

August 7, 2003

Mr. James Wells, Director
Natural Resources and Environment
United States General Accounting Office
441 G Street, NW
Washington, D.C. 20548

Dear Mr. Wells:

On behalf of the Nuclear Regulatory Commission (NRC), I am responding to your July 15, 2003, letter requesting the NRC's review of the draft report (GAO-03-752) entitled "Nuclear Regulatory Commission: Oversight of Security at Commercial Nuclear Power Plants Needs to be Strengthened." I appreciate the opportunity to provide comments to the General Accounting Office (GAO). I, and my fellow Commissioners, are concerned that this draft report does not provide an appropriately balanced or very useful perspective of the NRC's role in assuring nuclear power plant security.

The report, while it accurately describes some of the legal challenges that currently exist, fails to fully recognize the significant effort the NRC has made in the post-September 11, 2001, environment to strengthen what was already a very robust security program. The staff is preparing more detailed comments to address issues of correctness, currentness, and clarity. These comments will follow in a subsequent letter from the agency's Executive Director for Operations (EDO). However, I have several observations of note.

First, this report is of a historical nature, focusing almost exclusively on NRC's oversight of nuclear power plants prior to September 11, 2001. It thus fails to adequately reflect significant changes we have made to our program to meet the current challenges. These include:

- the extensive effort and direct oversight (substantially more than prior to 9/11) the NRC has provided at every nuclear plant while it revamps the security inspection program;
- a greatly enhanced personnel access authorization program through the application of new requirements and improved processes;
- enhanced training, qualification, and fitness-for-duty requirements for security forces;
- close interaction with the intelligence community that resulted in a revision to the Design Basis Threat which will require licensees to upgrade their security plans and defensive capabilities;
- an enhanced force-on-force evaluation program including increased frequency of drills and exercises and a greater degree of realism;

- significant outreach efforts to Federal, State and local organizations to improve the integrated response to an actual event; and
- extensive interactions with the Department of Homeland Security and the Homeland Security Council on security at commercial nuclear power plants. These efforts include protection of the national infrastructure as well as vulnerability assessments and mitigation strategies.

Second, the report's emphasis on non-cited violations as somehow "minimizing" the significance of security problems is a serious misrepresentation. The individual anecdotal issues noted in the report were appropriately treated within the NRC's enforcement process. NRC's regulatory process necessarily relies on licensees taking corrective actions. The use of non-cited violations contributes to an environment that fosters licensee self-identification and correction of problems, an important organizational behavior the NRC encourages. The NRC's process requires that a sampling of those corrective actions are reviewed during subsequent inspections to assure that the process is being properly implemented.

I note that the key issues you raised are relatively minor issues and had already been identified by the NRC before your review was initiated. Corrective actions for these issues either have been completed or are nearly complete.

Again, I appreciate the opportunity to comment on this draft report. As I noted earlier, the EDO will be responding soon with more detailed comments.

Sincerely,

/RA/

Nils J. Diaz