

November 25, 2002

Dr. Edwin S. Lyman
President, Nuclear Control Institute
1000 Connecticut Avenue NW
Suite 410
Washington, D.C. 20036

Dear Dr. Lyman:

I am writing on behalf of the U.S. Nuclear Regulatory Commission (NRC) in response to your letter of October 8, 2002, concerning an investigation by the NRC's Office of Investigations (OI) into an incident at the Perry Nuclear Plant in Ohio in which an individual allegedly deliberately falsified his access authorization records by failing to disclose his complete criminal history. A description of the circumstances of the event and NRC's actions are discussed below.

Since OI reports are sensitive and do not appear in publicly accessible systems, such as the NRC's Agencywide Documents Access and Management System (ADAMS), the document you found in ADAMS was a letter forwarding the OI report's synopsis and a description of the actions being taken by the NRC to the licensee. The document was not the OI report.

This event involved incomplete reporting on the part of an individual applying for unescorted access to a licensed facility. The individual reported the arrest and conviction for the central event in his application, but failed to delineate other charges associated with the event. This was the first nuclear facility to which the individual had applied and the individual did not have unescorted access to vital areas. After identifying that the individual had not provided complete information on the application, the licensee concluded that the individual was not trustworthy, terminated the individual's access, and placed the individual's name in the Personal Access Data System (PADS) to inform other licensees of the event. Because the individual reported the underlying event and provided complete information on another site's application with more specific questions filed at a later date, the NRC concluded that enforcement action against the individual was not warranted. The Department of Justice's Special Counsel for Administration and Regulatory Affairs had previously concluded that the matter did not warrant criminal prosecution. Since the licensee complied with the regulations and its commitments concerning granting temporary unescorted access, enforcement action against the licensee was not taken.

In your letter, you questioned NRC's practice of allowing licensees to grant temporary unescorted access. This practice is permitted by current regulation (see Title 10, Code of Federal Regulations, Part 73, Section 73.56(c)(2)) and supported by guidance in place since 1991. Subsequent to the terrorist events on September 11, 2001, the NRC issued Orders to nuclear power reactor licensees restricting the duties of employees who are working at the

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facility on temporary unescorted access authorizations. The NRC is currently considering additional changes to the policy for granting temporary unescorted access and will take this event and NCI's views into account in developing its final position.

Thank you for your interest in these matters. If you have any further questions, please contact me.

Sincerely,

/RA/

Richard A. Meserve