

EDO Principal Correspondence Control

FROM: DUE: 04/02/08

EDO CONTROL: G20080196

DOC DT: 03/18/08

FINAL REPLY:

Danielle Brian  
POGO (Project on  
Government Oversight)

TO:

Chairman Klein

FOR SIGNATURE OF :

\*\* PRI \*\*

CRC NO: 08-0161

Chairman Klein

DESC:

ROUTING:

Security at Peach Bottom Statement in Testimony  
for the February 28, 2008 Hearing  
(EDATS: SECY-2008-0169)

Reyes  
Virgilio  
Mallett  
Ash  
Ordaz  
Burns  
Carpenter, OE  
Dyer, NRR  
Zimmerman, NSIR  
Collins, RI  
Schmidt, OCA  
Brenner, OPA  
Cyr, OGC

DATE: 03/21/08

ASSIGNED TO:

CONTACT:

EDO

Shoop

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate with OCA.

# EDATS

Electronic Document and Action Tracking System

**EDATS Number:** SECY-2008-0169

**Source:** SECY

## General Information

**Assigned To:** OEDO

**OEDO Due Date:** 4/2/2008 5:00 PM

**Other Assignees:**

**SECY Due Date:** 4/4/2008 5:00 PM

**Subject:** Security at Peach Bottom Statement in Testimony for the February 28, 2008 Hearing

**Description:**

**CC Routing:** OE; NRR; NSIR; Region I; OCA; OGC; OPA

**ADAMS Accession Numbers - Incoming:** NONE

**Response/Package:** NONE

## Other Information

**Cross Reference Number:** G20080196, LTR-08-0161

**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:** Coordinate with OCA.

## Document Information

**Originator Name:** Danielle Brian

**Date of Incoming:** 3/18/2008

**Originating Organization:** POGO (Project on Government Oversight)

**Document Received by SECY Date:** 3/21/2008

**Addressee:** Chairman Klein

**Date Response Requested by Originator:** NONE

**Incoming Task Received:** Letter

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

Date Printed: Mar 20, 2008 17:40

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**PAPER NUMBER:** LTR-08-0161 **LOGGING DATE:** 03/19/2008  
**ACTION OFFICE:** EDO

**AUTHOR:** Danielle Brian (POGO)  
**AFFILIATION:** DC  
**ADDRESSEE:** CHRM Dale Klein  
**SUBJECT:** Concerns Commission's testimony before the Senate Committee on Environment and Public Works on 2/28/2008

**ACTION:** Signature of Chairman  
**DISTRIBUTION:** RF

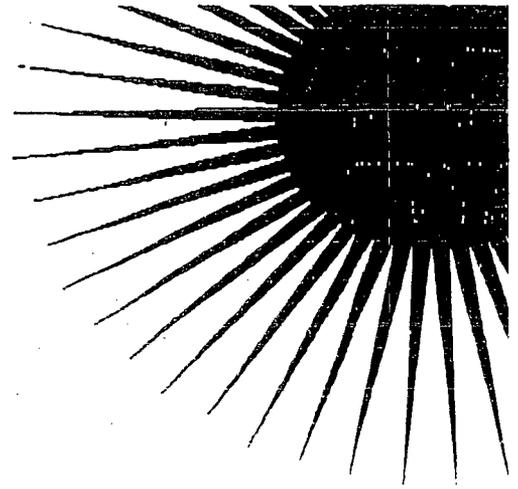
**LETTER DATE:** 03/18/2008  
**ACKNOWLEDGED:** No  
**SPECIAL HANDLING:** Made publicly available in ADAMS via EDO/DPC  
**NOTES:** OCM #1912  
EDO to coordinate response with OCA.

**FILE LOCATION:** ADAMS  
**DATE DUE:** 04/04/2008 **DATE SIGNED:**

EDO --G20080196

# Project On Government Oversight

Exposing Corruption Exploring Solutions [www.POGO.org](http://www.POGO.org)



March 18, 2008

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

Via facsimile: (301) 415-1757

Dear Chairman Klein:

The Project On Government Oversight (POGO) is disturbed by some of the statements in your oral testimony before the Senate Committee on Environment and Public Works on February 28, 2008. The hearing was held to examine the NRC's failure to investigate allegations of security officers sleeping while on duty at Peach Bottom Atomic Power Station. As you know, John Jasinski, a former Wackenhut supervisor at Peach Bottom and other nuclear power plants, wrote to the NRC in March 2007 about sleeping guards at Peach Bottom—a letter the NRC failed to investigate. Because of the NRC's failure, another Wackenhut security officer, Kerry Beal, felt compelled to videotape his sleeping colleagues.

POGO is concerned by your disparaging comments about Mr. Jasinski, although you never refer to him by name. Our primary concern, however, is that on page 16 of the written transcript you state that "the individual had been terminated for cause. And there was [sic] some hostile feelings." In fact, according to witnesses, Mr. Jasinski was forced to resign in 2006 under pressure from Wackenhut because he was raising the same issues that he again raised in the March 2007 letter—including sleeping guards, fatigue, and problems with the ready room—problems that were later exposed in the national press. He was simply trying to do the right thing.

We understand Mr. Jasinski raised these issues early on to the NRC, yet the NRC found no evidence. Clearly, based on the corroborating evidence, the NRC was wrong. POGO is concerned that, because of the NRC's earlier involvement with Mr. Jasinski, the Commission did not take the subsequent March 2007 letter seriously.

We further understand Mr. Jasinski brought claims against Wackenhut for firing him in retaliation for his whistleblowing, and that he subsequently entered into a settlement with the stipulation that he could not discuss the matter publicly. As a

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result, he could not discuss the facts of the situation with POGO. We have pieced together the situation as best we could from other sources.

Your attack on Mr. Jasinski at the February 28, 2008 hearing is unfair and misleading.

It appears that Wackenhut breached the settlement agreement by disclosing confidential information about Mr. Jasinski to you, information that is not accurate but that Mr. Jasinski cannot refute because he is complying with his settlement agreement. It also appears that you are defaming Mr. Jasinski. Your public statements about him are false, as you must be aware because the safety allegations raised by Mr. Jasinski have been corroborated.

We believe that it is only appropriate that you correct your statements about Mr. Jasinski for the record, and offer him a public apology. He is a courageous nuclear worker who should be congratulated, not defamed.

Sincerely,



Danielle Brian  
Executive Director

Enclosure: Page 16 from the hearing transcript

cc: Clean Air and Nuclear Safety Subcommittee Chair Senator Thomas R. Carper  
Subcommittee Ranking Member Senator George V. Voinovich  
Senator Bob Casey

HEARING OF THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS; SUBJECT: NUCLEAR REGULATORY COMMISSION OVERSIGHT: SECURITY OF OUR NATION'S NUCLEAR PLANTS; CHAIRED BY: SENATOR THOMAS R. CARPER (D)

The other thing that made this one particularly disheartening, as Commissioner Jaczko had indicated was there was collusion.

That is something we very seldom find in the level of what we found in that area. So it was difficult, I must say on our behalf on the NRC we were not as rigorous as we should have been.

We were not as rigorous in challenging the utility and their investigation and we were not as rigorous as we should have been on follow-up.

And so we have lessons to learn from that and we will learn from that, but in the initial allegation -- we made a mistake in the initial alleger -- it says specifically, "Do not contact me again."

We should not have honored that, we should have followed up and contacted that individual and that's one of the mistakes that we made and we will follow-up with that in the future, we will --

SEN. CARPER: Why, why, why the -- why was the request not to follow-up with this person? And I'm sure you've asked that question, but what's the answer?

MR. KLEIN: The -- I'm sure the next panel can talk a little bit more in detail, but the individual had been terminated for cause and I think there was some hostile feelings. But he in his initial allegation said specifically, "Do not contact me at all."

It was very clear and we honored that, but we should not have, we should have followed up.

SEN. CARPER: I agree.

Let me -- I have a follow-up to that -- let me just ask my follow-up and then yield back to Senator Voinovich.

At Peach Bottom, the NRC relied almost exclusively on Exelon to address and investigate the allegation.

When evaluating your methods for investigating allegations, what did the NRC conclude in terms of its reliance on licensees to investigate allegations of wrong-doing?

And any of you're welcome to respond to?

MR. JACZKO: Well, at this point we haven't finished answering that question.

Right now, the NRC has a process, but whenever we get an allegation we'll look at several factors to determine who does the primary investigation.

And our general assumption going in is that the standard responses is to send the letter to the licensee asking them to provide information.

We right now have a series of the internal reports from a variety of different groups at the agency, the primary one being a self-assessment from Region 1 that has looked at that particulars.

But I think right now we don't have any firm conclusions about what the right way is to address that.

My personal view is that instead of having an assumption going in that we would refer the allegation, I think the assumption going in should be -- we should ask the question can we get this information with our own inspectional resources, with our own investigators first?

And if that's not possible then we would consider going to the licensee for the information.

So it's certainly something that that was brought to my attention in this incident that is something that we might need to change in our process as we review it.

But those reviews are still on-going and we're really waiting to collect the information from a variety of sources before we complete --

SEN. CARPER: Commissioner Lyons -- (inaudible) -- do you want to add anything to that?

MR. LYONS: I would concur with what Commissioner Jaczko has already said.

I would note that in the past, in general about 60 percent of the allegations we've taken the investigation on.