

June 9, 2003

The Honorable Jim Saxton
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Saxton:

I am responding to your letter of May 9, 2003, to Chairman Diaz acknowledging the Nuclear Regulatory Commission's (NRC) work in issuing three new security Orders on April 29, 2003. Chairman Diaz also asked that I convey his appreciation for your vote of confidence on his recent appointment as NRC Chairman. The NRC looks forward to working with you on issues related to the security of our nation's nuclear facilities.

We have been working diligently since September 11, 2001, to develop the security Orders issued on April 29, 2003, on the Design Basis Threats (DBT), training of nuclear security forces and security force working hours. We believe that these Orders will enhance licensee security and allow us to bring increased regulatory stability to the security programs at our nuclear facilities.

In your letter you referenced certain security concerns associated with the Oyster Creek Nuclear Generating Station, located in Lacey Township, New Jersey. You expressed concerns over issues related to licensee security staff fatigue and training, especially that involving firearms. We fully expect the incidents at Oyster Creek you refer to will be addressed through licensee compliance with the April 29 Orders on training and fatigue. These incidents are currently under review in accordance with our Reactor Oversight Process (ROP). As you may be aware, licensees are required to provide the NRC with an initial response to the Orders within 35 days and to fully implement the security enhancements in the Orders by October 2003. We expect full compliance by NRC licensed facilities with the requirements of the Orders.

With respect to your concerns regarding assault weapons, 18 U.S.C. 922 permits transfer of semiautomatic weapons to NRC licensees for purposes of maintaining an on-site physical protection system and security organization. It also permits possession on-site of semiautomatic weapons by a licensee's employee or contractor for such purposes. The NRC is seeking legislation that would provide similar authority with respect to machine guns. S. 1043, as ordered reported by the Senate Committee on Environment and Public Works, contains such a provision, as well as a provision that would prevent application of a State law that prohibits transport or possession of such weapons in the same circumstances. NRC strongly supports enactment of these provisions.

Your letter also mentions concerns regarding funding for enhancement of plant security. The Commission's responsibility is to regulate nuclear facilities and radioactive material falling under its jurisdiction to protect the public health and safety and the common defense and security, and we have taken the position that the costs, due to our enhanced security requirements, are justified in the current threat environment. While we have listened to the concerns of our

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licensees involving the costs to implement the new security Orders, the NRC does not take a position on the sources of funding for nuclear power plants' security enhancements. However, licensees are currently paying for the NRC's homeland security costs through the imposition of user fees. The NRC supports a legislative provision, contained in S. 1043, that would exclude these costs from the fee base.

Finally, we have worked with your staff to schedule a meeting on June 10, 2003 with Chairman Diaz on the issues discussed above. Let me assure you that the NRC continues to address security issues at nuclear power facilities and at other NRC-licensed activities to ensure their safe operation and the protection of the public health and safety.

Sincerely,

/RA/

William D. Travers
Executive Director
for Operations

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