

Mr. Andrew L. Stern
President, Service Employees International Union
Eye on Wackenhut
1313 L Street N.W.
Washington, D.C. 20005

Dear Mr. Stern:

As you know, last month, I responded to over 700 letters from citizens and union members sent to the Nuclear Regulatory Commission Chairman, Nils J. Diaz, regarding their concerns about security at nuclear power plants. We posted NRC's response to the concerns raised in these letters on NRC's website at: www.nrc.gov. Since then, we have received another 400 letters, evidently generated from your website. We are adding our response to any new issues in the latest group of letters to our web posting.

We would ask that you post this letter and enclosed response on the Service Employees International Union web site so that those who sent letters using your website could easily see the NRC's response to their letters.

We take security at nuclear power plants very seriously and understand the public's concerns. We believe it is important for the public to be aware that numerous measures have been taken that make security strong today at the nation's commercial nuclear power plants.

Thank you for considering this request. If you have any questions, please contact me at 301-415-8003 or Eric Weinstein of my staff at 301-415-7559.

Sincerely,

/RA/

Roy Zimmerman, Director
Office of Nuclear Security
and Incident Response

Enclosure: As stated

C-1

**NRC RESPONSE TO LETTERS TO NRC CHAIRMAN, NILS J. DIAZ
FROM READERS OF EYE ON WACKENHUT
(A Web site hosted by the Service Employees International Union)
REGARDING ADDITIONAL 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 external website at <http://www.nrc.gov/what-we-do/corr040010encl.pdf>.

Recently, NRC has received more letters with similar concerns. The concerns related to Indian Point 2 have been addressed in our previous response. However, additional concerns were expressed regarding discrimination against security officers who raised concerns. The NRC feels an obligation to respond in a public way to inquiries about safety and security concerns to the degree that we can. Therefore, 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. Additional concerns related to certain Department of Energy (DOE) facilities are also included in the letter, however, NRC will not comment on them. It is our understanding the DOE is preparing a response to those issues.

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 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 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. 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 our 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 our enforcement policy. We also confirmed that the specific security issues raised by the officers were addressed. Information on the specific cases is provided below.

SPECIFIC RESPONSE TO NRC CASES

Case 1) Salem Nuclear Power Plant in New Jersey

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.

Case 2) Callaway Nuclear Power Plant in Missouri

The NRC determined that Union Electric (the licensee) and Wackenhut 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, and Union Electric 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 came to light, TWC 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>.