UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

CHAIRMAN

May 3, 1999

The Honorable Edward J. Markey
United States House of Representatives
Washington, D.C. 20515-2107

Dear Congressman Markey:

This is to follow up on my letter to you dated December 15, 1998, concerning questions raised in your November 4, 1998 letter about the U.S. Nuclear Regulatory Commission (NRC) Operational Safeguards Response Evaluation (OSRE) program, and to respond to your letter dated February 23, 1999, concerning OSRE and the preparedness of the nuclear industry to respond to a terrorist incident. My December 15 letter provided an interim response; this letter is intended to supply more detailed answers to your questions. My December 15 letter informed you that the NRC staff was reviewing the use of performance assessment in the safeguards area. That review has been completed and the staff recommendations were forwarded to the Commission on January 22, 1999, in a paper identified as SECY-99-024, "Recommendations of the Safeguards Performance Assessment Task Force," attached with the enclosed answer to Question 4.

Your February 23, 1999, letter expressed concerns about the seriousness with which the Commission treats the threat of terrorism at its licensed facilities. First, let me assure you that the Commission is committed to assuring that adequate security is provided and maintained by nuclear power plant licensees. On March 3, 1999, the Commissioners were briefed by the Federal Bureau of Investigation (FBI), and the continuation of NRC support for the Communicated Threat Credibility Assessment Team (CAT) was raised by the FBI. In recent months many difficult decisions have been made regarding the NRC budget. The elimination of NRC funding for the CAT program was one of those decisions. As you know, our budget is nearly 100% fee-recoverable from our licensees; however, I presently am exploring with the NRC staff other mechanisms for funding important counter-terrorism initiatives such as CAT. These mechanisms would include the Congress providing General Fund appropriations as part of our government response to counter-terrorism and weapons of mass destruction. It would appear that the CAT program is certainly responsive to the national initiatives in these areas.

Regarding the NRC program of assistance to Russia in the area of material protection, control and accounting (MPC&A), the NRC has provided MPC&A assistance to the nuclear regulatory agencies of Russia, Kazakhstan, and Ukraine since 1993. We have budgeted two full-time equivalents (FTEs) for NRC staff effort through FY 2000, and we have not reduced our budgeted staff resources for this support. However, our MPC&A regulatory assistance has been on hold during FY 1999 pending resolution of funding arrangements with the U.S. Department of Energy (DOE), which receives all of the appropriated funds for this program.

The contractor support and travel costs of the NRC program for MPC&A assistance to Russia, Ukraine, and Kazakhstan was funded initially by the U.S. Department of Defense (DOD) under the Cooperative Threat Reduction Program. During 1995, the DOD notified the NRC that funding responsibilities would be transferred to the DOE beginning in FY 1996. The NRC notified the DOE in 1997 that we had sufficient DOD funding to continue activities during FY 1998, but that funding for FY 1999 and beyond would be needed from the DOE if the NRC was to continue assistance to the three former Soviet Union Republics.

By letter dated February 16, 1999, the DOE has committed to provide $280,000 in FY 1999 for NRC support to the Russian Federation activities, but has not yet established a reimbursement agreement to transfer the funds to NRC. The DOE plans to address separate funding to support MPC&A activities in Ukraine and Kazakhstan. The NRC will continue working with the DOE to implement the FY 1999 program and to plan for support activities for FY 2000 and beyond.

You have expressed a need for the NRC to review its current design basis threat. The NRC has a formal threat assessment program that is designed to assure the continuing validity of the design basis threat statements as the foundation of NRC safeguards requirements. In meeting these responsibilities, the NRC has a long-established, active program that includes liaison activities with other Federal agencies concerned with counter-terrorism and nuclear safeguards and the daily review of all-source terrorism-related intelligence traffic. Throughout this ongoing analysis, the NRC staff focuses its daily effort on demonstrated, adversary characteristics, including weaponry, group size, tactics, explosives, and targets, and compares what has occurred to the attributes enumerated in the design basis threat statements. The NRC staff conclusion regarding the adequacy of the design basis threat statements, based on the results of interagency liaison and intelligence traffic review and assessment, is documented every six months and provided to the Commission. In accordance with this, the Commission met with representatives of the FBI on March 3, 1999, and again on March 18, 1999, to discuss the level of threat and the composition of the NRC design basis threat. In addition, senior NRC staff members met with a representative of the National Security Council on March 25, 1999 to discuss the NRC safeguards program and Operational Safeguards Response Evaluations.

You also expressed concerns about elimination of OSRE, terming it the "only counter-terrorism program for nuclear power plants." In fact, as my public statement of November 4, 1998, made clear, the OSRE program was only one element of an integrated program of security for nuclear power plants. Even if OSRE had been eliminated, security regulations remained in force, licensee security programs and organizations continued to function, the NRC inspection program still was operating, and licensee compliance verification programs continued to examine the adequacy of their security systems.

A member of the NRC Safeguards staff was quoted in your letter as saying that the Safeguards Performance Assessment Task Force recommendations were "weak and noncommittal, and will reduce the effectiveness and efficiency of the nuclear power industry's counter-terrorist capability." On May 5, 1999, the Commission will conduct a public meeting to discuss the Task Force recommendations. The Task Force intends their recommendations to increase the effectiveness and efficiency of the nuclear power industry's counter-terrorism capability, for two reasons. First, the Task Force recommendations, which currently are being considered by the Commission, call for quarterly drills and biennial exercises by the licensees, far more frequent than accomplished in the 8-year OSRE cycle. Second, the new program also would allow more

oversight by the NRC, since our inspectors, who may be accompanied by contract specialists, would have more opportunities to view licensee drills. More frequent drills by our licensees would have the added benefit of training for the security organizations at the power reactor sites. At the Commission meeting, we will review both the claim of the Task Force and the differing views of the individual NRC staff members, to determine future activities for this program.

I would like to clarify another issue raised in your letter. The NRC and its contractor never ran the drills in OSRE. That program called for a coordinated effort between the NRC and the licensee only to develop scenarios, but the licensees staffed the guard forces and the mock adversary forces to actually run the drills, while the NRC and its contractor attended only as observers.

As for your request that programmatic changes be reviewed by front-line NRC inspectors and outside counter-terrorism experts, the Safeguards Performance Assessment Task Force was made up entirely of front-line regional security inspectors and Headquarters security professionals. In addition, all three members of the Headquarters OSRE team, including the individual who filed the original Differing Professional View and the subsequent Differing Professional Opinion, either directly participated in the work of the Task Force or were given an opportunity to review and comment on the recommendations of the Task Force before they were forwarded to the Commission.

We share your concern that the nuclear industry be prepared to respond to a terrorist incident. The NRC has included in every omnibus bill sent to the Congress since 1989 a proposal to amend Section 161k of the Atomic Energy Act of 1954 to provide Federal authority for guards at nuclear facilities to carry firearms. At the present time, guards who implement Federal security requirements at NRC-licensed or certified facilities do not have the same protection of Federal authority to carry firearms and to use them when necessary to prevent theft of weapons-usable material or sabotage at nuclear facilities, as do guards at Department of Energy facilities. Use of weapons by guards at these NRC-licensed or certified facilities is governed by State law, which varies from State to State with respect to allowable use of weapons. In some States, weapons may be used by guards only to protect their own lives or the lives of others, and not to prevent the theft or sabotage of nuclear material and nuclear facilities. The proposed amendment of Section 161k of the Atomic Energy Act would, in effect, shield guards at NRC-licensed or certified facilities from State criminal prosecution for actions taken during the performance of their official duties, which are authorized, necessary and proper under Federal law. Your support in this area of needed legislative authority would be appreciated.

Some of the answers provided in the enclosure are general in nature, because the matters discussed relate to sensitive classified and unclassified Safeguards Information. Should you desire more detailed, site-specific information, arrangements can be made for providing it in the proper forum.

I hope the enclosed responses adequately address your concerns. Please contact me if I can be of further assistance.

Sincerely,

Shirley Ann Jackson

Enclosures:
Questions and Answers
w/attachments

Question 1. On what basis was this program [Operational Safeguards Response Evaluation, or OSRE] selected for elimination? Given the NRC's current emphasis on "risk-informed" decisions, how was the risk of a terrorist attack evaluated and compared to other nuclear safety issues?

Answer

- The decision reflected the agency's declining resources as well as the goal of reducing unnecessary burden on the licensees. In view of the existing requirements for security programs at all nuclear power reactors, the sharing of information among licensees' security organizations, the continuing security inspection program carried out by NRC's regional inspection staffs, the onsite resident inspectors, and licensees' training and qualification programs and audit processes, it was decided that the resources devoted to the remaining 11 OSREs could be redirected to other regulatory efforts.

Question 2. Did NRC Commissioners vote on the decision to eliminate this program? If so, how did each Commissioner vote? If not, who made the decision?

Answer

- The NRC Commissioners did not vote on the decision to eliminate the OSRE program. As part of the FY 1998 budgeting process, the Office of Nuclear Reactor Regulation recommended eliminating Headquarters' inspection support for routine inspection activities and efforts related to the OSRE program. The Executive Council (senior NRC management) approved the recommendation. Although the Commission voted to approve the budget based on the Executive Council decision, the elimination of the OSRE program was not highlighted specifically to the Commission as part of the budget.

Question 3. The article [in the *L.A. Times*] quotes Mr. David Orrik, the director of the program, as saying an agency team "was able to reach and simulate sabotaging enough equipment to cause a core melt." At what plants would the simulated attack have been able to cause a core meltdown or other severe effects? Please provide the Inspection Reports and any Notices of Violation ensuing from these inspections. Also please estimate what the cost in money and lives would have been if these attacks had been real.

Answer

- Mr. Orrik's title is Security Specialist. The *Los Angeles Times* article mistakenly referred to him as directing the program. The OSRE program is directed by the Chief, Reactor Safeguards Section, Office of Nuclear Reactor Regulation.

- OSRE visits were conducted at 57 sites between 1991 and 1998. During these visits, OSRE teams identified weaknesses at 27 plants; some of these weaknesses related to failures to prevent mock adversary forces from gaining access to vital equipment.

- Findings: The NRC believes its security regulations to be adequate; however, the agency developed the OSRE program to test this hypothesis. OSRE used NRC and contractor personnel who are highly skilled in technical matters and counter-terrorist measures to identify what they believed were the most vulnerable areas and equipment in each plant. The licensees' security programs were tested and, although they were adequate to protect public health and safety, some weaknesses were identified. As a result, licensees initiated corrective actions and all weaknesses were corrected.

- The simulated sabotage scenarios were terminated when the previously established targets were reached. There was no analysis of safety sequences or real-time core damage scenarios as a result of the target being reached to assess the margin of recovery before loss of core cooling. No credit is taken for operators' ability to recover from and/or mitigate the consequences of a postulated act of sabotage in the OSREs; therefore, a direct correlation with core damage should not be inferred from the findings.

- There were no Notices of Violation issued to these licensees because the site security organizations were judged to have been operating in compliance with their commitments when these findings were made. However, as previously noted, all weaknesses were corrected.

- As for estimates of cost, the potential damage to plant systems and structures that might result from acts of radiological sabotage would vary considerably from scenario to scenario and from one power reactor site to another based on system, structures, and site differences. The NRC has not made such estimates.

- As for enclosing copies of reports of OSRE visits, these reports are sensitive Safeguards Information. If you desire to discuss the reports, arrangements can be made for a closed briefing.

Question 4. The article mentions a memo from several NRC security officials and written objections to the program elimination by eleven NRC inspection officials. Please provide the memo, all written objections, and the Commission's response to these objections.

Answer

- There were two Differing Professional Views (DPVs) filed regarding the decision to cancel the OSRE program. Another memo was co-signed by nine NRC employees (including three of those who co-signed one of the DPVs) in support of the first DPV. A panel was convened to review the issues raised in the DPV and final recommendations were provided in the panel's report dated November 4, 1998. To follow up on this activity, the Director of the Office of Nuclear Reactor Regulation issued a memorandum to the staff, dated December 11, 1998, adopting the panel's recommendations and tasking the staff to carry them out, with the exception of the recommendation to terminate OSRE. A task force made up of Headquarters and regional security specialists, including some of the individuals who had filed DPVs, was formed to look into the question of performance assessment in safeguards, and the staff prepared programmatic recommendations that were forwarded to the Commission on January 22, 1999 (SECY-99-024, attached). The DPVs, the supporting memorandum, the panel report, the Director's tasking memorandum, and the task force's recommendations are attached. The Commission's formal response to these issues will be made public upon completion of its deliberations on SECY-99-024.

- On February 12, 1999, the Commission was notified of another DPO on this subject in response to SECY-99-024. A copy is attached for your information. We will follow up any additional issues raised in this DPO.

Attachments:
1. DPVs (2)
2. Supporting Memorandum
3. Panel Report
4. Director's Tasking Memorandum
5. SECY-99-024, Recommendations of the Safeguards Performance Assessment Task Force, January 22, 1999
6. DPO

[Attachments are on file in Representative Markey's office or are available on the NRC website at www.nrc.gov.]

Question 5. Mr. Richard Rosano of the NRC is quoted as saying utility companies "felt they were having to spend a great deal of money to gear up for exercises that some didn't believe there was any authority for." What nuclear utilities or trade groups have questioned the legal authority for the program or supported elimination of the program? Was there industry support for keeping the program? What was the average and/or range of costs to plants to prepare for and respond to the security drills?

Answer

- The *L.A. Times* reporter asked Mr. Rosano if it was true that licensees had complained about the expense of preparing for an OSRE and that some licensees expressed doubts about the legal authority to conduct the OSRE visits. Mr. Rosano said he had not heard those complaints himself but had spoken to some NRC staff members who claimed to have heard those complaints. Mr. Rosano added, in responding to the reporter, that some of the expense incurred by licensees would finance practice runs and overtime to pay for additional guards to simulate an attack force, not just for upgrading security.

- The NRC's authority for conducting OSREs is derived from 10 CFR 73.55(a), which requires licensees to have a physical protection system designed to protect against the design basis threat of radiological sabotage. The staff's review of the OSRE program is intended to ensure that valid demonstrations of the licensees capabilities are conducted.

- The NRC does not have direct information regarding industry support for keeping OSRE. However, informal feedback during site visits indicates that the security organizations, and often senior management, on the sites recognized the OSRE program as instrumental in improving security at the plants. Members of the staff report that some licensees also have expressed discontentment with various aspects of the OSRE program during informal conversations. The NRC has not received written proposals from our licensees or industry representatives suggesting that the program be eliminated, nor have we received legal challenges to the OSRE program.

- Licensees have indicated that between $140,000 and $1,500,000 was spent per plant to prepare for OSRE visits.

Question 6. Does the Commission believe that it lacks legal authority to run the program? Please provide any NRC documents or memoranda that describe, analyze, or explain the legal issues. If the Commission is concerned about its legal authority to conduct the program, why did the Commission not request remedial legislation that would make clear NRC's authority to oversee and test plant security rather than cancel the program?

Answer

The Commission has the legal authority to conduct OSRE visits. In 10 CFR 73.55(a), the licensees are required to establish a physical protection system "designed to protect against the design basis threat of radiological sabotage." This requirement is both inspectable and enforceable, and the NRC has the legal authority to conduct evaluations, including tests with meaningful results, to ensure the licensees' ability to comply with that requirement.

Question 7. The *Times* article claims that 47% of tested plants did not pass anti-terrorist tests. Please provide a list of all plants that did not perform satisfactorily in anti-terrorist tests and describe the ways in which each plant failed and whether they have corrected the identified problems. The article also states that eleven plants have not been tested. Please provide a list of all plants that have not been tested since the program's inception in 1991 using "force on force drills."

Answer

- In noting two nuclear plants that had passed their OSRE test, the *L.A. Times* article referred to Mr. Orrik's Differing Professional View (DPV) in saying "[t]hat was not the case . . . at 47% of the plants tested nationally." In fact, Mr. Orrik's DPV did not refer to plants failing OSRE tests, but instead stated that "[w]eaknesses were identified in 47% of the plants evaluated to date." As previously explained in greater detail in the answer to Question 3 herein, all of these weaknesses were corrected.

- OSRE visits were conducted at 57 nuclear power plants between 1991 and 1998. During these visits, OSRE teams identified weaknesses at 27 plants; some of these weaknesses related to failures to prevent mock adversary forces from gaining access to vital equipment. Appropriate short-term and long-term measures were taken to upgrade security in response to these findings and were reinspected and found to be adequate. For more detailed information and copies of the reports, see the response to Question 3, herein.

- The 11 nuclear plants that have not had OSRE visits are Clinton, Comanche Peak, Davis-Besse, Ginna, Limerick, Perry, Quad Cities, Seabrook, St. Lucie, Susquehanna, and Watts Bar. However, 10 of these 11 plants received reviews under the program that preceded the OSRE program, known as the Regulatory Effectiveness Review (RER) program. The eleventh plant, Watts Bar, did not receive an RER because the RER program was terminated in 1991, and Watts Bar had not yet received its operational license at that time. Watts Bar received an OSRE during the week of April 26, 1999, as the first of the remaining 11 plants.

Question 8. According to the article, Mr. Orrik claimed that "[t]o perform well in force on force drills, plants were compelled to employ an average of 80% more personnel than their security plans called for." What was the basis for the security plans, and why were they inadequate to defend against simulated attacks? What plants, if any, have reduced the size of their response teams from that tested or assigned response personnel other duties?

Answer

- The basis of the security plan is the design basis threat described in 10 CFR 73.1(a)(1) for radiological sabotage at nuclear power plants. In 10 CFR 73.55(a), licensees are required to submit physical security plans that would satisfy the requirements of paragraphs 73.55(b) through (h). These plans are reviewed and approved by the NRC, with necessary adjustments, then incorporated into the license by license condition. Through this process, the NRC staff judges whether a site security plan is adequate, in the composite, to protect against the design basis threat and, thereby, comply with 10 CFR 73.55(a). The periodic inspections conducted by NRC's regional security inspectors verify that the licensees comply with the security plan commitments. Under 10 CFR 50.54(p), licensees are permitted to make changes without prior Commission approval if the changes do not decrease the safeguards effectiveness of the plan. All other changes must be submitted under 10 CFR 50.90 and require prior Commission approval.

- The initial NRC reviews of licensee security plans consist of in-office and on-site reviews by NRC inspectors and reviewers with appropriate expertise. These reviews are thorough in their own right; however, they do not include actual performance testing. Therefore, when performance testing is conducted, such as under the OSRE program, vulnerabilities may be identified that would have been difficult to detect during the initial reviews.

- Although the NRC is not aware of licensees that have reduced the available number of response force personnel to a level below that which was determined minimally necessary during the OSRE, ensuring that security plan commitments appropriately reflect the necessary response numbers is an issue that NRC will be addressing in the programs the agency is now considering. It should also be noted that several licensees have been able to reduce the number of response force personnel needed to defend their sites as a result of lessons learned during the OSREs. These reductions were based on re-evaluation of defensive strategies, physical barriers, and time-lines used during the OSREs. Most licensees have maintained the response force personnel strength at the same level as that used during the OSRE.

- As for assignment of response personnel to other duties, some licensees have determined that personnel assigned response force duties can also be assigned collateral duties such as a fire-watch. Most licensees are appropriately conservative with assignment of collateral duties in order to ensure that these personnel are able to successfully meet established incident response time-lines. When collateral duties assigned to response personnel are found to be in significant conflict with time-lines used during the OSRE, NRC inspectors have documented the occasions and licensees have taken corrective actions. In at least one instance, a licensee assigned fire-watch duties to a response force team member which significantly interfered with that team member's ability to meet applicable response time-lines. As with other weaknesses, this problem has been corrected. Several other cases are currently being evaluated by NRC staff.

Question 9. Given that this program simulated the design basis threat, that the tested plants prepared for months and augmented personnel for the announced drills, and that most of the frequent failures were not due to violations of plant security plans, why are the plant security plans inadequate to meet the design basis threat?

Answer

Even though the NRC believes that its regulations provide a sound basis for establishing a plant security plan that provides adequate protection of public health and safety, OSREs identified site-specific weaknesses that were not anticipated during the review and approval of the security plans. Therefore, the NRC has concluded that performance-based testing is necessary for demonstration of protection against a design basis threat. The NRC is currently evaluating the most efficient and effective ways of conducting performance testing.

Question 10. Why does a November 4, 1998, NRC press statement on "the status of its Operational Safeguards Response Evaluation program" not state whether or not the program has been eliminated?

Answer

- The press statement was issued in response to the November 3, 1998, *L.A. Times* article that dealt extensively with the cancellation of the OSRE program. In that light, it did not appear necessary to repeat the fact that OSRE was cancelled. However, in hindsight, since the press statement would have readers who were not privy to the *L.A. Times* article, it would have been more clear to establish the background for the issues discussed by mentioning the cancellation of the program.

Question 11. Do "the continuing NRC inspections and required compliance verification programs conducted by the licensees" mentioned in the press statement actually test whether the plants are operating according to their security plans and whether plant security is sufficient to protect against the design basis threat?

Answer

- The regulations in 10 CFR 73.55 are based on a level of protection necessary to protect against the design basis threat. Licensees' physical security programs are designed to implement the requirements of Section 73.55 with the goal of protecting against the design basis threat, as stated in Section 73.55(a). NRC inspections and the licensees' own compliance programs are designed to ensure that the security programs meet the requirements. Although not specifically required by regulations, drills are run by the security organizations to test and train the response forces.

Question 12. The press statement states that "the NRC has recently undertaken a review of the appropriate role of performance testing in validating security at commercial nuclear power plants within the overall context of assuring an adequate level of protection." What approach is the Commission reviewing to replace the eliminated program and ensure nuclear plant security against sabotage and terrorist attacks? When do you expect the review to be completed, and when do you expect any new measures to be in place? How would these measures compare in effectiveness to the program which was just canceled?

Answer

- A task force was formalized by a memorandum dated October 2, 1998, and directed to consider whether new or revised regulations, inspection procedures, or policy decisions would be necessary to proceed with performance testing in the future. That task force forwarded its recommendations to the Commission on January 22, 1999, a copy of which is attached to Question 4.

- Although the task force's recommendations are being considered, a modified OSRE program has been reinstated to continue with performance assessments at the 11 nuclear power plants not yet tested.

- As for the relative effectiveness of the new program over the old, the task force recommendations include more frequent exercising of the licensees' tactical response capability, with the NRC overseeing the exercises and reporting on its findings. It is expected that this increased frequency will result in a sustained readiness at each site, thereby providing a continuing assessment of licensee readiness as compared to that under the OSRE program in which each site was visited on an 8-year cycle.

Question 13. How does the size of the truck bomb in the design basis threat compare with the size of the bomb used to attack the Murrah Federal Building in Oklahoma City and other recent terrorist bombs? What nuclear plants, if any, are not in full compliance with regulations designed to prevent truck bomb attacks, and what plants have been exempted from the generic regulations?

Answer

- Specifics of the design basis threat are sensitive safeguards information and, therefore, cannot be discussed in this forum. However, the design basis threat is reviewed semiannually to factor in the most recent information regarding terrorist actions. The Murrah Federal Building bombing was factored into this reconsideration. Likewise, any future terrorist actions would be considered in this semiannual review for determining the need to update the design basis threat.

- All operating nuclear plants installed vehicle barriers as required by 10 CFR 73.55(c), without exemption. These plants were inspected over a 2-year period by NRC Headquarters and regional personnel, with the assistance of the U.S. Army Corps of Engineers. Only minor vulnerabilities were found at some of the plants, and these vulnerabilities have been corrected.

Question 14. What is the worst-case scenario for a terrorist or sabotage attack on a nuclear power plant, including but not limited to a core meltdown? Please include estimates of the number of deaths and number of injuries expected, and of the area over which environmental damage would occur.

Answer

- Sabotage attacks are initiating events in accident sequences; therefore, the worst-case scenario for a terrorist or sabotage attack does not differ from scenarios for other types of postulated reactor accidents. The environmental impacts are evaluated, along with a consideration of their likelihood, in individual environmental impact statements issued with licensing approval for each plant. The risks from these scenarios is considered when reviewing a request for a license. Because of the substantial levels of defense against such scenarios, the risks from them are very low.

- OSREs were set up to determine if any vulnerabilities exist in a site-specific security program. The OSREs set criteria for determining successful sabotage of vital equipment. If these criteria were met, an assumption was made that sabotage could occur. However, other than identification of the equipment and criteria, consequence evaluations were not conducted. OSREs were limited to security scenarios involving safety equipment, and any security weaknesses identified in the process were to be addressed; but the exercises did not address the safety sequences that would ensue from the sabotage event. The plant staff's ability to recover from and/or mitigate the consequences of a postulated act of sabotage were not considered.

Question 15. Have there been any recent credible threats of terrorism or sabotage against U.S. nuclear plants? If so, against which plants and by whom were the threats made?

Answer

- All reported threats to NRC-licensed nuclear power plants are assessed by the NRC Information Assessment Team. This team is on call 24 hours a day and is composed of NRC Headquarters and regional staff. During recent months, one reported threat was assessed as having low but sufficient credibility to warrant an NRC threat advisory. The threat was general in nature, and the timeframe for the threatened action passed without incident.

In addition to the above, the November 10, 1998 letter from Congressman Markey also requested the following:

> Please enclose a copy of NRC Information Notice 98-35 dated September 4, 1998, "Threat Assessments and Consideration of Heightened Physical Protection Measures," as well as any reports, memoranda, "Differing Professional Views," or other correspondence from NRC staff or contractors concerning the elimination of the anti-terrorist program.

Answer

- A copy of the unclassified version of Information Notice 98-035 is attached. Copies of the Differing Professional Views are attached with Question 4.

Attachment:
IN 98-35

[Attachments are on file in Representative Markey's office or are available on the NRC website at www.nrc.gov.]