



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 28, 2007

Ms. Danielle Brian
Executive Director, Project on
Government Oversight
666 Eleventh Street, NW, Suite 900
Washington, D.C. 20001

Dear Ms. Brian:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letters of September 28, 2007 and October 16, 2007, regarding your concerns following a series of investigative reports by WCBS in New York involving video of inattentive security officers at the Peach Bottom Atomic Power Station in eastern Pennsylvania. The NRC is addressing this issue at Peach Bottom, and is taking appropriate action to ensure that similar incidents do not occur at this or any other nuclear power plant.

You also questioned the NRC Region I office's handling of a March 2007 allegation about inattentive security officers at Peach Bottom. Your concerns regarding this allegation have been referred to the NRC's Office of the Inspector General.

On March 27, 2007, upon receipt of the allegation concerning inattentive security personnel at Peach Bottom, the NRC established an Allegation Review Board (ARB) to screen the allegation for safety concerns that would have an immediate impact on the safe operation of the facility. Based on the information available at the time, the NRC determined that the allegation did not raise an immediate issue for safe operation of the plant. On March 29, 2007, the ARB met to review the allegation together with insights provided by NRC staff regarding the validity of the concern. On April 4, 2007, the ARB conducted a second meeting to discuss the information necessary for evaluating and rendering a conclusion on the allegation, including technical review and inspection by NRC personnel and a written response from the licensee. At this meeting, the ARB determined that a written response from the licensee documenting their evaluation of the concern raised was appropriate.

In response to the ARB referral, the licensee reviewed its records of reported concerns and other documents, including security training and procedures, shift schedules, Corrective Action Program records, and work hour records for the period January 2006 through April 2007. No instances of individual work hours or group average work hours exceeded the limits as defined in the 2003 NRC Order on worker fatigue. The licensee also interviewed security management and security personnel. On the basis of its review and the interviews, the licensee concluded that the allegation could not be substantiated. After reviewing the licensee's response, NRC requested additional information from the licensee concerning how checks of the security officers on duty were conducted. Once these questions were resolved, the NRC determined that the investigation conducted by the licensee was comprehensive.

When the NRC became aware of the video in late September 2007, NRC immediately took steps to provide additional inspection at the site and dispatched an NRC Augmented Inspection Team (AIT) to collect, analyze, and document factual information and evidence sufficient to determine the causes, conditions, and circumstances pertaining to the event. On October 9, 2007, the AIT conducted a public meeting in the vicinity of Peach Bottom, during which the details of the inspection were discussed and the NRC responded to numerous questions from the public. The results of the AIT efforts were documented in an inspection report issued November 5, 2007.

The NRC continues to examine the issues of inattentive security officers at Peach Bottom. The NRC has the authority to administer oaths and affirmations or to issue subpoenas to require any individual to appear and testify, or appear and produce documents or evidence to assist in the evaluation. To date, the NRC staff has exercised its authority to administer oaths to several individuals with pertinent information and will continue to do so as necessary.

In an effort to prevent similar incidents and to re-emphasize licensee roles and responsibilities in this area, the NRC issued a security advisory to all reactor licensees nationwide on September 27, 2007. The security advisory re-emphasized NRC requirements regarding security officers' attentiveness while on duty. In addition, NRC resident inspector oversight of the security forces at all nuclear power plants has been enhanced through additional random checks and unannounced drop-ins at security posts, including weekend and backshifts. The NRC continues to monitor security force performance at all sites.

I want to assure you that security at nuclear power plants is of the utmost importance to the NRC and that the ongoing review of the issues at Peach Bottom will be thorough and comprehensive. The NRC is currently evaluating previous allegations and findings at NRC-licensed facilities in relation to inattentive security officers and will take appropriate action as needed. The NRC will not hesitate to sanction any licensee for actions or failures that weaken defensive capabilities at nuclear facilities and will not tolerate retaliation against employees who raise concerns about these or other issues involving plant safety and security.

I also want to thank you for meeting with Roy Zimmerman, Director, Office of Nuclear Security and Incident Response, on October 17, 2007, to discuss your concerns and NRC activities. If you have any additional questions or comments, I would be willing to meet with you separately to listen to your views.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale E. Klein". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dale E. Klein