

LTR-01-0490

To Whom it May Concern,
Enclosed is a corrected
version of a letter
Congressman Delahunt
sent to Chairman
Meserve yesterday.
Unfortunately the
version sent yesterday
had a typo. Could you
please replace it with
this version? Thanks -
Hannah Stebbins, Tel# 202-
325-3111

template Secy017

EPIDS Secy06

WILLIAM D. DELAHUNT
TENTH DISTRICT, MASSACHUSETTS

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Congress of the United States
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September 28, 2001

Richard A Meserve, Chairman
Nuclear Regulatory Commission
Mail Stop 17B1
11555 Rockville Pike
Rockville, MD 20859

Dear Chairman Meserve :

Given your review of security measures in the wake of September 11, I wanted to compare notes with you about proposals to federalize security at our nation's nuclear facilities.

As you have stressed in recent days, the task of safeguarding nuclear plants is a critical element of homeland defense. The past two weeks, in my view, has elicited an initial response by NRC regulators, plant managers and law enforcement at the federal, state and local levels -- including at the Pilgrim Nuclear Plant in Plymouth, Massachusetts. This sequence of events has also underscored questions about the need for a permanent federal security presence at nuclear plants across the country.

On the day of the attack, Pilgrim followed the NRC's emergency recommendations for upgraded security, with around-the-clock patrols, lock-down of peripheral buildings, and personnel entry inspection procedures. Given the types of threats we could now be facing, the issue is whether even the strictest conventional precautions are sufficient to responsibly protect public health and safety.

For Pilgrim in particular, the focus is on vulnerability from the air and sea. As you know, the Coast Guard is now patrolling a 500-yard exclusionary zone around the plant. The nagging concern is about the effectiveness of this enforcement, and about the volume of air traffic in the skies over the plant.

Chairman Meserve
September, 26, 2001
Page Two

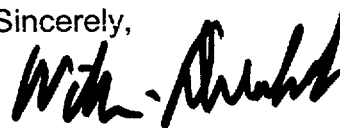
With this in mind, I seek your guidance about the merits of federalizing security for Pilgrim and nuclear plants nationally. Our mutual goal is an effective plan to safeguard a densely-populated region, much of which has only limited evacuation prospects. Even in less turbulent times, traffic congestion makes it difficult to drive anywhere from many communities in the area. While all concerned are making a commendable, good-faith effort toward these ends, there is a very compelling case for a coordinated, comprehensive security regime for these particularly vulnerable and potentially hazardous terrorist targets.

It is my understanding that the Atomic Energy Act of 1954 gives the federal government operational authority at individual plants on an emergency basis, and that this authority has never been invoked. To his credit, President Bush has boldly asserted executive branch prerogatives in a number of other aspects of our national response to this emergency -- from executive orders to proposed legislation. Section 108 of the statute conditions the exercise of federal authority over nuclear plants on a congressional declaration of war or national emergency. The recent threats have forced us to cross that line.

Accordingly, I would appreciate if you could clarify your interpretation of the NRC's current authority; and outline your view of the relevant legal, policy, administrative and financial considerations relating to the prospect of federalizing security at nuclear plants -- particularly in the context of the now-pervasive discussion of a permanent federal presence at airports. In addition, I would welcome your comments on proposals for a no-fly zone above and around the Pilgrim plant; while I realize such restrictions would be difficult to enforce and would involve the jurisdiction of other federal agencies, I am interested in the NRC's perspective on this prospect.

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "W.D. Delahunt", written in a cursive, flowing style.

William D. Delahunt