

From: Cliff Anderson
To: lampert
Date: 8/18/05 10:55AM
Subject: Re: Potential SRM Violation- Request Investigate --Indicate that this has been received by return email

Dear Ms. Lampert

This is in response to your July 12, 2005 email to Chairman Nils J. Diaz of the NRC regarding issues raised in a recent Time Magazine article on reactor security. You expressed concerns about issues raised in the article by a previous security guard trainer at Pilgrim and specifically requested that the NRC investigate the circumstances surrounding responses by Entergy personnel to the issues raised by the former employee.

As Chairman Diaz indicated in a letter to Time magazine, dated June 14, 2005, nuclear power plants are the most heavily defended elements of our civilian infrastructure, with multiple layers of defenses to ensure safety and security. Further, the NRC vigorously monitors plant security to ensure our homeland is well protected. NRC does not make the details of security inspections publicly available to prevent release of any security information that could be useful to a potential adversary; therefore, I cannot specifically address NRC reviews of security issues at Pilgrim. However, I can assure you that we closely monitor security activities at all nuclear power plants, and should any problems be identified, the NRC requires licensee's to implement appropriate corrective actions.

You were particularly concerned about statements made by Entergy representatives regarding the former security guard that you believed could contribute to a "chilling effect" on other employees. As you are aware, the NRC's Safety Conscious Work Environment (SCWE) policy establishes the expectation that licensees maintain an environment in which employees are encouraged to raise safety concerns without fear of retaliation. The NRC also has regulations, 10CFR50.7, regarding employee protection that prohibits discrimination by a licensee against an employee for engaging in certain protected activities. The NRC does investigate claims of discrimination; however, it is the NRC's policy that an assertion of discrimination for engaging in protected activity be provided directly by the individual against whom the adverse personnel action has been taken. The reasons for this are twofold: 1) because it would be inappropriate and discourteous to the individual to accept a second-hand or third-hand assertion of discrimination; and 2) because it is difficult to pursue a discrimination matter, if the affected individual is unwilling to participate in the investigation.

Your email did not provide information supporting concerns not already addressed by the NRC, or different than what has been reported in the media. Therefore, the issues you have raised do not meet the criteria for handling in our established allegation process. Also, you should be aware that the NRC's allegation process is not a public process. We can neither confirm nor deny that the issues raised in the Time magazine article relating to Pilgrim security or work environment were entered into the NRC's allegation system.

Please contact me should you have any further questions regarding this issue.

Sincerely,
Cliff Anderson
Chief, Projects Branch 5
NRC Region I

>>> "lampert" <lampert@adelphia.net> 07/12/05 1:11 PM >>>
Indicate that this has been received by return email - Thank-you

July 12, 2005

To: Nils Diaz, Chairman of the U.S. Nuclear Regulatory Commission

Guy Caputo, Director of the Office of Investigations

Potential SRM Violation- Request Investigate

In June 2005, I received a copy of the NRC's Allegation Program Annual Report, 2004.

Pilgrim NPS is among the 10 reactor sites highlighted in the report because the large number of allegations received from Pilgrim workers increased significantly last year. The significant increase in allegations, three-times the industry median average, was primarily in security. Pilgrim is discussed on page 18 of the report.

Allegations Received from Onsite Source – Table page 25-26

Site
2000
2001
2002
2003
2004
Pilgrim
2
3
2
5
14

I am bringing forward another case for investigation. Pilgrim NPS uses Wackenhut for security. Kathy Davidson is a former Wackenhut security officer at Pilgrim. She had worked for the last 16-years and spent her last few months on the job as a trainer. In a recently released Time Magazine article on reactor security, Kathy Davidson called the Pilgrim plant's security "pathetic." She told Time Magazine there aren't enough guards and they have too many "confusing missions" to carry out. She also accused the guards of flunking 28 of 29 in-house "tabletop drills" or hypothetical situations in which the guards must say what they'd do during an emergency. And she accused Wackenhut, the security contractor at Pilgrim, of firing her because she was a whistle blower instead of taking her complaints seriously.

I do not believe that she has had her day in court to demonstrate that her allegations are without merit. If she has, please verify that in writing to me. However, David Tarantino, Public Relations spokesperson for Pilgrim, essentially "tried" her in the press, a character attack, and did the same in conversations with locals.

For example, in the MPG newspapers, June 25, 2005, Mr. Tarantino is quoted as characterizing Davidson as "a disgruntled ex-employee fired for performance reasons."
<http://oldcolony.southofboston.com/articles/2005/06/24/news/news04.txt>

In bringing this allegation, I recognize that companies have a right to defend themselves if they know the charges are false. Therefore, Mr. Tarantino could have defended Pilgrim by saying the company internally and/or independently investigated her claims, if actually true, and found no merit. But instead he opted to attack the messenger in the press --- which is the 21st century equivalent of beheading and putting the head on a pole to silence the rest of the riff-raff.

Unless an appropriate body, such as court or other independent body, has determined that in fact Kathy Davidson is "a disgruntled ex-employee fired for performance reasons" and most significantly that her allegations are without merit than Mr. Tarantino's public character assassination violates NRC's Safety Conscious Work Environment (SRM) Policy and would contribute to bring a "chilling effect" -- warning others not to bring forward safety allegations fearing that their character, too, would be attacked in the press and in public. This, of course, is detrimental to public safety, worker safety and the industry. It negatively affects me, my family and my community.

I request that this incident be investigated; that you keep me apprised of your actions; and if a violation is found that appropriate measures are taken and your investigation is made part of the public record.

Mary Lampert

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Mail Envelope Properties (4304A3B2.7AD : 21 : 55458)

Subject: Fwd: Re: Potential SRM Violation- Request Investigate --Indicate that this has been received by return em

Creation Date: 8/18/05 11:05AM

From: Cliff Anderson

Created By: CJA@nrc.gov

Recipients

kp1_po.KP_DO
CEO (Cynthia O'Daniell)
DJF1 CC (Donald Florek)
RSM3 CC (Riqueza Marziale)
TEW CC (Tracy Walker)
WJR CC (William Raymond)

Post Office

kp1_po.KP_DO

Route

Files

MESSAGE
Mail

Size
553

Date & Time
08/18/05 11:05AM

Options

Expiration Date: None
Priority: Standard
Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard