



May 21, 2002

The Honorable Richard Meserve  
Chairman, U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dear Chairman Meserve:

We are deeply concerned by a recently reported incident which occurred in March at Duke Energy's Oconee nuclear power plant, in which a contract worker with a criminal record was granted unescorted access to the protected and vital areas of the plant. (A copy of the incident report to NRC, along with a story from the *Greenville News*, is attached.)

This incident occurred because the Commission continues to allow nuclear plant licensees to grant temporary unescorted access to contract workers before the FBI is able to complete background investigations and fingerprint checks, which typically take about 30 days. Representative Ed Markey raised similar concerns about unescorted access in an April 10 letter to you (attached).

The Oconee security breach clearly shows that neither the Nuclear Regulatory Commission nor Duke Energy has fully absorbed the lessons of September 11. We are lucky that the individual who was improperly granted unescorted access to the vital areas of the plant was apparently a petty criminal and not a terrorist intent upon sabotaging the plant. Unless NRC puts a stop to the outrageous practice of granting such access to individuals before they are vetted for criminal activities and terrorist ties, we may not be so lucky the next time.

We strongly urge the Commission promptly to order all nuclear power plant licensees to halt the practice of granting unescorted access to any individual before completion of a thorough background check, not only for domestic criminal activities but also for signs of affiliation with international terrorist organizations. Please let us know if the Commission is prepared to take this step to prevent such incidents in the future.

We also continue to be concerned that NRC has chosen to address this and other serious security matters in closed-door meetings with the Nuclear Energy Institute (NEI), an industry lobbying group. In particular, there was a May 7 meeting between NEI and NRC representatives from the Division of Nuclear Security and the Personnel Security Branch of the Office of Administration to discuss vulnerabilities associated with access authorization.

We understand the need to withhold certain limited categories of sensitive information as safeguards-confidential, but maintain that closed meetings between NRC and an industry lobbying group (as opposed to licensees) are inappropriate. This sort of black box policy making, from which the public is excluded, creates the impression that the nuclear industry is exercising undue, privileged influence upon NRC regulatory processes. We note that NEI's proposed guidance for access authorization, NEI 99-08, permits the granting of temporary unescorted access and thus should be rejected.

We look forward to receiving your response within the customary 30-day reply period. We are prepared to meet with you and your staff to discuss this matter. Thank you for your attention to this important issue.

Sincerely,

Paul Leventhal  
President

Edwin Lyman  
Scientific Director

Attachments