

August 28, 2006

The Honorable Michael Chertoff  
Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Mr. Secretary:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I want to take this opportunity as we approach the fifth observance of the 9/11 terrorist attack to share with you NRC's perspective on security improvements made over the past five years. In short, we have significantly enhanced the security and emergency preparedness programs for NRC-licensed nuclear facilities and have further improvements planned for the future. I believe that our two agencies have established a close and highly productive working relationship not only with each other but with other Federal, State, and local agencies and with the nuclear sector, and I want to reaffirm the NRC's commitment to work collaboratively with the Department of Homeland Security (DHS) to achieve our common goal to protect the homeland and the American public.

The state of security at our nuclear facilities is strong and will get stronger as the NRC, DHS, other agencies, and those in the nuclear field continue their excellent cooperation. As someone with extensive experience in nuclear matters at the Department of Defense and having seen the security arrangements at commercial nuclear power plants and Category 1 fuel cycle facilities, I am confident that these plants are very secure.

Let me share with you some of the highlights of recent years:

- The NRC's budget for nuclear security has increased more than ten-fold since 9/11.
- The defenses of nuclear plants are being tested through the force-on-force program nearly three times as often as before and in a much more realistic fashion; these defenses are robust. We are on track to complete the full cycle of initial tests by December 2007.
- The DHS comprehensive review of the nuclear sector has yielded additional improvements in plant security.
- The Nation has a substantially better system to secure risk-significant radioactive material as reflected in the Radiation Source Protection and Security Task Force Report just sent to Congress and the President.

As you know, following the events of 9/11, the NRC took a series of actions designed to enhance the already strong security at commercial nuclear facilities in the United States. In developing these enhancements, the Commission drew on its previous experience, on a robust research program on potential vulnerabilities at commercial nuclear facilities, and on the means to mitigate those vulnerabilities. Initially, the Commission focused on the most important facilities and materials, issuing orders, for example, for additional security measures at power

reactors and major fuel cycle facilities in 2002. I am pleased to report that all facilities for which the Commission believed additional security requirements were needed now have those measures in place.

NRC has significantly increased its security inspection activities. In fiscal year (FY) 2001, NRC security inspection hours at reactor facilities for baseline and follow-on inspections totaled approximately 1600 hours. In FY 2006, NRC baseline and follow-on inspections are projected to be over 8000 hours. Force-on-force inspection activity totaled approximately 2000 hours in FY 2001 and is projected to be approximately 7700 hours in FY 2006. We have conducted 37 force-on-force exercises at power reactors and Category 1 fuel cycle facilities since November 2004, and as noted earlier, are on schedule to complete exercises at all 66 sites by December 2007. NRC has similarly increased its inspections at materials facilities.

More importantly, NRC has greatly enhanced the quality of its security inspections. In force-on-force exercises at power reactor and Category 1 fuel cycle facilities, NRC uses highly trained adversary forces. In addition, NRC expert advisors deeply knowledgeable about the security of these facilities oversee the design of the attack scenarios. Evaluation of these exercises has been made far more objective through the use of MILES (Multiple Integrated Laser Engagement System) gear. We continue to identify and implement enhancements to these exercises. NRC also plans to incorporate the JCATS (Joint Conflict and Tactical Simulation) modeling system, a tool widely used by DOD, DOE and the FBI, into force-on-force exercise planning.

The NRC has also benefitted from insights derived from our involvement in the DHS Comprehensive Review process for power reactors. The nuclear sector was the first to volunteer for such comprehensive reviews, which have now been carried out at more than half of the 64 power reactor sites. Federal, State, and local first responders have been actively involved in the reviews, and gaps/shortfalls identified are being addressed. The Commission fully concurs with DHS Under Secretary for Preparedness George Foresman's comments at Calvert Cliffs on July 19, 2006, that security at nuclear power reactors is unmatched in the critical infrastructure.

The NRC has also worked with other Federal partners to enhance the security at power reactors. Most notable is our partnership with NORAD/NORTHCOM (North American Aerospace Defense Command/United States Northern Command) to provide advance warning of commercial aircraft diversions that could potentially affect power reactor facilities. NRC has utilized the insights from its classified research on security assessments to direct that appropriate imminent threat procedures be developed at each power reactor. Implementation of these procedures significantly enhances mitigation capabilities. These procedures have been inspected at all 64 power reactor sites. NRC has also utilized the insights from its security assessments to enhance spent fuel pool security and mitigation capabilities. More broadly, as a result of NRC initiatives, all power reactor licensees are in the process of formalizing extensive damage mitigation guidelines that will provide unprecedented capability to cope with damage caused by potential terrorist attacks. These guidelines will provide for the use of all reasonably available resources in the event of extensive damage to the site.

The Commission has three important rulemakings regarding power reactor and Category 1 fuel cycle facility security currently underway. The first, among other things, would make generically applicable the security requirements previously imposed by the Commission's April 29, 2003 Design Basis Threat (DBT) Orders, consistent with insights gained since then and consideration of specific factors as directed by Congress in the Energy Policy Act of 2005. A final rule will be completed later this year. The second concerns generally applicable security requirements for power reactors. The proposed rule is being prepared for publication in the Federal Register for public comment, and a final rule is targeted for completion at the end of 2007. The third rule will establish the security analysis to be submitted for new reactor designs. The staff will submit a proposed rule in September with the goal of a final rule by next summer. All of these rulemakings are important to establishing a stable regulatory framework for both existing reactors and for new reactor license reviews. DHS, pursuant to Section 657 of the Energy Policy Act of 2005, will also have a prominent role in the new reactor licensing process. The NRC looks forward to working with DHS to ensure timely DHS consultation on security and emergency preparedness matters in the licensing process.

NRC and DHS continue to work together to develop and improve emergency response initiatives for power reactor facilities. Our combined efforts have resulted in specific enhancements to security-related drills focused on licensee/first responder coordination and Federal agency support activities under the National Response Plan. The Commission anticipates further improvement in the capabilities of licensees and off-site response organizations to respond to a spectrum of events through our joint review and revision of emergency preparedness exercise evaluation criteria.

While I have focused above on power reactor and Category 1 fuel cycle facilities, NRC has put in place similar risk-informed security enhancements for other classes of licensees and for the transportation of spent fuel and risk-significant radioactive material. NRC has had in place since August 2002 a graded security framework that parallels the Homeland Security Advisory System for various classes of NRC licensees.

The Commission has taken a leadership role in establishing an enhanced security framework for risk-significant radioactive sources, not just for the United States, but also for the international community. Working with the Departments of Energy and State, NRC greatly influenced the International Atomic Energy Agency (IAEA) Code of Conduct on the Safety and Security of Radioactive Sources, which was completed in September 2003. Since then the Commission has used the Code of Conduct as the organizing principle for the security enhancements for licensees possessing risk-significant sources as defined in the Code. The full details are in the Radiation Source Task Force report submitted to the President and the Congress on August 15, 2006. In short, we have today an interim data base on all risk-significant radioactive sources and will next year have a National Source Tracking System that meets the needs of NRC, DHS, DOE, DOJ, and the States. Since the start of the year, NRC has required export and import licenses for all risk-significant sources. So far, 83 nations have either implemented or have stated their intention to implement the Code, and the Department of State, NRC, and DOE are providing support to IAEA to accelerate implementation around the globe. The U.S. has taken a leadership role through the G-8 summit process.

The Commission could not have achieved these results without the strong support of the Congress. Congress has fully supported (and often augmented) NRC's security requests. The Energy Policy Act of 2005 included a series of provisions on nuclear security, many long sought by the Commission, that the Commission is implementing.

In short, Mr. Secretary, the state of security in the nuclear sector as a result of the efforts of our two agencies; our Federal, State, and local partners; and NRC and Agreement State licensees is strong and will become stronger once the initiatives I have described are fully implemented.

Sincerely,

*/RA/*

Dale E. Klein

cc: See attached list

**cc: Letter to Michael Chertoff, Secretary, Department of Homeland Security, dated August 28, 2006**

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