

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

INTRODUCTION

The Nuclear Regulatory Commission (NRC) has received a large number of electronic mail messages and facsimiles containing a letter addressed to NRC Chairman Nils J. Diaz. The letter raises concerns about security at nuclear power plants. These communications began in November 2003. In general, the issues raised in the letter are dated. Many significant actions have been taken to enhance the security at NRC-licensed facilities since September 11, 2001.

Most of the concerns raised in these letters involve security at the Unit 2 nuclear power plant at Indian Point in Buchanan, New York. The NRC addressed all of these concerns and has concluded that security at Indian Point Unit 2 is adequate to ensure protection of the public health and safety and the common defense and security. The following NRC response is presented in two parts. The first part describes the substantial enhancements in security since early 2002. The second part responds to the specific issues raised in these letters, including those related to Indian Point Unit 2.

GENERAL RESPONSE

For over 25 years, the NRC has required that major NRC licensees maintain 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 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 power reactors) 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 expand the Force-on-Force exercise 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.

SPECIFIC RESPONSE

Issue 1) Security Procedures

NRC Response:

The NRC has verified, through its inspection program, that Indian Point security procedures are adequate to meet the NRC's regulatory requirements. The Indian Point security has been enhanced as required by the February 25, 2002 Orders to all licensees of nuclear power plants. During the last several years, NRC security specialists from Region I and the NRC Office of Nuclear Security and Incident Response have devoted hundreds of hours to inspecting the security arrangements at Indian Point, including confirmation of the effectiveness of Entergy's actions to comply with the Additional Security Measures that were ordered on February 25, 2002. To date, these inspection activities have not revealed significant deficiencies in the implementation and execution of the physical protection and security program at Indian Point. Specific details of the Orders are Safeguards Information and, therefore, cannot be disclosed to the public or other entities who are not authorized and who lack an official need to know the information.

Issue 2) Security Officers

NRC Response:

The Entergy report issued on January 25, 2002 regarding security at Indian Point concluded that only 19% of the security officers interviewed stated that they could adequately defend the plant against a terrorist attack in light of the uncertainty following the terrorist attacks of September 11, 2001. In the weeks and months directly following the World Trade Center and Pentagon attacks, the uncertainty of the nature of the potential threats against nuclear plants caused concern among many, including security officers across the country. NRC has conducted interviews of security officers and has initiated reviews of the specific concerns in accordance with its Reactor Oversight Process inspection program and allegation process. Some security officers have voiced concerns about their ability to defend against a perceived level of threat that exceeds the current security planning basis. However, in general, security personnel at the site interviewed by NRC since the Entergy report were confident in their ability to implement the heightened security program currently in place. In July 2003, the NRC had more than 20 staff and expert contractors overseeing the force-on-force security exercise at Indian Point. The exercise was also observed by the FBI, New York State Office of Public Security and other State and local officials. There has been and continues to be excellent support from local, State and Federal authorities, including on-site National Guard, Coast Guard, and local law enforcement officers. NRC's observations at Indian Point indicate that the licensee has a strong defensive strategy and capability. The Indian Point security force personnel successfully protected the plant from repeated mock-adversary attacks during the exercise. These observations and ongoing NRC oversight support the conclusion that public health and safety continues to be adequately protected at Indian Point.

The NRC staff believes that security force members have provided, and continue to provide, valuable first-hand input to the assessment of the adequacy of nuclear facility security. Their

input has been important to the NRC's development of additional requirements on training and fitness for duty that were imposed in April 2003. Their input is only a portion of the security assessment information that has been assimilated since the events of September 11, 2001. The NRC will continue to evaluate all relevant input from stakeholders as NRC continues to review and enhance, as appropriate, the safeguards and security programs.

Issue 3) Physical agility training

NRC Response:

In December 2002 and January 2003, NRC conducted several reviews and inspections of security program performance at Indian Point, including a comprehensive verification of the completion and effectiveness of the additional security measures required by the Order of February 25, 2002. The reviews and inspections confirmed that Entergy was implementing the physical protection and security program in accordance with the specifications of the NRC-approved Indian Point Security Plan and Entergy's Training and Qualification Plan.

Requirements for physical and mental qualifications for security personnel at nuclear power plants are defined in the licensees' NRC-approved Training and Qualification Plans. These requirements comply with 10 CFR Part 73, Appendix B and include physical fitness tests representative of actions required by the site response strategy. NRC enhanced requirements for training and qualification of the security force in an Order in April 2003.

The NRC reviews of Indian Point security personnel records have indicated that all officers have passed the required physical agility tests and meet the qualification requirements. Many officers would like more training on tactics and weapons proficiency and some believe that qualification requirements should be more challenging. The NRC considered these views in developing and imposing the required enhancements to training and qualifications in April 2003. These requirements are designed to ensure security personnel are capable of responding to an event and are prepared to respond effectively to a terrorist attack.

Issue 4) Qualifying Examinations for Carrying Weapons

NRC Response:

The NRC has no information to indicate that qualifying exams for carrying weapons had been rigged so officers could pass. In order to assess concerns regarding weapons qualification, NRC inspectors observed evaluations of security officers on the firing range during a January 2003 team inspection. The Entergy weapons re-qualification process, which is typical of accepted industry practice, allows familiarization firing before starting the re-qualification testing. If the individual does not qualify in the first cycle, the individual is allowed to perform a second cycle. If still not qualified, the individual is removed from armed response duties, provided remedial training by a range instructor, and allowed to attempt one more qualifying cycle at the next re-qualification, usually within 30 days. In accordance with current Entergy policy, an individual who fails to re-qualify can no longer be employed as an armed responder.

The re-qualification process for the challenge test or watchperson test described in the January 2002 Entergy report is similar to weapons re-qualification. It allows two chances prior

to remediation and a final chance following remediation. In all cases, officers would not be allowed to return to armed response duties until they successfully passed the re-qualification test.

Issue 5) Information Provided by Wackenhut to Plant Management and NRC Investigators

NRC Response:

The NRC reviewed the Entergy report of January 25, 2002, with respect to the statements and conclusions regarding the March 2001 Wackenhut report. NRC has also reviewed the licensee's responses to the NRC letter which asked Consolidated Edison (the licensee at the time), in the aftermath of the termination of the security officer, to explain its actions, taken or planned, to assure there was not a reluctance (chilling effect) on the part of security officers to raise safety issues at Indian Point due to fear of retribution.

The NRC concluded that the Wackenhut report (as described in the January 2002 Entergy report) provided an accurate account regarding the issue of a chilled environment with respect to raising nuclear safety concerns. As indicated in the January 2002 Entergy report, the officers' responses to Wackenhut interviewers in March 2001 were consistent with their responses to the independent contractor in November and December 2001 regarding the willingness to raise safety concerns. NRC reviews of the Entergy report indicate that the assertions that officers at Indian Point are discouraged from raising concerns apply to issues not directly related to nuclear safety issues. The Entergy report indicates that some of the officers interviewed in November and December 2001 did not feel comfortable raising certain concerns, such as labor issues, to management. However, the officers indicated that this reservation did not apply to raising nuclear safety issues. According to the Entergy report, the officers provided similar responses regarding the chilled environment and their willingness to raise safety concerns to the Wackenhut interviewers in March 2001. The Entergy report also indicates that the Wackenhut report acknowledged the concerns with management raised by the officers. Therefore, the NRC concluded that the Wackenhut report did not contain false information regarding the issue of a chilled environment with respect to raising nuclear safety concerns.

Issue 6) Wackenhut's Ability to Provide Security

NRC Response:

Since March 29, 2003, security at the Indian Point facility is provided by Entergy employees. Based on NRC inspection findings to date and the ongoing review of Entergy's response to NRC threat advisories and Orders, the NRC staff considers security at Indian Point to be adequate to protect the public health and safety and the common defense and security. The number of available security responders at the Indian Point facility has been substantially increased since September 11, 2001. Additionally, Entergy has taken significant steps since the September 11, 2001, attacks to strengthen physical barriers, security equipment and response strategies at the facility. Security personnel interviewed at the site in 2002 and early 2003 by NRC staff indicated that they were comfortable with their ability to implement the current heightened security program requirements.

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 security program performance and include observations of the security force members and their supervisors. Although the NRC interacts with contractor personnel, the NRC holds licensees, not contractors, accountable for security performance.

Issue 7) Security officers who have raised questions about security vulnerabilities

NRC Response:

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 at any NRC licensed facility, or about any potential security vulnerabilities, the NRC evaluates the situation and investigates as warranted by the circumstances in accordance with established procedures. To date, the NRC has not substantiated any specific examples of security officers having been discriminated against for having raised safety concerns at Indian Point.

Issue 8) Security-related employee allegations

NRC Response:

There is no direct relationship between the number of concerns and alleged or substantiated cases of discrimination received from nuclear power plant security employees. In the normal course of business the NRC receives allegations from nuclear power plant employees and others. The NRC evaluates the validity of those allegations, through an established allegations review process and takes appropriate action. Sometimes that action results in an in-depth plant review or review of associated programs.

Issue 9) Wackenhut Corporation's Track Record

NRC Response:

Beginning March 29, 2003, security at the Indian Point facility is no longer provided by contractor employees but by Entergy itself. The NRC was in no way involved in that decision, but still requires that Entergy, and other licensees, meet the NRC safety and security requirements stipulated in the regulations, whether the security forces are contracted or employed directly by the licensee. 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 security program performance and include observations of the security force members and their supervisors. Although the NRC interacts with contractor personnel, the NRC holds licensees, not contractors, accountable for security performance.