

February 21, 2008

The Honorable Thomas R. Carper
Chairman, Subcommittee on Clean Air
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated January 7, 2008, on the matter of inattentive security officers at Peach Bottom Atomic Power Station. Specifically, you requested that the NRC provide a description of (1) inspection findings, (2) follow-up actions, and (3) analysis of the adequacy of the NRC's allegation review to be addressed at the NRC oversight hearing on February 28, 2008. Enclosed is the information you requested.

I want to assure you that the NRC takes its responsibility for protecting the public health and safety very seriously. The Commission considers inattentive security officers a very serious and unacceptable condition. Instances of inattentive security officers identified either by licensees or the NRC are reviewed in accordance with the NRC's Reactor Oversight Process (ROP); assessed for safety significance, the results of which are documented in inspection reports; and enforcement action is taken when warranted. The NRC has several ongoing reviews of the Peach Bottom incident to correct any underlying problems and also to verify that Exelon, the licensee, continues to take appropriate actions.

In September 2007, when the NRC was provided video evidence of inattentive security officers at Peach Bottom, agency staff immediately contacted Exelon to confirm that short-term compensatory actions were taken. Shortly afterwards, the NRC dispatched an Augmented Inspection Team (AIT) and a follow-up inspection team to investigate. The NRC determined that the inattentive security officers and deficiencies in Exelon's behavioral observation program, which could have identified and corrected the problem, represent a low-to-moderate significance finding in accordance with the NRC's ROP. Copies of both inspection reports are enclosed.

The NRC has taken extensive actions to confirm that the Peach Bottom security force remains attentive to its duties, including the issuance of a Confirmatory Action Letter to Exelon to confirm NRC expectations regarding the licensee's root cause determinations and effective

implementation of corrective actions. The NRC has also provided significant oversight of the transition from the Wackenhut contracted security organization to an in-house security organization managed by Exelon. As noted in the enclosed memorandum, the NRC has significantly enhanced the inspection oversight of Peach Bottom security.

The NRC has also made security officer attentiveness a priority at other facilities nationwide. NRC on-site resident inspectors now conduct additional checks and unannounced inspections, including night and weekend inspections, at nuclear power plant security posts. On September 27, 2007, the NRC issued a security advisory (SA-07-06) to reinforce with facility managers and other security personnel their responsibility for protecting nuclear facilities and to address the importance of remaining attentive while on duty. A copy of the advisory is enclosed. NRC senior managers conducted conference calls with senior executives from all NRC reactor licensees to discuss the significance of maintaining an attentive security force. The nuclear industry, through the Nuclear Energy Institute, has also implemented initiatives regarding inattentive security officers. Finally, through issuance of Bulletin 2007-01, "Security Officer Attentiveness," 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. A copy of the bulletin is enclosed. The NRC will evaluate the information gathered to determine what further actions are necessary.

The NRC recently completed a lessons-learned review regarding NRC's response to allegations of inattentive security officers at Peach Bottom. The review team's report, which was published on February 11, 2008, identified several recommendations to improve our inspection and allegation processes. On the same date, the NRC's Executive Director for Operations issued a memorandum directing senior agency officials to evaluate the recommendations identified in the report and propose appropriate follow-up actions. The report, the Executive Director's memorandum, and a related press release are enclosed. Furthermore, the Office of the Inspector General is also conducting an independent review of the agency's response to the Peach Bottom situation, and the Commission hopes to learn more from those findings.

You and I toured the Peach Bottom facility on February 8, 2008 to see for ourselves the measures that Exelon has put in place. I would like to thank you for taking time out of your busy schedule to tour the facility with me.

I look forward to the upcoming hearing and to address these issues and NRC actions to mitigate further occurrences. If you need additional information in this matter, please do not hesitate to call me.

Sincerely,

/RA/

Dale E. Klein

Enclosures: See next page

Enclosures:

1. Peach Bottom Augmented Inspection Team Inspection Report
2. Peach Bottom Follow-up Inspection Report
3. Security Advisory SA-07-06, "Security Officers Inattentive To Duty"
4. NRC Bulletin 2007-01, "Security Officer Attentiveness"
5. "Review Team Findings with Respect to Inattentive Security Officers at Peach Bottom;" February 11, 2008 Executive Director for Operations memorandum, "Peach Bottom Lessons Learned;" and February 12, 2008 NRC NEWS Press Release
6. Memorandum: Heightened NRC Oversight of Security Issues at Peach Bottom

Similar letter sent to:

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