

June 27, 2003

Mr. Larry J. Tscherne
Business Manager - Local Union 245
International Brotherhood of Electrical Workers
705 Lime City Rd.
Rossford, OH 43460

Dear Mr. Tscherne:

Thank you for your letter dated June 5, 2003, in which you raised two concerns pertaining to a recent the NRC Order (EA-02-261), "Order for Compensatory Measures Related to Access Authorization." The NRC issued the subject order in January 2003, as part of a continuing effort to enhance security at commercial nuclear power plants following the terrorist attacks levied against the United States on September 11, 2001. For your first concern, you referenced an earlier letter dated April 28, 2003, from Mr. Edwin D. Hill, International President of the IBEW, in which he took issue with his organization being "excluded" from the NRC's process for developing and implementing the Order. Your second concern regarded a recent letter from one of our licensees, FirstEnergy Nuclear Operating Company (FENOC), to its employees regarding unescorted access at Davis-Besse. You stated that the letter included a Consent to Obtain, Retain and Transfer Information (Consent Form) that FENOC employees have to sign in order to maintain unescorted access at the plant. You requested that the NRC intervene on behalf of workers who may not consent to medical records - one of the types of information requested by the form - being authorized for release to a national computer database used for the purpose of determining an individual's eligibility for unescorted access to a nuclear plant.

As background, you should know that in April 2002, the NRC's Office of Nuclear Security and Incident Response (NSIR) was established to improve communications and coordination on security and safeguards issues both within and outside the agency. While the Office of Nuclear Reactor Regulation (NRR), the office for which I am Director, maintains responsibility for all licensing actions - including the signing and issuance of Orders such as the one referenced in your letter - NSIR is responsible for developing overall safeguards and security policies. This includes fitness-for-duty requirements such as those related to your concerns. As such, I am forwarding your letter to the NSIR office for appropriate resolution.

I've been informed by that office that Mr. M. Christopher Nolan, Acting Chief, Licensee Personnel Security Section in the Division of Nuclear Security, will be the point-of-contact for resolving the issues identified in your letter. Mr. Nolan indicated that he has been in regular contact with an attorney representing the National IBEW organization and has provided weekly updates on the status of issues in response to Mr. Hill's April 28, 2003, letter. The NSIR office is currently working toward providing Mr. Hill a written response by the end of July 2003. You will be copied on that letter. Mr. Nolan added that NSIR plans to respond to your concern about the consent form separately.

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In the interim, I recommend that future correspondence related to security and safeguards policies be directed to Mr. Roy P. Zimmerman, Director, NSIR (same street mailing address/ mail stop T-14D22A) for more efficient resolution. Please inform me if I can be of further assistance.

Again, thank you for your interest in nuclear safety matters.

Sincerely,

/RA/

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

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Again, thank you for your interest in nuclear safety matters.

Sincerely,

/RA/

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

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