

**NRC RESPONSE TO QUESTIONS FROM CONGRESSMAN EDWARD MARKEY'S
LETTER DATED MARCH 22, 2005
REGARDING ILLEGAL ALIENS USING FALSE SOCIAL SECURITY NUMBERS
AT THE PROGRESS ENERGY'S CRYSTAL RIVER ENERGY COMPLEX**

Background

On March 10, 2005, the NRC received information about seven contract employees who used questionable social security numbers to gain access to Progress Energy facilities. Of the seven individuals, two were given escorted access to the protected area at Crystal River Nuclear Power Plant, and the remaining five were only given access to the fossil units which are not licensed by the NRC. Only one of the two individuals with escorted access to the protected area possessed fraudulent identification. By NRC regulation, all visitors at Crystal River Nuclear Power Plant must be pre-approved for site visitation or site-related work activities. In this case, the individual in question submitted two forms of identification to the contractor, Brock Speciality Services. Upon arrival at the site, the individual in question gained escorted access with a government-issued photo identification badge following a search of the industry's Personnel Access Data System.

By NRC regulation, if the visitation includes protected area access, as in this instance, an extensive and thorough search for weapons and explosives are conducted through metal (x-ray) and explosive detectors. In addition to the escort and access controls into the protected area, armed plant security officers routinely conduct patrols to detect and respond to aberrant behavior or threats.

The individual in question was badged as a visitor and was continuously escorted during all work activities performed at Crystal River. The job assignment of the individual in question was to paint the floor in the Turbine Building under the observation/supervision of a permanently badged employee who maintained escort responsibilities and who is trained in his/her escort duties and responsibilities to notify security if he/she witnesses abnormal behavior which may constitute a threat or a risk to public health and safety.

On March 23, 2005, the NRC issued an advisory about the Crystal River issue to all applicable licensees to inform other facility managers and other security personnel responsible for protecting NRC-licensed facilities. The advisory indicated that the use of a false social security number to obtain work at a nuclear power plant underscored the importance of personnel security controls at all levels. The advisory urged licensees to ensure a heightened level of awareness and to scrutinize the validity of the information disclosed by a visitor when a social security number is presented for identification purposes.

To address the issue, licensees were advised to consider checking the identity of individuals using the Department of Homeland Security's (DHS') Systematic Alien Verification for Entitlements (SAVE) database. In addition, licensees were instructed to pay particular attention to identification documents from out of state. The NRC also urged licensees to review appropriate escort-to-visitor ratios in light of these issues. Further, the advisory emphasized that the NRC staff will continue to work with other Federal agencies to make available other means to help licensees promptly verify the identity of individuals (e.g., DHS' Basic Pilot Program). Additionally, the NRC is in contact with other Federal partners and nuclear industry stakeholders regarding other possible initiatives to ensure positive identification of plant workers.

Question 1: Has the Commission investigated this matter? If so, what were the results of the investigation? Please provide a complete description of all steps the Commission has taken to determine why these individuals were able to obtain access to the energy complex, whether Progress Energy and Brock Specialty Services were in compliance with NRC regulations, and if not, what penalties will be imposed on the entity/ies who may have violated NRC regulations.

Answer:

Yes. On March 11, 2005, the NRC's Office of Investigations (OI) commenced an inquiry into the matter. The Office of Investigations' effort is currently ongoing in collaboration with the licensee, the Federal Bureau of Investigation (FBI), and the Florida Department of Law Enforcement (FDLE).

To determine why the individual in question obtained escorted access to Crystal River, the NRC has taken the following steps: initiated an Office of Investigations review of the incident; compared (with negative results) the names of the seven aliens against the national Personnel Access Data System (PADS) for nuclear power plants--an industry database that contains information on nuclear power plant personnel who previously held or currently maintain unescorted access, including favorable and unfavorable termination of employment; requested identifying data for the alien registration numbers from Immigration and Custom Enforcement (ICE) of the Department of Homeland Security; and reviewed the licensee's procedures for granting escorted access.

Based on information obtained to date, the NRC staff has not identified a violation of NRC requirements but will make a final determination following completion of the OI inquiry and the issuance of its report.

Question 2: If the Commission has not launched an investigation, why not? After all, there have been past instances in which the Commission investigated reports of unauthorized access to nuclear reactors (see, for example EN 00-022, when the NRC banned Ms. Gail VanCleave from working in the nuclear industry for 5 years because she evidently used her dead mother's social security number to gain access to the D.C. Cook reactor).

Answer:

As discussed in Answer #1, after receiving information about the false identification issue at Crystal River on March 10, 2005, the Office of Investigations began conducting an inquiry into this matter the very next day.

- Question 3: The article states that the Progress Energy spokesperson said that the NRC requires that persons admitted to power plants have valid government-issued identification, but the social security numbers provided by these illegal aliens didn't raise any red flags.
- a) What forms of government identification are required to be provided for persons seeking admission to nuclear reactors? Please describe the requirements for each of the following types of individuals:
 - i) temporary workers such as painters who would not be expected to gain access to the sensitive areas of the reactor
 - ii) temporary workers (including engineering and other personnel involved in re-fueling a reactor) who would be expected to gain access to sensitive areas of the reactor
 - iii) long-term or permanent employees who are NOT expected to have regular access to sensitive areas of the reactor, and
 - iv) long-term or permanent employees who are expected to have regular access to sensitive areas of the reactor.
 - b) What is supposed to occur after the identification is provided for each of the categories of employee mentioned above? Does the licensee or contractor have an obligation to ensure that the social security numbers or other identifiers are run through government databases for the purposes of checking for identify fraud or other criminal or security risks the individual might pose? If so, please describe all the requirements for each category of employee. If the licensee or contractor is not required to follow up to validate the identification documentation, why not?
 - c) Did Progress Energy and/or Brock Specialty Services correctly perform each step required? If not, please list all deviations from the required procedures.
 - d) Given the apparent widespread commercial availability of services that may provide one with access to a person's Social Security Number (SSN), and recent reports indicating that identity thieves have been able to gain access to databases containing SSNs, does the Commission believe that a licensee's reliance on this number as the basis for authentication of a person's identity may be insufficient?

Answer:

- a)&b) For individuals described under items (i), (ii), (iii) and (iv) above, the licensee has two equally acceptable options (either escort workers/employees or grant them unescorted access). If the licensee elects to escort workers/employees, the individuals would have to meet the regulatory requirements for escorted access. For this category of worker, the licensee is required to (1) check identity through a Federal or State issued government identification card with picture identification; (2) check the nuclear industry's PADS [Personnel Access Data System]—as previously mentioned, this is an industry database that contains information on nuclear power plant personnel who previously held or currently maintain unescorted access, including favorable and unfavorable termination of employment; (3) ensure advance notification was received regarding the individual's visit; and (4) obtain the worker's employment affiliation and citizenship information. A social security number is not used as the basis for granting an individual

escorted access. All the previously noted pertinent documentation was provided by the individual who obtained escorted access to the protected area of the Crystal River nuclear facility. More definitive views in this area will be developed after the Office of Investigations completes its inquiry and prepares its report.

If the licensee elects to grant workers/employees unescorted access, the regulations relevant to unescorted access would be applicable. The requirements for unescorted access include an official photo identification (driver's license; passport; government identification; State, Province, or country issued certificate of birth, or other form of valid identification); a background check (pursuant to 10 CFR 73.56, and 10 CFR 73.57); and implementation of the access authorization Order (EA-02-261), dated January 7, 2003. These regulatory requirements are intended to provide high assurance that individuals granted unescorted access are trustworthy and reliable, and are not an unreasonable risk to the health and safety of the public, including the risk of committing radiological sabotage. The base document for the background investigation is the personal history statement (PHS) submitted by the individual applying for unescorted access. The information in the PHS is verified by a qualified investigator, who is held to the same standards as the persons being investigated for unescorted access. Social security numbers and other identifiers are verified through governmental and private databases for those individuals applying for unescorted access for purposes of checking for identify fraud or other criminal or security risks the individual might pose.

- c) Based upon information obtained to date, the staff believes that Progress Energy and/or Brock Specialty Services correctly performed each step required by existing NRC regulations and licensee commitments. More definitive views will be developed after the Office of Investigations completes its inquiry and prepares its report.
- d) As mentioned earlier in the answer to question 2 above, a social security number is not used as the basis for granting an individual escorted access (see the response to question 3 under the answer to a) and b) for the NRC's escorted requirements). However, for unescorted access, the social security number is one of the identifiers used in the background investigation for comparison to other identifiers used during the verification of a person's true identity.