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FINAL REPLY:

Representative Nita Lowey
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Representative Steven R. Rothman

TO:

Chairman Meserve

FOR SIGNATURE OF : ** PRI ** CRC NO: 02-0727

Chairman Meserve

DESC:

Overworked/Fatigued Security Personnel at Nuclear
Power Plants

ROUTING:

Travers
Paperiello
Kane
Norry
Craig
Burns/Cyr
Collins, NRR

DATE: 11/07/02

ASSIGNED TO: CONTACT:
NSIR Zimmerman

SPECIAL INSTRUCTIONS OR REMARKS:

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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ACTION OFFICE: EDO

AUTHOR: Rep Nita Lowery
AFFILIATION: REP
ADDRESSEE: Richard Meserve
SUBJECT: Ref October 20, 2002, New York Times article suggesting security personnel at nuc power plants are consistently overworked and suffer from debilitating fatigue etc;

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

LETTER DATE: 10/30/2002
ACKNOWLEDGED: No
SPECIAL HANDLING: Reps. Eliot Engel, J. Nadle
NOTES: Commission Correspondence
FILE LOCATION: Adams
DATE DUE: 11/21/2002 **DATE SIGNED:**

EDO --G20020642



Nita M. Lowey
Congress of the United States
18th District, New York

October 30, 2002

Chairman Richard A. Meserve
Nuclear Regulatory Commission
Washington, DC 20555
Mailstop O16C1

Dear Chairman Meserve:

I would like to bring to your attention an article in the October 20, *New York Times*, which suggests that security personnel at nuclear power plants around the country are consistently overworked and suffer from debilitating fatigue. A report recently released by the Project on Government Oversight (POGO) found that nuclear guards are undermanned, underarmed, and undertrained. To the best of my knowledge, no steps have been taken to correct flaws identified in the report. With tens of millions of Americans living near nuclear reactors -- top terrorist targets -- we can ill-afford to postpone upgrading plant security.

The *Times* article reported that security companies serving nuclear facilities have put guards on 12-hour shifts, often six days a week, to comply with NRC security requirements. Fatigued guards have fallen asleep on the job and made costly errors. Management often refers guards complaining of fatigue for psychological treatment, which can culminate in their dismissal. The article corroborates findings from an earlier POGO report, in which guards from 24 nuclear reactors reported pervasive fatigue among security teams at their facilities. In light of the evidence, I urge you to extend the NRC's new "Fatigue Rule," which limits overtime hours for plant operators, to security personnel.

Unfortunately, worker fatigue is not the only serious security deficiency confronting the nation's nuclear reactors. The current design basis threat (DBT), an estimate of the size, weaponry, and tactics of a terrorist force, assumes three lightly armed terrorists using one point of entry and no diversionary tactics. The high turnover rate of security personnel at nuclear reactors -- 70-100% for a 3 1/2 year contract -- makes more frequent testing essential. Prior disclosure of the details of these simulated attacks adds to their artificiality. Nuclear power plants rent new security equipment and hire temporary guards during their ten-month advance notice to assure success on the tests. Nevertheless, prior to September 11, 2001, power plants failed the force-on-force tests almost half the time.

This dismal performance is unacceptable. The DBT should be upgraded to a force of twenty terrorists utilizing advanced weaponry, diversionary tactics, and multiple points of entry, as recommended by the POGO. Force-on-force tests -- live exercises against mock terrorist forces -- should occur biannually rather than every eight years.

The absence of strong federal training standards has left many guards wholly unprepared to fend off a terrorist attack. Tactics are commonly taught using painted clothes pins and a flat surface rather than serious computer simulation models. The testimony of guards in the POGO report challenges industry assertions that personnel receive 270 hours of pre-posting training, 90 hours of recurrent firearms training annually, and thirty hours per year of tactical instruction. Most guards interviewed

engage in firearms training only a few hours every year and have no moving target practice. Such training is all the more necessary, as many personnel have no prior military or law enforcement experience. The NRC should mandate that guards receive at least as many hours of instruction as industry executives allege they currently receive.

The Nuclear Security Act, which would establish a federal nuclear security force and plans for handling threats like those discussed in this report, will help us honor our commitment to providing the American public with the best security against a terrorist attack. Until this legislation is passed, I urge you to adopt the measures outlined above as a critical first step in fulfilling this obligation.

I believe we must continue to be vigilant about the security of both operational and recently decommissioned nuclear facilities. Thank you for your attention to these matters. I look forward to working with you in the future on this important issue.

Sincerely,

Rita Loney

Edith L. Engel

Genold Hall

Stewart R. Adams