

EDO Principal Correspondence Control

FROM: DUE: 10/22/02

EDO CONTROL: G20020584  
DOC DT: 10/08/02  
FINAL REPLY:

Edwin S. Lyman  
Nuclear Control Institute

TO:

Chairman Meserve

FOR SIGNATURE OF :

\*\* PRI \*\*

CRC NO: 02-0653

Chairman Meserve

DESC:

OI Report No. 3-2001-059, Security Incident at  
Perry Nuclear Plant

ROUTING:

Travers  
Paperiello  
Kane  
Norry  
Craig  
Burns/Cyr  
Caputo, OI  
Collins, NRR  
Dyer, RIII

DATE: 10/10/02

ASSIGNED TO:

CONTACT:

NSIR

Zimmerman

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate with OI.

Template: SECy-017

E-Rids: SECy-01

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

Date Printed: Oct 09, 2002 12:27

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PAPER NUMBER: LTR-02-0653                      LOGGING DATE: 10/09/2002  
ACTION OFFICE: EDO

AUTHOR: Edwin Lyman  
AFFILIATION: NCI  
ADDRESSEE: Richard Meserve  
SUBJECT: Concerns the NRC Office of Investigations (OI) Report No. 3-2001-059, security incident at the Perry nuclear plant in Ohio

ACTION: Signature of Chairman  
DISTRIBUTION: RF, SECY to Ack

LETTER DATE: 10/08/2002  
ACKNOWLEDGED: No  
SPECIAL HANDLING: OCM #12159  
NOTES: Commission Correspondence  
FILE LOCATION: Adams  
DATE DUE: 10/24/2002                      DATE SIGNED:

EDO --G20020584



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October 8, 2002

Honorable Richard A. Meserve  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dear Chairman Meserve:

I am writing to you on behalf of the Nuclear Control Institute (NCI) in reference to the NRC Office of Investigations (OI) Report No. 3-2001-059, dated September 26, 2002, involving a security incident at the Perry nuclear plant in Ohio.

In this report, which was publicly released yesterday on ADAMS, it is stated that an investigation by the OI initiated on December 28, 2001 substantiated that "a contract insulator deliberately falsified access authorization records by failing to disclose his complete criminal history" in applying for unescorted access at Perry. The letter states that NRC will not take any enforcement action against Perry's owner, First Energy Operating Company (FENOC) in response to this incident.

NCI requests that NRC provide answers to the numerous questions raised by this incident. Was this individual actually granted temporary unescorted access (TUA) based on false information? If so, for how long did it remain in effect? Did the individual enter areas of the plant where he or she could have committed sabotage or obtained information of use to external attackers? Was there any evidence that the individual had links to terrorism? Was the deception uncovered by an FBI background check or by some other means? And finally, would the "severe limitations on temporary unescorted access" that you claim NRC has imposed in its February security orders have prevented this security failure from occurring?

NCI has communicated with you more than once since the terrorist attacks on September 11, 2001 to express our concern regarding NRC's practice of allowing nuclear plant licensees to grant TUAs to contract workers for extended periods based on self-reported information about their criminal histories. At least one similar security breach at Duke Energy's Oconee plant, has come to light in the past thirteen months. The incident at Perry is yet another demonstration of the recklessness of this practice.

*Strategies for stopping the spread and reverting the growth of nuclear arms.*

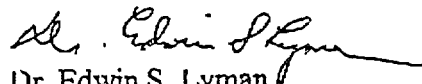
Paul L. Leventhal, President, Peter A. Bradford, Julian Koenig, Sharon Tanzer, Roger Richter, Dr. Theodore B. Taylor  
BOARD OF DIRECTORS

Given that you have acknowledged in a September 6 letter to Homeland Security director Tom Ridge and other officials that "enhancing access control may be one of the most effective means of preventing a successful attack [on a nuclear plant], because an insider could provide significant assistance to an attacking force," NCI cannot understand why NRC continues to allow TUA to be granted in the post-September 11 era.

We once again urge NRC to forbid unescorted access to nuclear plant protected areas to individuals unless they have been cleared by FBI criminal background checks, as well as by more thorough investigations of non-criminal but suspicious behavior that may indicate involvement with terrorist activities. We also urge you to demonstrate your commitment to combating the insider threat, as articulated in your September 6 letter, by issuing enforcement actions when serious breaches of security like the one at Perry occur.

We look forward to your prompt reply. Thank you for your consideration of these important matters.

Sincerely,



Dr. Edwin S. Lyman  
President