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Congress of the United States
House of Representatives
Washington, D.C. 20515

August 19, 1983

Mr. A. H. Johnson
P. O. Box 92
Markham, Texas 77456

Dear Mr. Johnson:

In response to my inquiry to the Nuclear Regulatory Agency about the security of nuclear generating plants, which was prompted by your letter on the subject, I have received the enclosed materials which I want to share with you.

I hope this gives you an idea as to what is being done in this area by federal agencies. Please let me know if I can supply further information.

Sincerely,

WNP:jf/dm

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

JUL 14 1983

The Honorable Bill Patman
United States House
of Representatives
Washington, DC 20515

Dear Congressman Patman:

I am pleased to respond to your request for information with which to reply to Mr. Johnson, a constituent of yours, regarding safeguards of spent fuel under the Nuclear Waste Policy Act (NWPA) of 1982 (PL 97-425). As I understand Mr. Johnson's letter, he is concerned that new legislation may be required in order to protect the public health and safety from sabotage of this material, either at a reactor site, such as the South Texas Project, or during transit. We do not believe that new legislation is needed since present laws adequately provide for requirements to protect this material against external assault. Under the NWPA, spent fuel will be protected whether in transit or at a fixed site, either by the Department of Energy (DOE) or under licenses issued by the Nuclear Regulatory Commission (NRC). The Atomic Energy Act of 1954, as amended, provides the basis for requiring the protection of the material by NRC licensees.

Spent fuel stored at a reactor licensee's site is protected by the same security system used to protect the reactor itself against sabotage. These requirements are set forth in section 73.55 of 10 CFR Part 73, a copy of which is enclosed for your information.

Protection of spent fuel at a reactor is provided by a combination of equipment, personnel and procedures. Trained guards who have available shotguns or semi-automatic rifles, in addition to handguns, are on continuous duty. These licensees have been required to prepare procedures on how to respond to safeguards contingencies which include armed assaults by external groups. The detailed information on defensive structures, security equipment and security plans is withheld from public disclosure in order to prevent compromise of their effectiveness.

Recent studies indicate that the consequences to the public health and safety of sabotaging a spent fuel shipping cask even in a heavily populated area are small. Shipments of spent fuel are subject to the requirements set forth in section 73.37 of the enclosure. That section stipulates, among other provisions, avoiding heavily populated areas whenever practicable, providing armed guards when movement through such areas is necessary and using interstate highways to the maximum extent possible.

The spent fuel at a reactor may be located either in fuel storage pools within buildings such as at the South Texas Project, or in dry storage casks out of doors but surrounded by fences. Studies indicate that a storage pool could not be sabotaged with significant release of radioactive material to the public even if large quantities of carefully placed explosives were used. Other studies show that only a small fraction of radioactive material of concern

to the public health and safety would be released by explosive charges individually placed on dry storage casks. The spent fuel storage pool at the South Texas Project is enclosed in a building with construction features which provide substantial safeguards protection in addition to that provided by the pool structure itself.

The NRC does not require protection against a maximum credible threat scenario such as crashing an explosives-laden aircraft into a site, as suggested by Mr. Johnson. Protection against such threat levels has not been required since there has been no indication that such threats actually exist and since the probability of release of radioactive material of concern is low.

In the particular case of the South Texas Project in your district, it does not appear that the Houston Lighting and Power Company will store any spent fuel other than that generated by the Project's reactors, since the South Texas Project is the only nuclear power plant operated by that utility. Further, storage of spent fuel by other licensees in a federal facility located at the South Texas Project could only be accomplished in accordance with the NWPA, which requires state consultation and cooperation in the development of any such facility.

I hope the foregoing information provides you with a clearer understanding of safeguards provided to spent fuel such as that covered by the NWPA. Also, I hope you can allay the concerns expressed by your constituent, Mr. Johnson, regarding possible impact of the NWPA on the South Texas Project and the neighboring population.

If I can be of further assistance, please feel free to contact me at any time.

Sincerely,

(Signed) T. A. Rehm

for William J. Dircks
Executive Director
for Operations

Enclosure:
10 CFR Part 73

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PM
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1986

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Nuclear Regulatory Commission
Washington, D. C.
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Attention: Director PWR
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