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Carl Walske
President

February 22, 1980

Dr. John F. Ahearne
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Ahearne:

The Atomic Industrial Forum's Committee on Domestic Safeguards is concerned with promoting efficient and effective safeguards practices which are consistent with adequate protection of the public and the continued viability of the nuclear industry. This committee has participated in and followed the development of upgraded physical security requirements at nuclear power plants and other nuclear facilities during the last few years. A list of committee members is attached.

We have come to the conclusion that many of the physical security requirements are inadequately supported by law. For example: Two employees of the Virginia Electric & Power Company recently were convicted of willfully damaging fuel elements for the Surry Nuclear Power Plant. The FBI conducted an apparently thorough investigation of this matter, but, it turned out that in the maze of federal laws and regulations there does not seem to be anything covering such a serious willful act. Because of this the criminals had to be prosecuted under state law which considerably limited the penalty.

Our committee is in agreement that there is a need to strengthen and clarify federal laws concerned with physical security of nuclear facilities in the following areas:

1. Sabotage of nuclear facilities

Sabotage, attempted sabotage, or threat of sabotage of nuclear production or utilization facilities; i.e., the use, attempted use, or menacing display of weapons or incendiary or explosive devices within nuclear facilities or their environs in committing or attempting to commit sabotage, should be a federal criminal offense. An example of a threat of sabotage would be a telephone call threatening to explode a bomb in a nuclear plant. Also, concerning threats to nuclear plants, the committee believes there is a need for a federal trespass law for protected areas of nuclear power plants and fuel cycle facilities.

2. Rights and Responsibilities of Guards
and Use of Deadly Force

There is a federal regulation which requires the availability of deadly force in nuclear plants. In addition, there have been exhortations by Nuclear Regulatory Commission agents to the effect that armed guards are to use their weapons to prevent special nuclear material theft. There is considerable doubt about the legal basis for use of deadly force in any of the United States in carrying out this requirement. The committee agreed there is a need for a federal law that would allow nuclear facility guards to carry out the intent of the federal regulations with regard to use of deadly force and to deal with such issues as pursuit, retention, and search of suspects.

3. Personnel Selection and Screening

The American Nuclear Society is working to develop a revised American National Standard, "Security for Nuclear Power Plants" (ANSI N18.17). The latest draft contains what our committee believes to be a satisfactory personnel screening program for authorizing unescorted access to nuclear power plants. An important part of this program is a criminal records check. In some locations it is not possible to do this effectively under the existing laws. Our committee agrees that organizations with licenses to operate nuclear production and utilization facilities or organizations responsible for hiring personnel to operate and maintain such facilities should have access to federal criminal records. This would require a change to federal laws, probably a Privacy Act exemption.

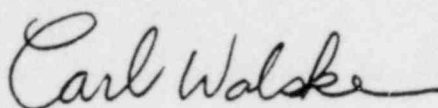
4. Protection of Safeguards Information

There is a need for a federal law that prevents the sensitive details of a nuclear plant security system from being revealed through

legal intervention or theft of the security plans. Specifically, there is a need to exempt security information from being disclosed by a Freedom of Information Request.

We request you consider for appropriate action our committee's noted concerns about the inadequate legal structure for dealing with the problems of nuclear plant security.

Sincerely,



CW:bph

cc: Chairman Morris Udall
House Committee on Interior & Insular Affairs

Chairman John Dingell
Subcommittee on Energy & Power of House Committee
on Interstate & Foreign Commerce

Chairman Gary Hart
Subcommittee on Nuclear Regulation of
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