

January 18, 2002

The Honorable Richard J. Durbin
United States Senate
Washington, D.C. 20510

Dear Senator Durbin:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter of November 27, 2001, concerning the reinstatement of "no-fly zones" over the Nation's nuclear facilities.

As you may know, in response to the events of September 11, the NRC has been in regular communication with other Federal agencies, including the Federal Aviation Administration (FAA) and the Department of Defense (DOD). Among the important subjects that have been discussed is the protection of air space over sensitive sites.

Shortly after the September 11 attacks, representatives of the FAA and DOD determined that a Notice To Airman (NOTAM), issued by the FAA, was the appropriate vehicle to protect the air space above sensitive sites. This NOTAM strongly urges pilots "to not circle or loiter over the following sites: Nuclear/Electrical power plants, power distribution stations, dams, reservoirs, refineries, or military installations, unless otherwise authorized by air traffic control or as required to land or depart at towered/non-towered airports." This notice is still in effect. Should additional restrictions be deemed appropriate as a result of changing or more specific threats, our continuous communication with the other Federal agencies will allow prompt coordination.

In light of the difficulty in protecting the numerous specific potential targets of an aircraft attack, the NRC believes that the Nation's resources devoted to protection against terrorist attacks by air should be primarily directed toward enhancing security at airports and within airplanes in flight. The Commission also believes, however, that additional attention should be devoted to assessing the potential vulnerability of sensitive sites, including commercial nuclear facilities. At this time, the NRC staff is evaluating the effects of a deliberate aircraft impact and the resulting fire and explosion on the structural integrity of the reactor containment building and other reactor support facilities. Variables considered in the analyses will include aircraft size and speed, as well as the amount of fuel on board the airplane.

In addition, the NRC is conducting a comprehensive reevaluation of its safeguards and security programs to determine if additional or revised safety or physical protection actions or requirements need to be taken at nuclear power plants, above ground dry cask storage or independent fuel storage installations. If necessary, the NRC will take appropriate actions to implement those measures. In the meantime, NRC, in consultation with the intelligence community, is continually assessing the threat to the nuclear industry and is ensuring that licensees of sensitive nuclear facilities are taking appropriate security measures.

The Commission appreciates your interest in the NRC's actions to ensure appropriate security measures at sensitive nuclear facilities following the September 11 attacks. If you have further questions, please feel free to contact me.

Sincerely,

/RA/

Richard A. Meserve