

EDO Principal Correspondence Control

FROM: DUE: 11/16/07

EDO CONTROL: G20070778
DOC DT: 10/31/07
FINAL REPLY:

Danielle Brian
Project on Government Oversight (POGO)

TO:

Chairman Klein

FOR SIGNATURE OF :

** PRI **

CRC NO: 07-0743

Chairman Klein

DESC:

Security at Peach Bottom Nuclear Power Plant
(EDATS: SECY-2007-0497)

ROUTING:

Reyes
Virgilio
Mallett
Ash
Ordaz
Cyr/Burns
Caldwell, RIII
Sosa, OEDO
Taylor, OEDO

DATE: 11/06/07

ASSIGNED TO:

CONTACT:

NSIR

Zimmerman

SPECIAL INSTRUCTIONS OR REMARKS:

Ref. G20070736 and G20070704. Note: Immediate
release to public, processed in ADAMS per SECY thru
EDO/DPC. OEDO POC: Belkys Sosa

EDATS

Electronic Document and Action Tracking System

EDATS Number: SECY-2007-0497

Source: SECY

General Information

Assigned To: NSIR

OEDO Due Date: 11/16/2007 5:00 PM

Other Assignees:

SECY Due Date: 11/20/2007 5:00 PM

Subject: Security at Peach Bottom Nuclear Power Plant

Description:

CC Routing: Region III

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20070778, LTR-07-0743

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

Roadmap Item: NO

Process Information

Action Type: Letter

Priority: Medium

Sensitivity: None

Signature Level: Chairman Klein

Urgency: NO

OEDO Concurrence: YES

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions: Ref. G20070736 and G20070704. Note: Immediate release to public, processed in ADAMS per SECY thru EDO/DPC. OEDO POC: Belkys Sosa

Document Information

Originator Name: Danielle Brian

Date of Incoming: 10/31/2007

Originating Organization: Project on Government Oversight (POGO)

Document Received by SECY Date: 11/6/2007

Addressee: Chairman Klein

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Nov 05, 2007 17:55

PAPER NUMBER: LTR-07-0743 LOGGING DATE: 11/05/2007
ACTION OFFICE: EDO

AUTHOR: Ms. Danielle Brian
AFFILIATION: DC
ADDRESSEE: Dale Klein
SUBJECT: Overtime at the Peach Bottom nuclear power plant

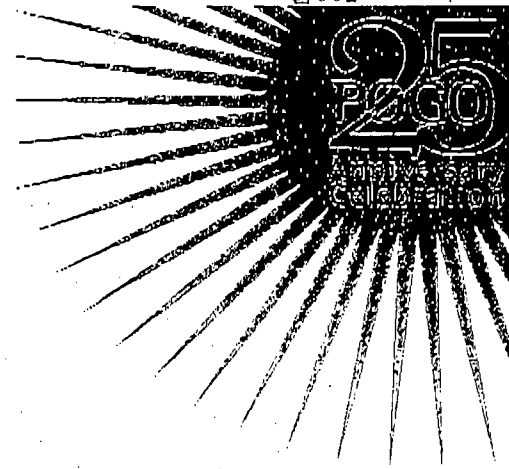
ACTION: Signature of Chairman
DISTRIBUTION: RF, SECY to Ack

LETTER DATE: 10/31/2007
ACKNOWLEDGED: No
SPECIAL HANDLING: Made publicly available in ADAMS via EDO/DPC
NOTES: Commission Correspondence
FILE LOCATION: ADAMS
DATE DUE: 11/20/2007 DATE SIGNED:

EDO --G20070778

Project On Government Oversight

Exposing Corruption Exploring Solutions www.POGO.org



October 31, 2007

Chairman Dale E. Klein
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Via email to SECY@nrc.gov and
Via facsimile: (301) 415-1757

Dear Chairman Klein:

The Peach Bottom nuclear power plant debacle should be a wake up call for the Nuclear Regulatory Commission: it is past time to remedy the systemic nuclear power plant security problems. In 2002, the Project On Government Oversight (POGO) interviewed security officers at a number of nuclear power plants and released a report concluding that the plants were under-manned, and that the security forces were under-equipped, undertrained, underpaid, and without a credible retirement system. Not much has improved since then.

The late NRC Commissioner Edward McGaffigan championed emergency Orders, announced in April 2003, that attempted to rein in some of the abuses. One of those abuses was fatigue. Although POGO was encouraged by the NRC's effort to address this issue, it became clear that industry influence inappropriately crept into the process. The final Order was less stringent than it should have been, allowing nuclear power plants to game the system. As a result, the guard forces continue to be overworked and fatigued at nuclear power plants nationwide.

Even after the release of embarrassing video tapes of Wakenhut's security officers sleeping at Peach Bottom, the guards there have, according to the attached internal email from the Peach Bottom security project manager, been working 60 hours per week. Blame cannot simply be laid at Wackenhut's door: these abuses have been occurring for years under the NRC's watch. In February 2007, *The Patriot-News* of Harrisburg, Pennsylvania, reported on exhaustion of security officers at Three Mile Island, noting that in 2005, "officials cited three security workers for inattentiveness, or sleeping, on the job"; a Securitas security officer at Beaver Valley was fired two weeks ago for sleeping; and Entergy security officers were recently caught sleeping at Indian Point; and today's *Miami Herald* reports sleeping security guards at the Turkey Point nuclear power plant.

CHAIRMAN REC'D
OCT 31 PM 1:35

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It is time for the NRC to take responsibility for the excessive hours and fatigue of the security forces. The utilities are cutting costs by hiring as few security officers as possible, and working those officers 60 to 72 hours a week—that's 12-hour shifts every day for five or six days every week.

The long history of this problem clearly shows that the NRC will get only what it demands, and that nuclear utilities will spend as little as possible to meet the NRC's requirements. Security expenditures come directly out of the utility's profit margin, so the utility has every incentive to reduce those expenses as much as possible. It is bad enough that the utilities and their security contractors are overworking their security officers, but it is an outrage that the NRC continues to allow them to do so.

It is clear that the NRC's current Fitness for Duty standards for security officers are inadequate and, as a result, utilities do not hire an adequate number of guards. In an effort to realistically alleviate the excessive work hours and resulting fatigue, the NRC recently approved a rule to reduce hours to an average of 48 hours per week over a six-week period. Although POGO is not completely satisfied with this rule, it is a significant improvement over the current Order. The NRC staff deserves praise for their tireless work on this rule. But the rule will not be published until March 2008, and the licensees will not have to implement the new improved rule for another 18 months—a total of two years from now. Given the urgency and prevalence of the problem, this timetable is unacceptable.

It is incumbent on you as Chairman of the NRC to correct the overtime problem by setting more robust standards. We believe you have two options to promptly rectify this untenable situation: either require that the licensees implement the new rule in six months; or amend the 2003 Security Work Hour Order to include Subpart I of Part 26 (Fatigue Management) of the rule. Although some time is necessary to hire, clear, and train new security officers, six months is plenty of time to accomplish this.

The NRC should also explore the more preferable option of requiring licensees to return to eight-hour shifts—as was the standard back in the 1970s. In a recent interview with POGO, one nuclear power plant security manager argued that under the current norm of twelve-hour shifts, the last four hours create serious challenges for guard alertness.

In addition to highlighting the problem of an overworked and fatigued security force, the Peach Bottom case also highlighted the need for the NRC to end its practice of turning serious security allegations over to the licensee for investigation. The NRC's Office of Enforcement has determined that the NRC relies on this approach for roughly half of the allegations it receives. This is clearly a problem: the licensee and its security contractor have every incentive to limit the damage to their corporations by not conducting an aggressive investigation. It should be no surprise that little improves under this methodology. Furthermore, it should be no surprise that there is a "culture of fear" among nuclear security officers. They simply do not believe the NRC is serious about fixing the problems they raise. In addition, because of the NRC's negligent attitude, security officers who raise concerns are frequently identified and suffer retaliation. The NRC must dramatically improve the resources devoted to responding to and investigating

allegations. It is the inherent duty of a regulating agency to perform its own analysis of the conduct of its licensees.

The long-standing problems in nuclear power plant security have created two losers: the public, which is vulnerable because of the inadequate security, and the security officers themselves, who are placed in the impossible position of being made to work unreasonable hours, and then being fired if they fall asleep on the job. The system is irresponsible and inhumane, and must be fixed.

We have provided very clear, concrete steps you can take immediately to remedy this situation. As always, we are willing to meet to discuss our suggestions with you.

Sincerely,



Danielle Brian
Executive Director

Enclosure

From: Draghi, David
Sent: Tue 10/16/2007 5:41 PM
To: Berry, Dewey; Berry, Robert M; Bristol, Kevin M.; Cooper, Charles S.; Craig, Shirley; Hamilton, Ken; Marn, Michael; Moxley, Richard; Raub, Michael; Ritter, Eric; Secor, Michael G.; Torres, David; Wilson, James P.; Wyatt, Alan R.; Young, Kendra
Cc: Craig, Shelly C.; Hennessy, Philip J.
Subject: Team 1 members added to shift schedule

Everyone,

Five members of team 1 have been released to come back to work. I have revised the shift schedule to reflect the following. If you can afford to start giving your team members a break from 60 hours please do so. Spread the wealth and track it as you do overtime. If you have any questions, please do not hesitate to call me work or home.

Team A
Crew 2 - Roy Woods
Crew 4 - Kramer
Crew 6 - Boehm

Team B
Crew 1 - Uhl
Crew 5 - Krause

They will begin this schedule on Wednesday 10/17.