

**PREPARED STATEMENT OF  
COMMISSIONER GREGORY B. JACZKO  
UNITED STATES NUCLEAR REGULATORY COMMISSION  
BEFORE THE  
SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS  
SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY**

**February 28, 2008**

Thank you for having us here today to discuss the vitally important issue of how the Nuclear Regulatory Commission oversees the security of this nation's commercial nuclear reactors. I was honored to appear before you five months ago to discuss the safety of the current fleet and believe this focus on their security is timely and appropriate.

I, too, was very concerned to discover that security guards on duty at Peach Bottom Nuclear Station conspired to sleep during their shift. That is absolutely unacceptable and you can rest assured that the NRC takes this situation very seriously and is vigorously pursuing it. We are focused on two things: investigating those directly involved - and holding the licensee and the contractor accountable - and taking a long hard look at our own performance as an agency.

We have made some positive initial changes in our security oversight program to look for these types of issues, but I do not believe that is enough. The NRC must better use its traditional tools including its regional and resident inspectors, but to ensure we can prevent a recurrence of this situation, we must also focus on improving the allegations program and setting clearer expectations in the area of safety culture.

As far as the allegations program is concerned, we need to make straightforward improvements such as changing the current default policy of requesting information about an allegation directly from the licensees. Instead, we should commit the additional resources necessary to enable us to first independently gather information, if possible. We should look for opportunities to harness our inspection resources to accomplish this effectively and I believe we owe it to the public to be more involved as an agency in the investigation of allegations.

A few weeks ago, the agency released a report about our regional office's review of its performance in handling the allegation at Peach Bottom. We have already begun making changes such as those I just mentioned, but I believe there is more agency-wide work that needs to be done to fully evaluate the agency's handling of this issue. The foundation of the Commission's additional allegation program improvements must be built on a more comprehensive review than we have allowed the staff to conduct so far, along with consideration of forthcoming findings by the Inspector General. The Commission should look for additional improvements the agency's allegation and investigation programs, but we should do so in a way that does not sacrifice quality for speed.

Discovering safety concerns and violations is the job of our safety inspectors, but it is also the job of the individual employees who work at nuclear power plants. Without the trust and dedication of the thousands of licensee employees who see every part of every plant, and bring concerns to our attention, the NRC's job would be much more difficult and require many more resources. That is why I believe the agency must be more involved and continue to improve the process by which we handle allegations – to preserve that trust. I look forward to the Commission being in a position to provide this Committee with the agency's full formal lessons

learned report, along with an explanation of all of the changes we are making, in the near future.

I discussed the idea of safety culture in my appearance before you last October, and the root of the problem with some security personnel on site at Peach Bottom appears to have been cultural. My colleagues and I have directed the staff to develop a Commission Policy Statement on Safety Culture. This policy statement will for the first time make clear the Commission's safety culture expectations for its licensees. It will expand consideration of safety culture to include not just nuclear power plants, but also fuel cycle facilities, and radioactive materials licensees, and also for the first time, it will incorporate the importance of a strong security culture.

Another way the agency will ensure security is better integrated into plant operations is through the implementation of the fitness for duty requirements the Commission approved last year. While we have no direct evidence to point to security guard fatigue as a factor at Peach Bottom, this rule definitely improves upon the work hour provisions included in orders the NRC issued after September 11, 2001. Based on my discussions with staff, and based on conversations I have had with security guards at plants around the country, these new work hour limitations are a substantial improvement and I remain interested in finding a way to accelerate the implementation of the provisions of that new rule which relate to security guard work hours.

Before concluding, I did want to briefly mention that I remain concerned the agency has not yet completed a rulemaking to add new security requirements for nuclear power plants. This rulemaking needs to be completed because it will strengthen security requirements for both the current fleet and for applications for new plants under consideration. In addition, the Commission is proceeding with a rulemaking I first proposed a year ago to require those new plants be designed to withstand the impact of an aircraft crash. I am encouraged by the public comments the agency received that encourage strengthening the proposed rule language. I strongly believe that the key to the successful completion of this aircraft impact rulemaking will be twofold – changing the text to ensure the rule applies to any new plant built in this country, and that it includes clear criteria for how the NRC will determine whether a plant design can withstand an aircraft impact. Both of these rulemakings must continue to get the Commission's full attention. The NRC has a responsibility to act decisively when establishing and maintaining security requirements for all of its licensees.

Finally, I believe that one of the most important ways to ensure the NRC can effectively oversee both the security and the safety of nuclear reactors is to have a strong enforcement program. While generating the regulations and policy I have discussed is important, what defines a regulator is its ability to ensure that such requirements are met and that corrective actions are swiftly taken if they are not. I believe that a willingness to exercise the enforcement powers Congress granted the agency should be clear to all licensees and the public. Indeed, the more evident that willingness is, the less likely the agency is to ever have to pursue enforcement actions because licensees will have a clear incentive to promptly comply with all safety and security requirements.

Thank you again for the opportunity to appear before the Committee today.