

August 29, 2003

The Honorable Tom Ridge
Secretary of Homeland Security
Washington, D.C. 20500

Dear Mr. Secretary:

As the second anniversary of the terrorist attacks of September 2001 approaches, the U.S. Nuclear Regulatory Commission (NRC) and the commercial nuclear industry continue to take steps to enhance security at licensed nuclear facilities and of radioactive material. I am writing on behalf of the Commission to inform you of some of the more significant actions that have been taken and those that are planned.

In former Chairman Meserve's letters dated September 5, 2002, and March 31, 2003, we outlined the steps the Commission had taken to evaluate and enhance security at NRC-licensed facilities since September 11, 2001¹. Since March 2003, the Commission has continued to enhance security requirements for nuclear power plants and for the handling of high-risk radioactive sources in the post-9/11 environment through organizational changes, Orders to our licensees, and many other actions. Upon taking office as Chairman, I announced that I would continue the agency's focus on security issues, and I reorganized both the Office of the Chairman and the Office of the Executive Director of Operations to help complete our remaining security initiatives and ensure their timely implementation. For example, in June 2003, I established the position of Deputy Executive Director for Homeland Protection and Preparedness to increase the agency's attention on cross-cutting issues that affect security, incident response, emergency preparedness, vulnerability assessments and mitigation strategies, and external integration of comprehensive strategies for these areas.

There is no doubt that terrorism has introduced challenges to nuclear power plants and the Nation. In response to the attacks of September 11, 2001, the NRC initiated new studies of the security and vulnerability of nuclear power plants, including assessments for land-based, water-borne and aircraft terrorist attacks. Although the studies will not be fully completed until the fall of this year, it is already clear that the planning basis for off-site emergencies remains valid in terms of timing and magnitude for the range of potential radiological consequences of a terrorist attack upon the reactors or spent fuel pools.

¹ Copies of these letters are available on our website (www.nrc.gov).

On April 29, 2003, the Commission issued Orders to nuclear power reactor and Category I fuel cycle facility licensees to require security enhancements to protect against the revised design basis threat (DBT). The Commission believes that the DBT represents the largest reasonable threat against which a regulated private guard force should be expected to defend under existing law. NRC has defined two DBTs, one for radiological sabotage and the other for theft or diversion of nuclear material. Under NRC regulations, nuclear power reactor and Category I fuel cycle facility licensees must provide high assurance in defending against the applicable DBT to ensure adequate protection of public health and safety and common defense and security.

The NRC also issued two other Orders on April 29, 2003, to enhance the readiness and capabilities of security force personnel at nuclear power plants. One Order establishes requirements to limit security force personnel working hours to provide reasonable assurance that the effects of fatigue will not adversely impact the readiness of security officers in performing their duties. The other Order requires additional measures regarding security officer training and qualification, including exercising the protective strategies and capabilities required to defend nuclear power plants against sabotage by an attacking force. It also requires frequent firearms training and qualification under a broad range of conditions representative of site-specific protective strategies.

We consider security performance assessment to be important and have resumed force-on-force exercises as part of a pilot program and have already conducted exercises at nine nuclear power plant sites. We are planning to conduct these exercises at a pace of approximately two per month in fiscal year 2004, consistent with the Commission's decision to conduct such exercises at each site on a three-year cycle going forward. Force-on-force exercises are conducted to assess and improve the performance of defensive strategies at licensed facilities. These exercises have been and are intended to be a primary means to conduct performance-based assessments of a licensee's security force and its ability to prevent radiological sabotage as required by NRC regulations. Our approach to security reflects the NRC's "defense-in-depth" safety philosophy, in which requirements for plant safety features and mitigation strategies, security measures, and emergency preparedness are addressed in an integrated manner. Recent force-on-force exercises have utilized Multiple Integrated Laser Engagement System (MILES) equipment to enhance the realism of exercises. MILES gear is a ground combat training system used by the Department of Defense (DOD), the Department of Energy (DOE), and other agencies, using modified weapons fitted with laser transmitters that add realism to exercises by simulating combat between protective and adversary forces.

The NRC has worked with DOE to identify radioactive materials of concern and to increase protection of high-risk radioactive sources which could be used in radiological dispersal or radiological exposure devices. The NRC/DOE work has now been captured in an appendix to the International Atomic Energy Agency's (IAEA's) Revised Code of Conduct on the Safety and Security of Radioactive Sources, which is discussed more later in this letter. In addition, NRC formed both a Materials Security Working Group and a related Steering Committee in June to work with the States to continue to enhance security for high-risk sources. On June 6, 2003, an Order was issued to all panoramic and underwater irradiator licensees requiring implementation of interim compensatory measures to enhance security. This is the first of what will be a series of additional security actions to be taken, if warranted, involving those NRC and Agreement State

licensees possessing high-risk radioactive material, as a follow-up to the Liberty Shield advisory, which NRC issued on March 17, 2003.

As a complement to our homeland protection initiatives, the NRC continues to enhance its incident response program. We actively participated in TOPOFF 2 in May 2003 not only in Washington, but also at the Seattle and Chicago venues. NRC has been extensively involved in the TOPOFF 2 lessons-learned process, particularly in the areas of radiological dispersal device consequence modeling and recovery. NRC continues to work with the Department of Homeland Security (DHS) and other Federal agencies on the integration of Federal Response Plans into a unified National Response Plan and National Incident Management System and on refinement of the National Preparedness Policy. We continue to coordinate with DOD, including NORTHCOM and NORAD, and plan to participate in forthcoming exercises such as Unified Defense 04 and Amalgam Virgo 04. We have recently entered into a Memorandum of Understanding (MOU) regarding information exchange with NORAD. We are currently developing an MOU with DHS which we believe would further enhance our working relationship.

These activities reflect continued progress in enhancing coordination and collaboration with other agencies on homeland protection. We have established an active liaison with DHS and strengthened existing coordination with other agencies and organizations, such as the Homeland Security Council, National Security Council, Federal Bureau of Investigation, Central Intelligence Agency, DOD, and Department of Justice, to promptly share intelligence information in a secure manner. Consistent with furthering homeland protection, NRC established a protected server system in February 2003 to facilitate sensitive information exchanges between NRC and licensees and cleared State officials.

In June 2003, NRC and DHS co-sponsored a two-day Homeland Security Workshop on civilian nuclear security issues for State officials at NRC headquarters. This workshop was attended by approximately 300 participants from DHS, State Homeland Security Advisors, State Liaison Officers, State Radiation Control Directors, and other Federal and State governments and organizations. We believe that the workshop further strengthened NRC and DHS linkages with these key State officials by increasing their awareness of DHS and NRC initiatives relating to homeland security and incident response.

NRC also actively participated in an international conference held in March 2003 in Vienna on protection of high-risk radioactive sources. The conference was jointly sponsored by the DOE, the Russian Federation, the IAEA, and others, and was attended by over 100 nations. Conference participants discussed key issues relating to the security of high-risk radioactive sources and the actions which must be taken worldwide to improve the protection of these sources. Since the March conference, NRC - - in partnership with the Departments of State and Energy - - has made key contributions to revisions to the IAEA's Code of Conduct for the Safety and Security of Radioactive Sources. The U.S. Government positions were subsequently adopted at a July 2003 IAEA meeting either as proposed or with modifications which were acceptable to the U.S. Government. NRC is now working with State officials through the Materials Security Working Group to establish an initial inventory of all high-risk radioactive sources possessed by licensees of NRC and the 33 Agreement States. NRC is also preparing a proposed export/import regime for high-risk radioactive sources, consistent with the revised Code of Conduct, and together with our colleagues at the Departments of State and Energy, we have held consultations with other supplier nations on export and import controls.

We have continued to work through the Homeland Security Council and the Office of Management and Budget to win passage of legislative proposals to enhance security of nuclear facilities and materials. The NRC supports the enactment of those provisions in H.R. 6, the "Energy Policy Act of 2003," which would enable licensee guards to possess more powerful weaponry, enlarge the classes of NRC-regulated entities whose employees would be subject to fingerprinting and criminal history background checks, expand NRC's regulatory jurisdiction to additional classes of radioactive material as a means of enhancing the protection of the public from use of the materials in radiological dispersal devices, and add new Federal criminal sanctions to cover acts that could endanger materials and activities regulated by the NRC.

In summary, the NRC has made, and will continue to make, significant progress in support of our Nation's efforts to enhance homeland protection and preparedness. Although this letter describes many of our efforts, it is by no means all inclusive. Please do not hesitate to contact me for additional information if you have specific questions.

Sincerely,

/RA/

Nils J. Diaz

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