

April 22, 2005

The Honorable Edward J. Markey
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Markey:

I am writing on behalf of the U.S. Nuclear Regulatory Commission (NRC) in response to your letter dated March 8, 2005, concerning a proposal to install a waterborne barrier device at the Millstone nuclear power plant. You stated in your letter that your office received information that the Millstone Licensee, Dominion Nuclear Connecticut, Inc., refused an offer to install the device.

The mission of the NRC is to protect public health and safety and the environment, and to ensure that licensee activities are not inimical to the common defense and security. As an independent regulator of the commercial nuclear industry, we do not provide our licensees with physical protection equipment. Rather, we establish the requirements licensees must meet as they develop security plans and implementing measures. In addition, we provide oversight of licensee security measures through inspections and force-on-force testing to verify that our requirements are being satisfied.

The waterborne barrier project at Millstone was proposed and funds were obligated for it by the Department of Homeland Security (DHS) in August 2003. The role of the NRC in this effort was to facilitate DHS interactions with appropriate members of the licensee staff and to advise DHS on the existing body of NRC security requirements. It is our understanding that Dominion Nuclear ultimately declined DHS's offer to install the waterborne barrier because they had identified other means to achieve compliance with NRC physical security requirements, which include requirements to protect against waterborne attacks. Subsequently, on October 29, 2004, the NRC staff completed a comprehensive review of the Millstone physical security plan, which was changed to implement NRC security orders, and judged it to be acceptable.

As you noted, a flow of water from the intake structure is important to safe plant operations. The Millstone security force maintains surveillance and response for the protection of the intake structure and has immediate communication capability with local Coast Guard personnel, who can respond to concerns. In the unlikely event of interruption in the flow of water to Unit 2 and Unit 3, the licensee would implement Emergency and Abnormal Operating Procedures to mitigate the event and ensure safety. Sufficient time exists for the licensee to take appropriate mitigative actions if the intake structure is not available.

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We are not aware of any other case in which DHS has proposed to provide or install a waterborne barrier at any other reactor or offered to provide other technologies to reactor licensees. We also understand that DHS is planning to respond to your concerns.

I appreciate your interest in this matter. If you have any further questions, please contact me.

Sincerely,

/RA/

Nils J. Diaz