

May 29, 2003

The Honorable Frank R. Lautenberg
United States Senate
Washington, D.C. 20510

Dear Senator Lautenberg:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of March 14, 2003, to the Department of Energy and the Department of Homeland Security regarding concerns about security at Oyster Creek Generating Station, owned and operated by AmerGen Energy Company, LLC (AmerGen). Specifically, you expressed concern about a possible unauthorized access at the Oyster Creek site in Lacey Township, New Jersey.

Security of nuclear power plants across the country, long the subject of NRC regulatory oversight, has been given even greater priority since the September 2001 terrorist attacks. Immediately after the attacks, the NRC began a comprehensive review of the threat environment and our regulatory requirements for physical protection and security for NRC licensed facilities and activities. We have approached these sensitive issues deliberately, consistent with the national view on the current threat environment, and have worked in coordination with the intelligence community, Federal law enforcement, the Department of Defense, the Department of Homeland Security, the Department of Energy, and various State officials. These efforts are ongoing.

Commercial nuclear power plant licensees voluntarily implemented additional security measures immediately following the events of September 11, 2001, in response to NRC's threat advisories. Compensatory measures that we considered necessary to provide adequate protection of public health and safety have been imposed subsequently by Order. Overall, NRC required actions included, but were not limited to increased patrols, augmented security forces and capabilities, additional security posts, installation of additional physical barriers, vehicle checks at greater stand-off distances from safety-related plant equipment, enhanced coordination with law enforcement and governmental authorities, and more restrictive personnel access controls. NRC inspectors have performed audits and inspections at licensee sites, including Oyster Creek, to verify that these measures have been implemented.

I want to assure you that at no time did unauthorized individuals gain access to sensitive security areas at Oyster Creek, as was implied by a report by News 12 New Jersey that aired on March 13, 2003. The area accessed by the vehicle shown in the News 12 report was outside the perimeter of required security controls. Extensive measures were in place to make sure that vehicle access to this location would not threaten the plant. The NRC initially became aware of questions about site access at Oyster Creek in October 2002. At that time, the NRC Senior Resident Inspector toured the areas in question, as well as the entire vehicle barrier system, to verify that security features to protect against intrusion or vulnerability to a vehicle bomb were in place and functional. After the report on Oyster Creek security aired, the NRC again visited the site to observe the area in question and review the supporting analysis developed to address vehicle bomb threats. Our security specialists confirmed that AmerGen's physical security arrangements met NRC security-related requirements and that vehicle access to the areas depicted by the News 12 report did not present a hazard, and that additional

security measures were not required. The inspectors independently verified that the warehouse area was sufficiently secured and that physical barriers were positioned properly, ensuring a sufficient stand-off distance for a vehicle bomb threat. Additionally, the inspectors verified that the warehouse area is located at a significantly greater distance from the Oyster Creek reactor building than the 250-foot distance referenced in your letter. While the condition depicted by the News 12 report may have appeared susceptible to malicious intent, the NRC confirmed that AmerGen had established and maintained physical protection and security features necessary for effective protection of the facility.

You were also concerned that the NRC refused to watch the video shot from the vehicle on Oyster Creek property. Initially, the NRC staff did decline News 12's conditional invitation to be video-taped while watching the referenced video. Instead, the staff provided an extensive interview about the nature of the security measures in place at the plant. The staff explained the fact that access to the parking areas and warehouse/loading dock in question was not prohibited and is not considered an intrusion into the plant or a threat to the security of the plant. As Hubert Miller, the Regional Administrator for the NRC Region I, explained in his March 25, 2003 letter to News 12, copy enclosed, these facts were not given appropriate consideration in the News 12 report. Subsequent to the airing of the report, an NRC representative reviewed the videotape in its entirety and verified that no intrusion occurred.

Your letter also referred to a test, or force-on-force exercise, conducted at Oyster Creek in 2001. The performance of licensees in past force-on-force exercises (Operational Security Readiness Evaluations - OSRE) is sometimes mis-characterized. OSREs were not pass-fail exams. OSREs were aggressive exercises used to simulate a determined, violent assault on the facility. The conduct of these exercises provided the NRC with the opportunity not only to assess performance of the defensive strategy, but also to identify potential weaknesses. Accordingly, when appropriate corrective measures were implemented to address identified weaknesses, the overall physical protection and security of the facility was improved and strengthened. The weakness identified by the OSRE at Oyster Creek in May 2001 was not indicative of a flawed security program, but rather a deficiency in a response strategy for a specific assault scenario. This weakness was immediately corrected by AmerGen. The NRC subsequently verified that the corrective actions were effective.

I trust this information is responsive to your concerns. Please contact me if additional information is needed.

Sincerely,

/RA/

Nils J. Diaz

Enclosure: As stated

cc: The Honorable Thomas J. Ridge,
U.S. Department of Homeland Security
The Honorable Spencer Abraham,
U.S. Department of Energy