

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, DC 20555-0001

December 12, 2007

NRC BULLETIN 2007-01: SECURITY OFFICER ATTENTIVENESS

ADDRESSEES

All holders of operating licenses for nuclear power reactors, except those who have permanently ceased operation and have certified that fuel has been removed from the reactor vessel, and Category I fuel facilities.

The contents of this bulletin are for information to Category III fuel facilities, independent spent fuel storage installations, conversion facilities and gaseous diffusion plants.

PURPOSE

The U.S. Nuclear Regulatory Commission (NRC) is issuing this bulletin to achieve the following three objectives:

1. The agency is notifying addressees about the NRC staff's need for information associated with licensee security program administrative and management controls as a result of security personnel inattentiveness, especially involving complicity, and related concerns with the behavior observation program (BOP). The information is needed to determine if further regulatory action is warranted, if the necessary inspection program needs to be enhanced, or if additional assessment of security program implementation is needed.
2. The NRC seeks to obtain information on licensee administrative and managerial controls to deter and address inattentiveness and complicity among licensee security personnel including contractors and subcontractors.
3. This bulletin requires that addressees provide a written response to the NRC in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.54(f) or 10 CFR 70.22(d).

BACKGROUND

Following the events of September 11, 2001, security requirements at NRC facilities were enhanced through a series of orders and subsequent security plan revisions. These actions improved the general performance objective of 10 CFR 73.55(a) and 10 CFR 73.20(a) to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety. The actions of the NRC subsequent to the events of September 11, 2001, also enhanced the behavioral observation techniques for detecting degradation in performance, impairment, or changes in employee behavior under 10 CFR 26.22(a). As part of

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performance objectives in 10 CFR 73.55(a) and 10 CFR 73.20(a) NRC expects that licensee security programs will include the appropriate managerial and administrative controls needed to ensure that security force members can effectively implement the site protective strategy. In addition, the NRC requires that licensees maintain an environment in which security personnel and others can raise concerns related to the effectiveness of the security program without fear of retaliation.

Licensee-identified occurrences and NRC inspection findings at several sites have raised questions about the effectiveness of security program managerial and administrative controls. Examples include: (1) security personnel circumventing management controls to facilitate inattentiveness while assigned to positions requiring timely armed response to actual security threats; (2) ineffective management resolution of security personnel concerns regarding individual performance issues; and, (3) failure of individuals included in BOPs either to identify or effectively respond to inappropriate conduct (e.g. inattentiveness, complicity, equipment tampering, falsification of records and exam results). In isolation, these incidents did not result in a significant degradation of security performance at the affected sites and the staff recognizes that most sites have not had occurrences of such events. However, when assessed holistically across the Nation, they indicate a negative trend regarding the priority placed on the effective implementation, management and administrative controls for site security.

On September 27, 2007, the NRC issued SA-07-06 "Security Officers Inattentive to Duty" to emphasize that licensees should have effective processes and procedures in place to ensure that individuals performing specific security duties in accordance with 10 CFR Part 73, "Physical Protection of Plants and Materials," NRC Orders, and the licensees' NRC-approved security plans are attentive to those duties.

DISCUSSION

The NRC is concerned with the licensees' ability to deter, identify, and correct non-compliances with security requirements, such as security personnel inattentiveness while on duty and the facilitation by other security personnel of inattentive behavior on the part of fellow security personnel on duty. Additionally, a licensee's BOP is the primary means for determining the continued trustworthiness and reliability of personnel granted unescorted access to site protected and vital areas. As required, BOP training must include techniques related to the recognition of behaviors adverse to the safe operation and security of the facility, and the reporting of these behaviors to site management. Licensees are required to address identified issues promptly to ensure continued compliance with regulatory requirements. Furthermore, the licensee is responsible for assessing security force personnel readiness, including the potential for complacency. Consequently, the NRC is requesting licensees to provide information regarding the security program administrative and managerial controls established to prevent, identify, and correct security personnel inattentiveness and complicity and failures of individuals to implement the BOP among licensee security personnel, including security contractors and subcontractors. Licensees are required to address identified issues promptly to ensure continued compliance with regulatory requirements.

APPLICABLE REGULATORY REQUIREMENTS

Licensees are responsible for implementing the applicable security requirements in 10 CFR Part 73, NRC Orders, and the NRC-approved site security plans.

In accordance with 10 CFR 73.55, and 10 CFR 73.20 licensees must demonstrate the ability of their physical security personnel to perform assigned duties and responsibilities in carrying out the provisions of their security plans and NRC requirements. In addition, each security officer, watchman or armed response individual on duty must be capable of maintaining continuous communication with an individual in each continuously manned alarm station. The alarm station shall be capable of calling for assistance from other security personnel, watchmen, and armed response personnel and from local law enforcement authorities. Detection of penetration or attempted penetration of the protected area or the isolation zone adjacent to the protected area barrier is essential to ensure that the security organization can initiate an adequate and timely response. In addition, licensees must establish and maintain an access authorization program in accordance with 10 CFR 73.56(b) granting individuals unescorted access to protected and vital areas with the objective of providing high assurance that individuals granted unescorted access are trustworthy and reliable and do not constitute an unreasonable risk to the public health and safety. Furthermore, 10 CFR 73.56(b)(2)(iii) and 10 CFR 26.22(a)(4) require licensees to implement a BOP designed to detect individual behavioral changes that if left unattended, could lead to acts detrimental to the public health and safety. Order EA-02-261, "Compensatory Measures for Access Authorization" expands this requirement beyond supervisors to all personnel with unescorted access which includes BOP training and an expectation of all personnel to promptly report noticeable changes in behavior. Discrimination by a licensee, an applicant, or a contractor or subcontractor against an employee for reporting violations is prohibited, as delineated in 10 CFR 50.7 and 10 CFR 70.7 "Employee Protection."

Section C (1.9) of EA-02-261 and 10 CFR 73.56(g) require each licensee to audit its access authorization program including program effectiveness. The audit results are reported to licensee management and must include any findings and corrective actions, as specified in Nuclear Energy Institute (NEI) 03-01, "Nuclear Power Plant Access Authorization Program," which licensees are committed to in their security plans.

The NRC issued security Orders¹ to licensees following the terrorist attacks of September 11, 2001. One of the requirements of these orders was to increase the minimum number of armed response personnel immediately available at the facility for responding to threats, thefts, and radiological sabotage, as required by 10 CFR 73.55(h)(3) and 10 CFR 73.45, "Performance Capabilities for Fixed Site Physical Protection Systems." The NRC also established, (by Orders) limits on security force personnel work hours as a means of providing assurance that the effects of fatigue would not adversely impact the readiness of nuclear security personnel in the performance of their duties. The NRC also required licensees to expand their BOPs to all site employees so that they could recognize behaviors adverse to the safe operation and security of their facilities. NRC-approved security plans establish specific qualifications for employment in security, including work hour controls, access authorization, fitness-for-duty and insider mitigation programs.

¹ EA-02-026, "Interim Compensatory Measures (ICM) Order".

EA-02-261, "Compensatory Measures for Access Authorization," and associated guidance documents.

EA-03-038, "Requirements Related to Fitness-for-Duty Enhancements Applicable To Nuclear Facility Security Force Personnel".

REQUESTED ACTION

Within 60 days of the date of this bulletin, the NRC requests licensees to provide information regarding administrative programs and managerial programs and controls established to prevent, identify and correct security personnel inattentiveness and, especially complicity, and failures to implement the BOP by individuals among licensee security personnel including security contractors and subcontractors. In particular, the NRC requests a response to the questions below, including specific examples for each. Licensees must appropriately mark any information submitted to the NRC that is proprietary, sensitive, safeguards, classified information.

In responding to each of the following five questions, licensees should provide information that addresses measures that are currently in place noting changes made after the review and evaluation of SA-07-06, and any additional planned actions with expected completion dates.

1. How do you identify, report and document human performance issues involving inattentiveness, especially complicity among licensee security personnel including security contractors and subcontractors? Include a description of actions staff and supervisors take to prevent, identify and correct instances of security personnel inattentiveness, especially complicity, and address how employee concerns related to security personnel inattentiveness and complicity are addressed.

Examples of the types of information to include when providing your response to Question (1) are:

- a. Describe the means used to maintain the attentiveness and vigilance of your security personnel such as through the effective use of job/post rotations: communication checks (audio/visual) audio stimuli; (e.g. radio), and other attentiveness stimuli for security posts where appropriate, based on the nature of duties.
- b. Describe how you ensure that environmental conditions such as temperature, humidity, lighting, and noise levels do not degrade attentiveness or vigilance.
- c. Describe how you monitor the attentiveness and vigilance of security personnel, such as through behavioral observation by supervisors/managers, behavioral observation by peers, and video surveillance.

These examples are not meant to limit your response if you use other methods to address the issues described in the first paragraph.

2. How do you ensure that all employees and contractors report security concerns and any perceived security conditions that reduce the safety or security of a licensee facility? How do you ensure that staff is aware that there is no retaliation for self-reporting of inattentiveness or complicity or for reporting others?
3. How do you ensure that managers and supervisors provide oversight of BOP adherence to ensure there is no complicity to circumvent the program or failure to report wrong doing or careless disregard of the regulations?
4. What are the results of any self-assessments performed within the last 2 years

associated with the items above? Specifically, what do you do to assess the effectiveness of your employee access authorization program?

- a. Provide a summary of each assessment that details the objective and the identified results of each assessment.
 - b. Summarize any program changes and enhancements, follow-up activities and other actions you have taken as a result of each self assessment.
5. How do you assess the effectiveness of your oversight of contractors and subcontractors?

REQUIRED RESPONSE

Licensees should address the required written response to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, 11555 Rockville Pike, Rockville, MD 20852, pursuant to the provisions of 10 CFR 50.54(f) and 10 CFR 70.22(d). In addition, submit a copy of the response to the appropriate Regional Administrator. Before submitting responses to the NRC, licensees must evaluate them for proprietary, sensitive, safeguards, or classified information and mark such information appropriately. The addressees have two options for submitting responses:

1. Addressees may choose to submit written responses providing the information requested above within the requested time periods.
2. Addressees, who cannot meet the requested completion date must submit written responses within 15 days of the date of this bulletin that address any alternative course of action proposed, including the basis for the acceptability of the proposed alternate course of action.

REASONS FOR INFORMATION REQUEST

This information request is necessary to determine the status of licensee programs regarding the adequate and consistent implementation of their security programs in light of recent security-based incidents at certain sites. The staff will use the information received to inform the Commission and to determine if further regulatory action is warranted. The staff will also review the information to determine if inspection programs need to be enhanced or if additional assessment of licensee security program implementation is needed.

RELATED DOCUMENTATION

- Regulatory Issue Summary 2004-15, "Emergency Preparedness Issues: Post 9/11," dated October 18, 2004
- Information Notice No. 87-21 "Shutdown Order Issued Because Licensed Operators Asleep While on Duty," May 11, 1987
- Information Notice 2006-09 "Performance of NRC-Licensed Individuals While on Duty with Respect to Control Room Attentiveness," April 11, 2006

- NRC Policy Statement on “Conduct of Nuclear Power Plant Operations” (54FR3424, January, 24, 1989)

BACKFIT DISCUSSION

Under the provisions of Section 182a of the Atomic Energy Act of 1954, as amended, and 10 CFR 50.54(f), or 10 CFR 70.22(d), this bulletin transmits an information request for the purpose of verifying compliance with existing applicable regulatory requirements (see the Applicable Regulatory Requirements section of this bulletin). No backfit is either intended or approved by the issuance of this bulletin, and the staff has not performed a backfit analysis.

FEDERAL REGISTER NOTIFICATION

The NRC did not publish a notice of opportunity for public comment in the *Federal Register* because the agency is requesting information from affected licensees on an expedited basis to assess the adequacy and consistency of security programs.

CONGRESSIONAL REVIEW ACT

The NRC determined that this bulletin is not a rule under the Congressional Review Act.

PAPERWORK REDUCTION ACT STATEMENT

This bulletin contains information collections that are covered by the Office of Management and Budget clearance number 3150-0012, which expires October 31, 2009. The burden to the public for these information collections is estimated to average 200 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of these information collections, including suggestions for reducing the burden, to the Records and FOIA/Privacy Services Branch (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet electronic mail to INFOCOLLECTS@NRC.GOV; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0012), Office of Management and Budget (OMB), Washington, DC 20503.

PUBLIC PROTECTION NOTIFICATION

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

CONTACT

Please direct any questions about this matter to the technical contact or the lead project managers listed below.

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Note: NRC Generic Communications may be found on the NRC public Web site,
<http://www.nrc.gov>, under Electronic Reading Room/Document Collections

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