

From: Kenneth Clark *23*
To: DPS; EAH; EXB2; Holly Harrington; Neil Sheehan
Date: 10/10/2007 10:53:22 AM
Subject: INFO:Fwd: Peach Bottom's latest crop of nuclear nappers

FYI

>>> Kriss Kennedy 10/10/2007 10:49 AM >>>
FYI

>>> Richard Correia 10/10/2007 9:23 AM >>>
FYI

>>> Richard Barkley 10/09/2007 1:23 PM >>>

This also came in today. Mr. Lochbaum will be there this evening.

Richard S. Barkley, P.E.
Technical Communications Assistant, NRC Region I
(610) 337-5065
Cell (610) 608-1517

>>> Diane Screnci 10/09/2007 12:45 PM >>>

Diane Screnci
Sr. Public Affairs Officer
USNRC, RI
610/337-5330

>>> "Dave Lochbaum" <dlochbaum@ucsusa.org> 10/09/2007 8:33 AM >>>
Hello Roy:

Attached is an electronic version of a letter regarding the sleeping security guards at Peach Bottom.

I just can't understand how NRC could receive detailed information about the problem in March 2007 and do essentially nothing with that information until WCBS exposed the problem. The message this sends to future security guards is don't waste your time with the NRC, go straight to someone who cares.

Thanks,

Dave Lochbaum
Director, Nuclear Safety Project
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1085

Mail Envelope Properties (470CE741.29B : 24 : 10011)

Subject: INFO:Fwd: Peach Bottom's latest crop of nuclear nappers
Creation Date 10/10/2007 10:52:49 AM
From: Kenneth Clark

Created By: KMC2@nrc.gov

Recipients

nrc.gov
 OWGWPO01.HQGWDO01
 EXB2 (Eliot Brenner)

nrc.gov
 OWGWPO04.HQGWDO01
 EAH (Elizabeth Hayden)
 HMH1 (Holly Harrington)

nrc.gov
 kp1_po.KP_DO
 DPS (Diane Screnci)
 NAS (Neil Sheehan)

Post Office

OWGWPO01.HQGWDO01
 OWGWPO04.HQGWDO01
 kp1_po.KP_DO

Route

nrc.gov
 nrc.gov
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Files	Size	Date & Time
MESSAGE	2714	10/10/2007 10:52:49 AM
20071009-pch-ucs-nrc-sleeping-security-guards.pdf	274151	10/09/2007 12:44:47 PM

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is not eligible for Junk Mail handling

Message is from an internal sender

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User

Junk List is not enabled

Junk Mail using personal address books is not enabled

Block List is not enabled



Union of Concerned

October 9, 2007

Roy P. Zimmerman, Director
Office of Nuclear Security and Incident Response
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: YET ANOTHER SLEEPING SCANDAL AT PEACH BOTTOM

Dear Mr. Zimmerman:

The most surprising thing about the reports and videos of security guards sleeping while on duty at Peach Bottom is that it happened at Peach Bottom. Just as Browns Ferry would have zero excuse for having an inadequate fire protection program, Salem would have zero excuse for having an inadequate post-trip assessment process, Three Mile Island would have zero excuse for having an inadequate emergency response plan, Peach Bottom has zero excuse for having napping nuclear workers. Peach Bottom was shut down for nearly two years in the late 1980s, fined a hefty amount, and even had many of its workers fined for sleeping on duty. And yet, two decades later, it's *déjà vu*.

We provide the following commentary about this situation. Please note that we are expressly NOT submitting these comments for entry into the NRC's allegations and 2.206 petition processes.

WACKENHUT'S WOEFUL TRACK RECORD "PROTECTING" U.S. NUCLEAR POWER PLANTS

Last year, we learned that Wackenhut trained its security guards at Exelon's Three Mile Island Unit 1 on the best places to nap on duty without getting caught.¹ Now we learn that another Wackenhut-Exelon nuclear plant seems to repeat this same naughty behavior. Trained or untrained, security guards at Peach Bottom were napping on duty.

Also last year, Entergy got rid of Wackenhut at its Pilgrim nuclear plant. Spokesperson David Tarantino provided this reason for the ouster: "It will reduce turnover, improve morale, and hopefully be in the best interests of both the company and the employees."²

Also last year, the NRC dispatched augmented inspection teams to the Turkey Point nuclear plant to follow-up on security problems.³ It is our understanding that Wackenhut's security guards at this nuclear plant sabotaged security equipment and prompted these NRC visits.

¹ Article dated January 29, 2006, by Garry Lenton, *The Patriot-News*, "Officers told new hires where to 'nap,' memo says."

² Article dated August 24, 2006, by Robert Knox, *Boston Globe*, "Security shift at Pilgrim: Guards' employer agrees to change."

³ Press release dated February 17, 2006, Nuclear Regulatory Commission Region II, "NRC Sends Augmented Inspection Team to Review Security at Florida Nuclear Power Plant and Issues Confirmatory Action Letter."

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Also last year, the NRC sent security inspectors to the Wackenhut-"defen ded" South Texas Project. Among the allegations - Wackenhut supervisors had retaliated against security officers raising industrial safety and security concerns.

Wackenhut's publicly available track record is woeful. And we strongly suspect that it's but the tip of an iceberg with many other equally horrible, perhaps even more horrible, stories that are not publicly available. How many dots will it take for the NRC to see the emerging picture that Wackenhut cannot be relied upon to protect U.S. nuclear power plants? When licensee after licensee discharges Wackenhut to cure its security ailments providing *prima facie* evidence they lack confidence in Wackenhut, what possible justification could NRC have for continued confidence in this contractor?

NRC RESPONSE TO SLEEPING OPERATORS FAR DIFFERENT FROM NRC RESPONSE TO SLEEPING SECURITY GUARDS

On March 31, 1987, the NRC ordered both operating reactors at Peach Bottom to shut down and to remain shut down until management performance problems manifested by licensed control room operators repeatedly sleeping while on duty.⁴ The circumstances around that event and the current event involving management performance problems manifested by security guards repeatedly sleeping while on duty are eerily similar; the NRC radically different response to these events is just plain eerie. Consider for a moment these facts from this two events:

1987 - Sleeping Operators	2007 - Sleeping Security Guards
On March 24, 1987, NRC received information that control room operators were sleeping while on duty.	In March 2007, NRC received information that security guards were sleeping while on duty.
Within 7 days, NRC aggressively investigated the allegations, confirmed them, and took tangible steps to correct the problem.	Within weeks, NRC referred the allegations back to Peach Bottom, asking the plant owner if security guards were sleeping on duty.
NRC's investigation concluded that management knew or should have known about the recurring sleeping problem.	NRC's "investigation" did not determine whether management knew or should have known about the recurring problem.
NRC pointed out a series of precursor events and concluded "the enforcement history at Peach Bottom regarding adherence to procedures and attention to duty has been poor."	NRC removed information about security problems and related enforcement actions from the public arena, making it impossible for the public to understand if this is an isolated security problem or something that happens every week at Peach Bottom. But, the revelation in January 2006 that Wackenhut was training security guards where to successfully nap at Exelon's Three Mile Island nuclear plant might have prompted Exelon to question whether the same practice was applied at, say, its Peach Bottom nuclear plant.
NRC explicitly stated that it "expects licensees to maintain high standards of control room professionalism."	NRC's Regional Administrator, after viewing film of sleeping security guards some 6 months after his staff was informed of the problem, commented that

⁴ Letter dated March 31, 1987, from Victor Stello, Jr., Executive Director for Operations, Nuclear Regulatory Commission, to J. C. Everett III, Chairman of the Board and Chief Executive Officer, Philadelphia Electric Company, "Order Suspending Power Operation and Order to Show Cause (Effective Immediately) - Peach Bottom."

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	napping guards did not meet NRC's expectations.
NRC concluded "Sleeping while on duty in the control room demonstrates a total disregard for performing licensed duties and a lack of appreciation for what those duties entail."	NRC concluded that "the inattentiveness did have an adverse impact on elements of the defense-in-depth security strategy at Peach Bottom." ⁵
NRC stated the agency "lacks reasonable assurance that the facility will be operated in a manner to assure that the health and safety of the public will be protected."	NRC did not document a reasonable assurance determination.
NRC ordered both reactors to be shut down and to remain shut down until the underlying problems were corrected.	NRC allowed both reactors to continue operating and encouraged the company to do better in the future.

In March 1987, the NRC responded aggressively and promptly to allegations that control room operators were sleeping while on duty and took tangible steps to protect public health and safety when those allegations were substantiated.

In March 2007, the NRC responded cavalierly to allegations that security guards were sleeping while on duty and took no discernible steps until WCBS exposed the problem and the NRC's inaction. NRC Chairman Dale Klein explained during an October 3rd Senate oversight hearing that the NRC received anonymous allegations in March and was unable to pursue them without additional information from the allegor. However, when WCBS broadcast video footage of the alleged sleeping guards, suddenly the NRC was able to get traction on the anonymous allegations. It's not clear why the NRC's efforts were impotent until WCBS embarrassed the agency.

NRC'S "SECRET" SECURITY ALLEGATION HANDLING POLICY

Following security allegations at the Shearon Harris and South Texas Project nuclear plants that were made public primarily because the NRC's post-9/11 policy prevented the NRC staff from providing even basic responses to the security guards who initiated the allegations, the NRC revised its policy to permit more informative responses.⁶

But the NRC has kept this policy change secret from the people on the planet who need most to know about it – the security guards at nuclear power plants. True, the policy change proposal and its acceptance are posted on the NRC's website under the SECY and SRM pages. But it is also true that security guards have posts to cover and really don't have time to surf the web looking for obscure NRC documents. The NRC has a generic communications program that it COULD use to send out a Regulatory Issue Summary (RIS) or Information Notice to all nuclear plant owners apprising them of the change to security allegation handling and inviting them to make security guards aware of this news. The NRC's generic communications program is inadequate because it is not being used to make the industry aware of non-equipment issues. The NRC should issue a RIS or an Information Notice to make security guards aware of changes to its policy for handling security allegations.

⁵ Letter dated October 4, 2007, from Samuel J. Collins (although signed by March Dapas), Regional Administrator, Nuclear Regulatory Commission, to Christopher M. Crane, President and Chief Nuclear Officer, Exelon Nuclear, "Inattentiveness within the Security Organization at Peach Bottom Atomic Power Station."

⁶ Memo dated March 28, 2007, from Annette L. Vietti-Cook, Secretary, Nuclear Regulatory Commission, to Luis A. Reyes, Executive Director for Operations, Nuclear Regulatory Commission, "Staff Requirements – SECY-07-0032 – Recommended Staff Actions Regarding Correspondence with Allegors Involving Security Related Concerns."

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SHEARON HARRIS - \$65,000 FINE FOR SECURITY VIOLATIONS, PEACH BOTTOM - ?????

The owner of the Shearon Harris nuclear plant was recently \$65,000 by the NRC for a violation involving security supervisors enabling security guards to cheat on exams. The NRC set the fine at \$130,000, then halved it based on prompt corrective actions by the plant owner. The security violations at Peach Bottom are more serious than the cheating exam scam at Harris. The NRC should assess at least a \$130,000 fine for Peach Bottom's violations or explain why Exelon received preferential treatment.

APPARENT INEFFECTIVENESS OF NRC SECURITY OVERSIGHT EFFORTS

Theoretically, licensees are supposed to abide by all of NRC's security regulations. In addition, licensees are theoretically supposed to abide by NRC's regulations for quality assurance by identifying and promptly correcting non-conforming conditions.

Theoretically, NRC inspectors are supposed to audit licensees to verify compliance with NRC's security and quality assurance regulations.

The reality seems far short of theory. At Shearon Harris, security guards informed the licensee and the NRC about security problems – problems that were ignored until NC WARN and UCS called media and Congressional attention to them. At South Texas Project, security guards informed the licensee and the NRC about security problems – problems that were ignored until Congressman Markey called NRC's re-attention to them. At Peach Bottom, a security guard informed the NRC about the sleeping problem – a problem that NRC essentially ignored until WCBS publicly exposed the problem.

Theoretically, the American public should trust the NRC to protect them from safety and security hazards at U.S. nuclear power plants.

The reality also seems far short of reality.

Sincerely,



David Lochbaum
Director, Nuclear Safety Project