

December 17, 2007

The Honorable Nita M. Lowey  
United States House of Representatives  
Washington, D.C. 20515

Dear Congresswoman Lowey:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated October 25, 2007, concerning recent instances of inattentive security officers identified at the Indian Point and Peach Bottom plants and the NRC's response to these incidents. I want to assure you that the NRC takes the matter of inattentive security officers very seriously.

Inattentive behavior by security officers while on duty is typically addressed by licensee security management, and NRC inspects such efforts to ensure appropriate actions are taken to address the issue. Each instance of an inattentive security officer is thoroughly reviewed by the NRC in accordance with the Reactor Oversight Process, assessed for safety significance, and documented in inspection reports. The NRC has a range of enforcement actions available to ensure that proper attention is paid and corrective action is taken by licensees to address such problems.

On August 26, 2007, an NRC inspector discovered the inattentive security officer at Indian Point. The finding was thoroughly reviewed in accordance with NRC procedures, and the significance properly characterized in accordance with the assessment process. All findings such as this are included in the NRC's periodic assessment of licensee performance.

The recent events involving inattentive security officers at Peach Bottom demonstrated unacceptable performance, which was of sufficient significance to warrant an augmented inspection by the NRC. When the events were brought to the attention of the NRC in September 2007, the NRC staff immediately contacted the licensee, confirmed that short-term compensatory actions had been taken by the licensee, and dispatched an Augmented Inspection Team (AIT) to investigate the circumstances surrounding this incident. The NRC has taken other actions to ensure that the Peach Bottom security force remains attentive to its duties, including issuing a Confirmatory Action Letter to Exelon to confirm NRC expectations regarding the licensee's implementation of corrective actions. An AIT follow-up inspection has been completed on site, and the NRC has several ongoing activities to investigate this issue further and to verify that Exelon's actions taken in response to this event are effective.

In a broader context, the NRC has taken actions to respond to security officer inattentiveness to duty. NRC resident inspector oversight of the security forces at all nuclear power plants has been enhanced through additional random checks and unannounced inspections at security posts, including inspections on nights and weekends. On September 27, 2007, the NRC issued a security advisory (SA-07-06) to reinforce with facility managers and

other security personnel the responsibility for protecting nuclear facilities and to address the importance of remaining attentive while on duty. NRC managers conducted a conference call with senior executives from all NRC reactor licensees to discuss the significance of maintaining an attentive security force and future NRC actions regarding this issue. The nuclear industry, through the Nuclear Energy Institute, has also recently implemented initiatives regarding inattentive security officers. Finally, through issuance of Bulletin 2007-01 dated December 12, 2007, the NRC has requested information from power reactor and Category I fuel facilities concerning the specific actions licensees have taken or plan to take to address these issues from a programmatic viewpoint. NRC will evaluate the information gathered to determine if there are further generic actions required.

With regard to the license renewal program, NRC reviews focus on the aging of passive components and structures. Any concerns with the aging of these components or structures would be addressed in the license renewal process. Current performance issues, such as inattentive security officers are promptly reviewed and evaluated by the ongoing Reactor Oversight Process before, during, and after license renewal.

As you indicated in your letter, Indian Point Unit 3 was in the Regulatory Response column of the Reactor Oversight Process Action Matrix for the second quarter of 2007 as a result of the unplanned scram (i.e., prompt reactor shutdown) performance indicator results. Plants in the Regulatory Response column of the Action Matrix receive additional oversight and inspection by the NRC. On April 23, 2007, the NRC also issued a Notice of Violation and civil penalty to Entergy for not placing the new siren system (with a backup power supply) in service by the previously committed date of April 15, 2007. On August 30, 2007, the NRC issued a second Notice of Violation to Entergy for not placing the new sirens in service by August 24, 2007, as Entergy had committed to do in response to the previous violation. All such performance issues and indicators, including the inattentive security officer at Indian Point, are considered when determining the appropriate level of NRC oversight for this reactor licensee. In addition, over the last two years, as authorized by an approved deviation from the normal Reactor Oversight Process, the NRC has devoted substantial additional resources to Indian Point above the baseline inspection effort to monitor closely Entergy operations at the site, including efforts to address ground water contamination, siren reliability, and siren backup power installation.

In response to your request for documentation on these matters, we will provide under separate cover several reports, some of which include Safeguards Information and thus require special handling. The information regarding security findings is periodically provided to Congress as part of our annual report (see NUREG-1885 for Calendar Year 2006). The report also has a safeguards version that would contain specific information on all security findings. To be responsive to your request, we will also provide a table of all inattentive security officer findings for 2007 nationwide; NRC considers this information to be Security-Related Information, For Official Use Only. With regard to your request for documents related to violations and investigations at Indian Point and the inattentive security officers at Indian Point and Peach Bottom, we will provide you the relevant Indian Point and Peach Bottom inspection reports. Please note that the recent Peach Bottom Augmented Inspection Team was a reactive fact

finding investigation. Any enforcement action taken in this matter will be documented in future correspondence to Exelon. The follow-up inspection to the AIT was conducted in early November; we will provide a copy of that inspection report to your office upon its issuance.

If you need additional information in this matter, please do not hesitate to call me.

Sincerely,

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Dale E. Klein