

**NRC RESPONSE TO ADDITIONAL LETTERS TO NRC CHAIRMAN, NILS J. DIAZ
FROM READERS OF EYE ON WACKENHUT
(A Web site hosted by the Service Employees International Union)
REGARDING SECURITY ISSUES AT NUCLEAR POWER PLANTS**

INTRODUCTION

In mid-November, 2003, the Nuclear Regulatory Commission (NRC) received a large number of electronic mail messages and facsimiles containing a letter addressed to NRC Chairman Nils J. Diaz. The letter raised concerns about security at nuclear power plants. In general, the issues raised in the letter involved events that occurred several years ago. The NRC posted its response to those issues on its website at www.nrc.gov. The NRC also wrote to "Eye-on-Wackenhut" requesting a link to NRC's response to allow interested persons to have easy access to the NRC's response.

Recently, NRC has received another letter from Eye-on-Wackenhut forwarded to Chairman Diaz with similar concerns. The concerns related to Indian Point 2 have been addressed in NRC's previous response. However, additional concerns were expressed regarding the Salem and Callaway Nuclear Power Plants dealing in part with discrimination against security officers who raised concerns. The NRC has determined that the most efficient means to respond publicly to these mass mailings about safety and security at NRC-licensed facilities is to post our detailed response on NRC's website and to request the organization hosting the e-mail campaign to provide a link to our response on its website, as well. Additional concerns related to security at certain Department of Energy (DOE) facilities are also included in the Eye-on-Wackenhut letter. As a general matter, the NRC does not comment on concerns which are outside of the its jurisdiction.

The following comments respond to the general concerns raised about nuclear power plant security and to the specific security officer concerns raised at the Salem Nuclear plant in southern New Jersey in 1996 and the Callaway Nuclear Power Plant in Missouri in 1999.

GENERAL RESPONSE

For over 25 years, the NRC has required certain categories of NRC licensees to maintain robust security programs. As a result of the September 2001 terrorist attacks, the NRC launched a comprehensive evaluation of the security and safeguards programs at nuclear power plants, nuclear materials and waste facilities, and radioactive material transportation activities.

The NRC has issued orders to licensees requiring enhancements designed to raise the level of security at nuclear power reactors by upgrading security in the areas of physical protection, access authorization (including improved background checks), security force training and qualification, security force work hours (fitness for duty), and protection against a revised design basis threat (DBT). The DBT is characterized by the type, composition, and capabilities of an adversary. The DBT is used to design safeguards systems to protect against acts of radiological sabotage and to prevent the theft and diversion of special nuclear material. Many of these enhancements had already been put in place voluntarily by licensees; however, the

orders provided the means to make them legally binding and to ensure consistent implementation.

Force-on-force exercises (simulated commando-style attacks on nuclear power plants) are conducted to assess and improve, as necessary, performance of defensive strategies at licensed facilities. These exercises were temporarily suspended immediately following the terrorist attacks of September 11, 2001, because such exercises would have been a significant distraction to licensee security forces which were at the highest level of security alert. In February 2003, the NRC decided to establish an expanded force-on-force exercise pilot program. The pilot force-on-force exercises are aimed at reducing artificialities, thereby increasing the realism of the exercises and improving NRC's processes for assessing the licensees' readiness to respond to the DBT. In resuming these exercises, the NRC also increased the exercise frequency at nuclear power reactor facilities from once every eight years to once every three years.

Licensees are required to meet the safety and security requirements stipulated in the regulations. The NRC inspection program is designed to verify compliance with the regulatory requirements, regardless of whether the security force is composed of licensee employees or contractor employees. The NRC conducts inspections that evaluate the effectiveness of the security program and include observations of the guard force members and their supervisors. Although the NRC interacts with contractor personnel, the NRC holds licensees accountable for security performance.

NRC regulations prohibit discrimination against employees or contract workers who raise safety concerns, including security concerns with safety implications. The NRC has an established process for reviewing cases where discrimination is alleged. When NRC receives information indicating that an individual may have been harassed or intimidated due to raising safety concerns, or about any potential security vulnerabilities, the NRC evaluates the circumstances in accordance with established procedures. Additional information on NRC sanctions for discrimination against employees who raise safety concerns can be found on the NRC Website at <http://www.nrc.gov/what-we-do/regulatory/enforcement/sanctions.html>.

In the cases cited, NRC thoroughly investigated the circumstances surrounding the alleged discrimination against the security officers, as well as the specific concerns raised by the officers. In both cases, NRC found that the security officers had been discriminated against for raising concerns and took enforcement action against the licensee and, as appropriate, the contractor in accordance with NRC's enforcement policy. The NRC also confirmed that the specific security issues raised by the officers were resolved. Information on the specific cases is provided below.

SPECIFIC RESPONSE TO SECURITY ISSUES

Issue 1) Salem Nuclear Power Plant in New Jersey

NRC Response:

The Eye-on-Wackenhut website states that Salem Nuclear Power plant in southern New Jersey has lax security. Based on the description on the website, the NRC understands that Eye-on-Wackenhut is referring to the following case: Years ago the NRC determined that Public Service Electric and Gas (the licensee) and Wackenhut Corporation violated the requirements

of 10CFR 50.7 for employee protection when, in August 1996, Wackenhut suspended a security officer for raising a security concern. Specifically, the security officer was suspended without pay when she expressed concern regarding a supervisor's failure to perform a required security alarm test. After the issue was raised by other individuals, the security alarm test was completed. Further information on this case can be found through NRC's on-line Agency Document Management System (ADAMS) under the docket for Salem at: ML003719200.

Issue 2) Callaway Nuclear Power Plant in Missouri

NRC Response:

The Eye-on-Wackenhut website states that there is shoddy employee screening at the Callaway Nuclear Power plant in Missouri. Based on the description on the website, the NRC understands that Eye-on-Wackenhut is referring to the following case: The NRC determined that Union Electric (the licensee) and The Wackenhut Corporation violated the requirements of 10CFR 50.7 for employee protection when, in November 1999, Wackenhut unfavorably terminated the employment of a security officer and reprimanded a training instructor. Union Electric also revoked the security officer's unescorted access authorization after the officer and training instructor identified a violation of NRC requirements. Specifically, the security officer and training instructor identified that an individual who did not have a high school diploma or equivalent was hired as a temporary watchman in violation of 10 CFR Part 73, Appendix B, Section I.A.1.a. After the violation was identified, The Wackenhut Corporation terminated the employment of the temporary watchman and Union Electric revoked his unescorted access authorization. Further information on this case can be viewed on NRC's public Web site at the following address:

<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/reactors/ea01005.html>