

July 22, 2002

Paul Leventhal, President
Edwin Lyman, Scientific Director
Nuclear Control Institute
1000 Connecticut Avenue, Suite 410
Washington, D.C. 20036

Dear Messrs. Leventhal and Lyman:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter of May 21, 2002, concerning security at nuclear power plants. In your letter, you mentioned a recent incident at Duke Energy's Oconee Nuclear Power Plant in which an individual's criminal record was not discovered until after he was granted temporary unescorted access. You urged the Commission to order all nuclear power plant licensees to halt the practice of granting temporary unescorted access until an individual's background check is completed. You also indicated that closed meetings between the NRC and the Nuclear Energy Institute (NEI) concerning the sensitive details of licensees' security programs are inappropriate.

Regarding the incident at Oconee, the individual applied for and, on March 18, 2002, was granted temporary unescorted access after the licensee had completed the required preliminary background checks. On March 20, 2002, the licensee received information indicating the individual had a criminal history. The licensee immediately terminated his access. According to the licensee, the individual entered the protected area on familiarization tours of the plant and spent several minutes in a vital area. While in the vital area, the individual was escorted at all times.

As you are aware, NRC regulations contained in Section 73.56 of Title 10 of the Code of Federal Regulations (10 CFR 73.56) provide requirements for granting unescorted access to protected and vital areas of nuclear power plants. In accordance with the requirements, a licensee may grant unescorted access to an individual following completion of an unescorted access authorization screening program, including a background investigation and psychological evaluation. NRC regulations [10 CFR 73.56(c) and (d)] also allow nuclear power plant licensees to grant temporary unescorted access to their sites. Specific guidance on this provision is contained in Regulatory Guide 5.66, "Access Authorization for Nuclear Power Plants." Consistent with the guidance, a licensee may grant temporary unescorted access (not to exceed 180 days) as long as certain checks specified in the guidance have been completed. These checks include verification of identification, a psychological evaluation, a credit check, a recommendation by one developed character reference, an employment check for the past year, and the submission of information to the NRC required for processing of an FBI criminal history check.

The NRC recognizes the need to reexamine the practice of granting temporary unescorted access and is reviewing the issue as part of the comprehensive re-evaluation of the

agency's safeguards and security programs. In the interim, the Order issued to all power reactor licensees on February 25, 2002, requires a number of enhancements to security, including tighter controls on access to vital and protected areas.

The NRC recognizes the importance of public participation in the regulatory process. Although we strive to conduct business in an open forum, this practice cannot always be followed when the information being discussed is sensitive. As a result, the NRC has held closed meetings with representatives for industry who are cleared for access to this type of information. Each licensee is responsible for security at its site, and NEI provides a broad perspective on security of the Nation's nuclear power plants. Because it is essential that the NRC fully understand security issues at the power plants, the NRC must discuss the sensitive details of security with the industry and its representatives.

Please contact me if you have any further concerns.

Sincerely,

/RA/

Richard A. Meserve