

April 29, 2003

The Honorable Harry Reid  
United States Senate  
Washington, D.C. 20510

Dear Senator Reid:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of March 28, 2003, in which you expressed the desire to work with the NRC to develop legislation to enhance security at nuclear facilities.

The Commission appreciates your concern about this important issue. The NRC would be pleased to continue its efforts to work with you and the Committee on Environment and Public Works on security-related legislation. To move forward in this area, the Commission believes it is important to further enhance nuclear security through legislation that would include the following elements:

- Broadened weapons possession authority for the guard forces of licensees and certificate holders so they can more effectively protect their facilities, equipment, and radioactive materials against terrorists with access to technologically advanced weaponry. The broadened authority would preempt any State and local laws that currently prohibit or limit the acquisition and possession of such weapons for these protective purposes.
- Federal criminalization of unauthorized introduction of weapons at selected classes of nuclear facilities.
- Federal criminalization of sabotage (or an attempt, threat, or conspiracy to sabotage), during construction or operation, to a nuclear reactor, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility if the act committed could affect public health and safety during the operation of the facility (already a crime if the act occurs during the operation of certain of these facilities). The legislation should extend coverage to primary and backup facilities from which radiological emergency preparedness alert and warning systems are activated, and to radioactive material or other property subject to regulation by the NRC which the Commission determines to be of significance to the public health and safety or the common defense and security.
- Expanded categories of persons subject to fingerprinting requirements for criminal history records checks under the Atomic Energy Act to cover certificate holders and licensees possessing or using radioactive material or other property subject to NRC regulation that the Commission determines to be of such significance to the public health and safety or common defense and security as to warrant fingerprinting and background checks.

- Broadened NRC authority over radioactive material to include accelerator-produced material, discrete sources of radium-226, and discrete sources of naturally occurring radioactive material, other than source material, that are produced, extracted, or converted for use in commercial, medical, or research activities to enable the NRC to regulate these materials to require appropriate and uniform control over such materials.

We look forward to working with you in our efforts to ensure the safety and security of commercial nuclear facilities and materials. Please do not hesitate to contact me if you have any further questions.

Sincerely,

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Nils J. Diaz

Identical letter sent to:

The Honorable Harry Reid  
United States Senate  
Washington, D.C. 20510

The Honorable James Jeffords  
United States Senate  
Washington, D.C. 20510

The Honorable Joseph Lieberman  
United States Senate  
Washington, D.C. 20510

The Honorable Hillary Rodham Clinton  
United States Senate  
Washington, D.C. 20510

The Honorable John Edwards  
United States Senate  
Washington, D.C. 20510

The Honorable Tom Harkin  
United States Senate  
Washington, D.C. 20510