



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415

FEB 26 2008

RI-2008-A-0015

Mr. Peter Stockton
Project on Government Oversight (POGO)
666 11th Street, NW, Suite 900
Washington, DC 20001-4542

Subject: Concern You Raised to the NRC Regarding Peach Bottom

Dear Mr. Stockton:

This letter refers to your meeting with NRC Commissioner Peter Lyons on January 30, 2008, during which you expressed a concern related to Peach Bottom. You asserted that Peach Bottom security officers told you that they felt chilled when their employer (either Exelon or Wackenhut) pressured them into having lawyers present during interviews with investigators from the NRC Office of Investigations (OI).

Enclosure 1 to this letter documents your concern as we understood it and provides our review and conclusions regarding that concern. If we misunderstood or mischaracterized your concern, please contact me.

In resolving your concern, the NRC took all reasonable efforts not to disclose your identity to any organization, individual outside the NRC, or the public unless you clearly indicated no objection to being identified. However, you should be aware that your identity could be disclosed regarding this matter if the NRC determines that disclosure is necessary to ensure public health and safety, to inform Congress or State or Federal agencies in furtherance of NRC responsibilities under law or public trust, to support a hearing on an NRC enforcement matter, or if you took actions that were inconsistent with and overrode the purpose of protecting an alleged's identity. If a request is filed under the Freedom of Information Act (FOIA) related to your concern, the information provided will, to the extent consistent with that act, be purged of names and other potential identifiers. Further, you should be aware you are not considered a confidential source unless confidentiality was formally granted in writing.

Enclosed with this letter is a brochure entitled "Reporting Safety Concerns to the NRC," which contains information that you may find helpful in understanding our process for reviewing safety concerns. The brochure contains an important discussion of the identity protection provided by the NRC as well as those circumstances that limit the NRC's ability to protect an alleged's identity.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Peter Stockton

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Thank you for notifying us of your concern. We feel that our actions in this matter have been responsive. Should you have any additional questions, or if the NRC can be of further assistance in this matter, please call me via the NRC Safety Hotline at 1-800-695-7403.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard J. Urban".

Richard J. Urban
Senior Allegation Coordinator

Enclosures: As Stated

Concern:

You asserted that Peach Bottom security officers told you that they felt chilled when their employer pressured them into having lawyers present during interviews with NRC investigators. Therefore, you indicated that those officers could not ask to speak privately with the investigators without risking their jobs.

Response to Concern:

During both the Augmented Inspection Team's inspection and during the Office of Investigations (OI) interviews, many of the security officers voluntarily requested and had company (either Exelon or Wackenhut) legal counsel present. Some of the officers had their own separate attorneys while others chose to not have any representation. In response to routine OI questioning, the security officers who had counsel all stated that it was their desire to be represented, and they all acknowledged an understanding that they could be interviewed by OI investigators in private without counsel. The security officers were also told that they could contact the investigator with any further information or to set up another meeting with or without counsel. Although OI is under no legal obligation to tell an interviewee that they can have an attorney if desired, the interviewee has that constitutional right. The NRC had no indication that Exelon or Wackenhut lawyers were forced on any of the security officers against their will.

In addition, on February 4, 2008, Mr. Ernest Wilson, Region I Field Office Director, OI, contacted you by telephone to obtain information that we would need to further pursue this concern. Mr. Wilson asked you for the names of security officers who told you that they were chilled. You indicated that you thought you saw a list of security officers and their attorneys, and agreed to look for this list and provide it to Mr. Wilson if you could locate it. You also agreed to provide the names of any of the security officers who were chilled to Mr. Wilson if that information became available. Finally, you also agreed to provide Mr. Wilson's telephone number to any security officers who felt chilled so that they could speak to OI directly if they so desired.

Mr. Wilson telephoned your office on February 7, 2008, and left a message to call him if you had located any additional information. As of the date of this letter, we have not received any additional information. Please call Mr. Wilson at (610) 337-5243 within 10 days after receiving this letter if you have additional information on this matter. Absent additional information, we plan no further action on this matter at this time. The OI process for interviews, as explained to you by Mr. Wilson, will continue.