

September 17, 2003

Mr. Joe F. Colvin
President and Chief Executive Officer
Nuclear Energy Institute
1776 I Street, N. W.
Washington, D.C. 20006

Dear Mr. Colvin:

This is in response to your letter to Chairman Nils J. Diaz, dated August 29, 2003 concerning the organizational changes in the U.S. Nuclear Regulatory Commission (NRC) and a process for discussing, clarifying, and resolving issues related to implementation of the April 29, 2003, orders on the revised design basis threat. Your letter also requested a meeting with the NRC Commissioners to discuss outstanding policy issues related to the design basis threat (DBT) requirements and the role of force-on-force drills as related to implementation of the DBT. In addition, your letter also mentioned issues pertaining to security force work hours and fatigue. I have been asked to respond to your letter.

As you know, the NRC is fully committed to meeting with authorized stakeholders to understand and resolve issues as we develop new guidance and requirements in the field of security. Although the sensitive nature of the details of security limits public discussion, the NRC staff has met with members of the nuclear industry on numerous occasions in recent months to gain insights and develop more informed recommendations for the Commission. Recent meetings between the NRC staff and the Nuclear Energy Institute (NEI) have occurred on June 3, 2003, to discuss comments on the security force training and fatigue orders; on July 8, August 7-8, and August 20, 2003, to discuss the pilot program on force-on-force exercises; and on September 4, 2003, to discuss current results of vulnerability assessments and mitigating strategies. As of September 2003, the staff has initiated weekly closed meetings with NEI and the licensee representatives to discuss security, contingency, and training and qualification plan changes needed to support compliance with the April 29, 2003, design basis threat order. Later this month, the staff will hold a public meeting to be attended by industry and NEI representatives to discuss a draft order and compensatory measures proposing work-hour limitations on security force personnel to address fatigue with respect to decommissioning reactor and independent spent fuel storage facility licensees. The staff will also meet in closed session with industry and NEI representatives to discuss a draft Order and compensatory measures related to access authorization at the same types of facilities.

The Commission is committed to the continued exchange of information and ideas between the NRC and authorized stakeholders on security topics. To this end, and recognizing the particular significance of enhancements in the area of security, the Chairman established the position of Deputy Executive Director for Homeland Protection and Preparedness to raise the visibility of work in the area of security and bolster the staff's efforts to provide timely, technically sound, and constructive guidance consistent with the Commission's decisions. The NRC has also

established the Nuclear Security Steering Committee whose purpose is to provide advice and counsel to the Director of the Office of Nuclear Security and Incident Response (NSIR) on the

J. Colvin

-2-

development and implementation of enhanced security requirements for NRC-licensed activities. This Steering Committee is chaired by the Director of NSIR and includes the Deputy Directors from NRC's major programmatic offices, the Deputy General Counsel, and one Deputy Regional Administrator.

The Chairman agrees that meeting with representatives of NEI and the industry to discuss the issues raised in your letter could assist in exchanging valuable information. This is especially appropriate given the Commission's extensive involvement in developing and issuing the Orders on the revised DBT and security force work hour controls, as well as close oversight of the Force-on-Force Exercise Program. A meeting has been scheduled for September 25, 2003, where these issues can be discussed.

Sincerely,

/RA by Michael F. Weber for/

Roy P. Zimmerman, Director
Office of Nuclear Security
and Incident Response Operations

cc: Chairman Nils J. Diaz
Commissioner Edward McGaffigan
Commissioner Jeffrey S. Merrifield
William D. Travers
William F. Kane
Samuel J. Collins

J. Colvin

-2-

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Sincerely,

Roy P. Zimmerman, Director
Office of Nuclear Security
and Incident Response Operations

cc: Chairman Nils J. Diaz
Commissioner Edward McGaffigan
Commissioner Jeffrey S. Merrifield
William D. Travers
William F. Kane
Samuel J. Collins

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