

May 10, 2007

Secretary Samuel W. Bodman
U.S. Department of Energy
1000 Independence Ave., SW
Washington , DC 20585

Dear Secretary Bodman:

You recently testified that security at the nuclear weapons facilities is a top priority in the department. POGO agrees that security should be a top priority, which makes the current situation at the Pantex nuclear weapons plant an alarming one.

Pantex is a hard site to defend under the best of conditions. Because it is our only nuclear weapons assembly plant, it houses some of the most sensitive nuclear materials in the nuclear weapons complex. These materials include nuclear warheads, high explosives, and tons of plutonium in metal form, all of which are prime targets for terrorists. Recently, the security situation there has become tenuous because, as you know, the guard force at Pantex has been on strike for several weeks trying to gain retirement benefits.

The official guard force at Pantex is comprised of 537 officers. These officers have trained for years to protect the multiple and wide-spread storage facilities that house the materials that are so attractive to terrorists. This guard force has been performance-tested in self-assessments and by the Independent Oversight Office in DOE, and has generally proven up to the task of protecting the facility.

Shockingly, since the strike, a force of only about 200 replacements have been guarding Pantex—far fewer than half the number of officers considered necessary to defend this sensitive site. This replacement force is made up of private security supervisors from various sites around the nuclear weapons complex, as well as federal nuclear transportation couriers. Unlike the private segment of the force, the couriers are federal employees and so cannot be supervised by Pantex contractor BWXT. As a result, we have been told, federal employees from the Pantex Site Office have been re-tasked to supervise the couriers. These supervisors are not trained for this type of work and, worse, are *unarmed*, making them ill-equipped to deal with a real security situation. In addition, the people newly detailed to Pantex undergo only one week of training on the weapons in use at Pantex, which in a number of cases are different from the weapons at their sites, as well as on Pantex's unique tactics and response plans.

We understand that DOE Office of Health, Safety and Security (HSS) inspectors recently visited Pantex to determine whether the replacement guards could defend the plant. HSS Director Glenn Podonsky articulated his concerns when he testified last week before the Senate Armed Services Committee. He stated that “at the 10, 11, 12-day period, when my inspectors were down there, I have every confidence to tell you that nuclear material is protected. **But beyond that, we become very concerned.**” (Emphasis added.) HSS could not performance-test the replacement force because that force was already working 72 hours per week (six 12-hour days per week). In addition, there were not enough guards to create a shadow force to secure the facility during a test. As you know, without verification through performance testing, any assurances of adequate security are questionable.

At the Senate Armed Services hearing, Senators Bill Nelson and Jeff Sessions raised thoughtful questions about the implications of the strike. HSS Director Podonsky testified in response to the Senators' concerns that in addition to the impact on Pantex, this strike is taking an enormous toll across the complex:

But we, from an independent standpoint, again, feel the sustainability is going to be the question. And so it's not just going to be the Pantex safeguard-security posture that we're going to be concerned about, but it's going to be these other sites, Mr. Chairman, as you point out, where they have provided security officers who are working extended hours. They're going to have to be rejuvenated when they go back to their own site. So there's a long line of concerns that exist with every passing day.

Guard forces around the complex were already stretched thin before the strike. For example, at Y-12 the guards were already working 60-plus hours per week. Then they were required to send 15 to 20 supervisors to Pantex to cover the strike. As a result, the remaining supervisors at Y-12 are now working over 80 hours per week.

The occurrence of a strike and the resulting over-tasked guard force is not a new phenomenon for DOE, yet DOE has never implemented any of the possible remedies that have already been proposed. In 1997, the security officers at Rocky Flats went on strike in the hopes of gaining retirement benefits. Although that strike was resolved fairly quickly, DOE wanted to avoid future strikes and to be prepared in case they could not be avoided. As a result, in 1998, then-DOE Deputy Secretary Charlie Curtis developed a rational retirement system for the security officers. However, Defense Programs (the predecessor agency to NNSA) never implemented the system. Also in 1998, the Office of Safeguards and Security entered into discussions with a unit of the Marine Corps that is trained to protect nuclear weapons, to arrange for a back-up force in case the unionized guard forces ever went on strike again. As with the retirement system, there was no follow-through and the contingency plan was never implemented.

For the long term, DOE needs to address the disparity between the retirement system for security officers at sensitive nuclear weapons labs and production plants and that of federal law enforcement officers. Protecting nuclear assets is a young man's game: It is only reasonable that the government provide some form of retirement system for those who have served for 20 years or more. Either federalize these security officers, or require that the contractor provide a reasonable retirement plan and have an effective contingency security plan in case the private force does strike.

Until the strike is resolved, operations involving nuclear weapons parts or materials should be shut down, and those parts and materials should remain in their vaults. This would make the plant easier to defend during the strike. Although some have suggested that operations at Pantex have been curtailed, Pantex is in fact still operating on the full production schedule. This is likely because the contractor's bonuses are contingent on meeting the government's schedule, thereby creating a clear financial incentive for BWXT to keep working no matter how tenuous the security posture.

While we certainly appreciate the important work being conducted at Pantex, the current security situation is untenable. I welcome the opportunity to speak with you further on this matter.

Sincerely,

Danielle Brian
Executive Director

cc: Mr. Clay Sell, Deputy Secretary of Energy
Mr. William Ostendorff, Acting Administrator, NNSA
Senator Bill Nelson
Senator Jeff Sessions
Representative Ellen Tauscher
Representative Terry Everett
Representative Pete Visclosky
Representative David Hobson

