear power reactors. These amendments will further increase the internal security of nuclear power plants by requiring even stronger measures for access control of individuals, packages, and vehicles and improving detection of intrusion. Trained and qualified armed guards, physical barriers, identification procedures, and continuous monitoring would be used whether at the protected area perimeter or in an unoccupied vital area.

Thus, during and subsequent to the GAO's inspection, physical security at commercial power plants has been significantly upgraded.

Clarification of Responsibilities for Protection of Facilities from Sabotage

Your letter recommends that licensees be given better guidance on what their security systems must protect against and clarification of governmental responsibility for protection against sabotage by paramilitary groups. It goes on to express the opinion that licensees will then "... know more precisely what their security systems must be designed to do and AEC will be better able to judge this capability".

As you have noted, studies are underway which will provide sharper perspectives on the issues related to the relative responsibilities and roles of licensees and the local, state, and federal government. These issues involve public policy questions of significant depth and scope.

In carrying out the mission of a regulatory agency by imposing requirements on a licensed industry, the AEC is aware of the difficult and complex legal and social problems that arise from the interface of private organizations and governmental bodies involved in the exercise of force necessary to respond to various levels of threat at nuclear facilities. In particular, the AEC recognizes that an attack by a highly disciplined and organized group of terrorists using paramilitary tactics most probably will require a level of immediate response which in the view of many in society exceeds that level which is appropriate for a private organization to provide. Congressional concern about these complex legal and societal questions led

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to the requirement in Section 205(b)(1)(C) of the Energy Reorganization Act of 1974, for the newly created Nuclear Regulatory Commission to make an assessment of the need for and feasibility of a security agency. In this, the legal, social and economic implications of greater involvement by various levels of government in the protection of the nuclear facilities and materials compared to the obligations of self-protection on the part of the licensees will be intensively examined.

The security agency study will be conducted over the next year and the information compiled will allow a reasoned determination of the split of responsibilities for security between licensees and the various local, state, and federal security agencies. Issuance of new directives concerning the relative responsibilities for protection of commercial power plants between licensees and the affected governmental organizations at this time would be premature as well as inconsistent with the sense of the Congress as expressed in the Energy Reorganization Act of 1974.

Licensees are currently required to make arrangements with local law enforcement authorities for assistance in the event of an attack on their facilities which is beyond their capabilities. Because an attack force may not be clearly and instantly identifiable as domestic discordants or agents of a foreign power, we expect local authorities to respond promptly just as they would to any breach of law. We also require that the licensee inform the AEC of the threat. The AEC would then immediately notify the Federal Bureau of Investigation and the Department of Defense if necessary. We are unaware of any local authorities who do not contemplate an immediate, armed response to a call for assistance regardless of the magnitude of the threat.

On-Site Spent Fuel Storage

The hazards associated with spent fuel elements stored temporarily on-site in spent fuel pools have been recognized by the Commission and upgrading of the protection provided these pools has been and is being accomplished through the actions described previously to improve overall physical security. To provide an appropriate level of protection, the area surrounding the spent fuel pool as well as the pool is considered a vital area along with the containment and the control room and other areas which contain equipment vital to the protection of the public health and safety.

We do not agree with the concern expressed in your letter about increasing risks associated with the accumulation of spent fuel on reactor sites because of limitations in reprocessing capacity. The most hazardous material that can reasonably be expected to be released from the fuel elements as the result of sabotage of the spent fuel pool is contained in those elements most recently removed from the reactor. Because of the rapid decay of the volatile fission product activity, the presence of older fuel in the pool

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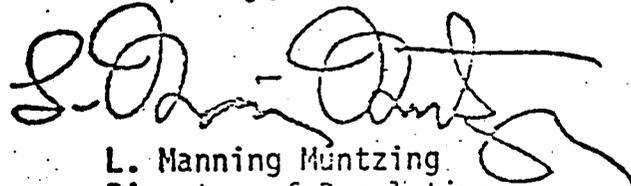
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does not significantly add to the sabotage risk associated with storing spent fuel at reactor sites. Thus, the potential hazard from sabotage depends on the fresh fuel rather than the older fuel elements and is not significantly increased by the accumulation of spent fuel at reactor sites.

Your letter does correctly point out that spent fuel stored on commercial power plant sites in storage facilities appears to be more accessible to sabotage than fuel in the reactor core. Again, however, as a result of the rapid decay of the volatile fission products as well as the massive construction of the storage pool the consequences of a successful external act of sabotage is substantially less than that associated with the reactor core. Consequently, it is the AEC's position that the spent fuel storage facility should be recognized as a vital area and provided protection comparable to other vital areas. The AEC does not consider that spent fuel pools should be afforded a level of protection beyond that provided other vital areas. In formulating this judgment, the Commission has also considered the relative attractiveness of the spent fuel pool compared to other targets available in our society.

Sincerely,



L. Manning Muntzing
Director of Regulation