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LIC-08-0010
February 8, 2008

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555-0001

References: 1.   Docket No. 50-285
2.   NRC Bulletin 2007-01, *Security Officer Attentiveness*, dated December 12, 2007 (NRC-07-0133)

SUBJECT: Omaha Public Power District (OPPD) Response to NRC Bulletin 2007-01

In Reference 2, the NRC requested licensees to provide information regarding programs and controls established to prevent, identify, and correct human performance issues involving security personnel inattentiveness and complicity. Accordingly, the Omaha Public Power District (OPPD) provides the requested information for Fort Calhoun Station in Attachment 1.

A list of actions that OPPD will take regarding this issue is contained in Attachment 2. Because OPPD considers its current programs adequate, these actions are considered enhancements. As such, there are no regulatory commitments contained in this submittal.

If you have additional questions, or require further information, please contact Mr. Thomas C. Matthews at (402) 533-6938.

Sincerely,

Mary A. Tesar

M. A. Tesar
Division Manager – Nuclear Support Services

MAT/MLE/mle

Attachments: 1. OPPD Response
2. List of Actions

OPPD Response to NRC Bulletin 2007-01, "Security Officer Attentiveness"

NRC 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.

NRC Question

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.

OPPD Response

The Omaha Public Power District (OPPD) does not utilize a contract security force at Fort Calhoun Station (FCS). Since OPPD provides its own security force, management can readily communicate and enforce expectations regarding human performance issues involving security officer inattentiveness and complicity. OPPD recognizes the importance of a safety conscious work environment (SCWE) where individuals are free to raise safety concerns and issues with confidence that their concerns will be promptly reviewed and resolved with a priority appropriate to their significance. OPPD is committed to maintaining an environment where individuals can express safety concerns and issues that are promptly recognized and addressed. In order to maintain the safe and efficient operation of FCS, OPPD relies on our employees and supplemental personnel (e.g., contractors and subcontractors) to identify and resolve such issues. OPPD values an environment in which the raising of issues or expression of alternate points of view is encouraged and sought out. To encourage the reporting of safety concerns, OPPD must take appropriate actions when these issues are brought to our attention.

OPPD provides initial training on the importance of a SCWE in General Employee Training (GET), which is reinforced through continuing training and communications from senior management to all individuals onsite. Individuals are expected and encouraged to report concerns and issues to their supervisors promptly for resolution under one or more existing plant programs. These programs include the Corrective Action Program (CAP), the Employee Concerns Program, the Access Authorization Program, and the Fitness for Duty (FFD) Program. OPPD employees and supplemental personnel may report human performance issues involving inattentiveness and complicity using any of these programs or may go directly to the Nuclear Regulatory Commission (NRC). OPPD employees may also utilize the Human Resources Department and our EthicsPoint Program to report concerns to management.

The CAP is the primary program used to track and trend conditions adverse to quality and has established measures to ensure that these conditions are promptly identified, reported, and corrected. Conditions adverse to quality include security officer inattentiveness and complicity. If such conditions are determined to be significant, a root cause analysis is done to ensure that the corrective actions will prevent recurrence. The CAP addresses documentation requirements and dissemination of information to appropriate levels of management.

OPPD also has a Behavioral Observation Program (BOP) designed to make personnel with unescorted protected area access (referred hereafter as unescorted access) aware of their responsibility to recognize individual behavior that if left unattended, could be detrimental to public health and safety. All personnel with unescorted access (i.e., almost everyone working in the owner controlled area) receive initial BOP training and annual BOP testing and are expected to monitor the behavior of other personnel irrespective of employer. BOP monitoring is most effective when conducted by the

employees' immediate supervisors or co-workers since they are most aware of the individuals' normal behavior. However, by their nature, the inattentiveness of a security officer and complicity in unauthorized actions are universally recognized as inappropriate behaviors adverse to the safety and security of the facility. All personnel (including those lacking unescorted access) are expected and encouraged to identify and report such behavior to their supervisor or the Security Department immediately to allow the proper measures to be taken. Documentation of the event and additional corrective actions would take place under one or more of the programs described above.

On a monthly basis, supervisors and managers formally document that BOP monitoring has occurred. Individuals are required to report arrests and other issues that may impair their fitness for duty. An annual review is performed that typically includes behavior deviations reported to or observed by the supervisor. The supervisory review is evaluated by Access Authorization Program personnel to determine if additional action is required concerning the individual's trustworthiness, reliability and fitness for duty. The effectiveness of the SCWE and the BOP is periodically assessed by OPPD through quality assurance (QA) audits, surveys, the Corrective Action Review Board, and other site reviews. The Institute of Nuclear Power Operations (INPO), the NRC, and industry peers conduct independent reviews of the SCWE and BOP.

Reports of security officer inattentiveness and complicity are immediately addressed by the Security Shift Supervisor, compensatory measures are established as appropriate, and the officer is subject to FFD testing and disciplinary action. The event is captured in a condition report (CR) and evaluated for significance in accordance with Standing Order (SO)-R-2, *Condition Reporting and Corrective Action*, Security Administrative Procedure (SAP)-35, *Reporting of Safeguards Events*, and SO-R-1, *Reportability Determinations*. The screening process ensures that the event is evaluated appropriately and consistently.

OPPD employees and supplemental personnel are using the CAP to report personnel inattentiveness and complicity issues. Since 2005, several CRs pertaining to personnel inattentiveness and one (1) CR related to complicity have been issued. The events involving inattentiveness were promptly addressed in accordance with the circumstances. The event involving complicity was also addressed promptly once brought to the attention of management. This event described in Reference 1 was a willful violation of a radiation work permit (RWP) by a security officer who intimidated two fellow security officers into not reporting it. However, a third officer reported it and OPPD took swift action that included terminating employment of the individual that was willfully violating the RWP and suspending the two complicit officers without pay. OPPD has incorporated this event into security training for new hires and has taken additional corrective actions that have prevented recurrence of similar events. Thus, OPPD is confident that OPPD employees and supplemental personnel are effectively utilizing the CAP to report human performance issues involving security officer inattentiveness and complicity.

Other methods used to identify security performance issues include:

- Routine shift briefing fatigue declaration
- Self-identification
- Peer and general employee observations
- Security management observations
- Non-Security management observations
- Periodic radio communication checks
- Technology aids (cameras, security door logs)
- Facility design (environmental conditions, lighting, noise, etc.)
- Exit interviews conducted with Human Resources and Employee Concerns Coordinator

Other methods used to report security performance issues include:

- Direct contact with security management
- Contact with non-security management
- Safeguards Event Log
- Contact with OPPD Employee Concerns Program Coordinator
- Access Authorization/Fitness for Duty Program
- Contact NRC Resident Inspectors/Hot Line
- Human Resources Organization

Processes for documenting and addressing security officer inattentiveness and complicity normally include management review, investigation, identification and tracking of corrective actions, and effectiveness reviews.

Other methods used to document and address security performance issues include:

- Safeguards Event Log
- Employee Concerns Program Log
- NRC Allegation Program
- NRC Security Hotline
- Plant Observation Program

OPPD uses a variety of methods to prevent (p), identify (i), and correct (c) incidences of security personnel inattentiveness and complicity to ensure that security personnel can perform their assigned duties and responsibilities, maintain continuous communication with the central alarm station (CAS) / secondary alarm station (SAS), and are immediately available to respond at all times. The following methods in use before the issuance of SA-07-06 (Reference 2) continue to be utilized:

- Security shift management conducts two routine random security posts checks per shift. (p, i, c)

- Security post rotations are completed at intervals of two, three and four hours of nominally once per 12 hours as determined by activity and plant support issues. (p)
- CAS/SAS operators conduct communication/status checks with select security personnel by radio every fifteen minutes driven by the plant security computer. (p,i,c)
- Security officers are expected to do peer checks and provide post relief or breaks to security personnel when needed. (p,i,c)
- Security personnel are authorized in certain locations to utilize AM/FM radios and company computers. Reading material is authorized and lap top computers may be used for educational purposes if authorized by the Supervisor-Nuclear Security Operations. (p)
- Security supervisors conduct a shift briefing at each shift rotation and observe oncoming shift personnel for signs of fatigue. Individuals are informed of their responsibility to contact the Shift Security Supervisor in a declaration of fatigue. (p,i,c)
- Security personnel receive SCWE and BOP training. (p,i)
- Security management has conducted an assessment of each security post and facility to determine if conditions could negatively impact attentiveness or vigilance and determine appropriate mitigation measures. (p,c)
- Security personnel overtime is managed within the existing work hour requirements. (p)
- Lifestyle information is provided to security personnel that emphasizes the importance of adequate rest, diet, exercise, consumption of caffeine, and other issues in maintaining good health and alertness while on duty. (p)

In response to SA-07-06, the following procedures were revised:

Security Services Department Directive (SSDD) 3.01, *Conduct* describes acceptable and unacceptable behavior of security officers. A section was added to SSDD 3.01 noting that sleeping on company property is prohibited.

SSDD 1.13, *Security Duty Officer* [SDO] *Responsibilities / Notification* provides guidance on issues that may have an impact on the security organization. Additional guidance was added noting that anytime a security officer is identified as inattentive or sleeping, a notification will be made to the SDO to ensure that appropriate actions are taken.

SSDD 1.14, *Area & Off-hours Inspection* provides guidance to OPPD Security Department inspectors during area and off-hours inspections. Additional guidance was added to require the inspector to look for unauthorized material and security force inattentiveness.

It is OPPD's position that FCS has sufficient barriers to prevent the events described in SA-07-06. However, OPPD will take the following actions to enhance its programs:

- OPPD will brief all security officers using Nuclear Energy Institute (NEI) Shift Briefing Paper *Attentiveness to Duty and Reporting Requirements* dated January 22, 2008.
- OPPD will utilize the NEI Security Post Evaluation dated January 22, 2008 to further evaluate security posts for conditions that may impact the ability of security officers to perform their assigned duties and responsibilities.

OPPD intends to complete these actions prior to the start of the 2008 Refueling Outage (RFO) scheduled to begin on April 19, 2008. Because OPPD considers its current programs sufficient, these actions are considered enhancements, not regulatory commitments.

NRC Question

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?

OPPD Response

OPPD employees and supplemental personnel with unescorted access authorization are required to adhere to all site policies and procedures. They are required to report any condition adverse to quality and safety including any perceived security conditions that reduce the safety or security of FCS. OPPD has initiated the actions described in the response to question (1) to ensure that all personnel are cognizant of the requirement to report these concerns. OPPD is utilizing security and plant management observations, safety culture surveys and employee interviews that provide indications of the effectiveness of facility programs, policies, procedures, training, and communications in engaging employees in this requirement. Areas for improvement are captured in the CAP for resolution.

It is OPPD's policy that retaliation of any kind for reporting of any concern, including a security issue will not be tolerated. This is evident in SCWE surveys, which reveal that a vast majority of plant personnel feel free to report safety and quality concerns without the fear of retaliation. This is reinforced during periodic SCWE leader training and through periodic reminders by the Employee Concerns Program Coordinator.

NRC Question

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?

OPPD Response

OPPD provides initial training on the importance of a SCWE and a BOP in GET. The importance is reinforced through continuing training and communications from senior management to all individuals. In addition, the Employee Concerns Coordinator and Site Director provide periodic reminders to plant staff on the importance of reporting concerns that are adverse to safety and quality. Included in these reminders is the subject of retaliation.

OPPD oversight of the SCWE and BOP programs is provided by review of SCWE surveys, CRs documented in the CAP, internal audits and plant observations. In January 2008, in response to SA-07-06, a training hotline was sent to managers and supervisors of personnel with unescorted access to FCS reminding them of the need to promptly report BOP issues such as security officer inattentiveness. By March 1, 2008, these managers and supervisors will brief their personnel regarding the requirements of the BOP.

Supervisory engagement in the SCWE and BOP programs is evidenced by management directed for-cause drug and alcohol testing, post accident testing, near miss testing, psychological evaluations, Employee Assistance Program (EAP) referrals, medical review officer (MRO) evaluations, etc.

As stated previously, OPPD responded swiftly and aggressively when an incident involving complicity surfaced at FCS in April 2006. All security personnel were briefed on the necessity of immediately reporting non-compliance with station policies and procedures and the event was incorporated into security training for new hires.

Prior to the start of the 2008 RFO, OPPD will enhance GET regarding human performance issues involving security officer inattentiveness and complicity. All personnel with unescorted access to FCS must complete initial GET and then receive requalification training annually. Therefore, this action will continue to reinforce management expectations regarding security officer inattentiveness and complicity. As an enhancement, this action is not considered a regulatory commitment.

NRC Question

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.

OPPD Response

OPPD has conducted internal audits and SCWE surveys to determine the effectiveness of its programs. The results indicate that the majority of individuals feel free to report safety and quality concerns without fear of retaliation. Generally, OPPD and its supplemental employees think that concerns are effectively raised through established programs and channels, that concerns are investigated thoroughly and resolved and most individuals recognize their responsibility to raise concerns.

Within the last two years, OPPD has conducted two (2) QA audits on FFD and Access Authorization including adherence to the BOP process.

QA Audits 70 and 73 were performed January 16 through February 22, 2006.

QA Audit 70, FFD, is performed annually as required by 10CFR26 and the FFD program. This audit also provides management with an overview and assessment of program effectiveness. The audit scope included observations and reviews of the FFD Program controls and adherence, drug and alcohol testing, specimen collection process, MRO activities, and training and qualification of plant personnel and FFD staff. Implementation of NRC Access Authorization Order (AA CM 1/7/03) as applicable to FFD was also evaluated.

QA Audit 73, Access Authorization Program, is performed to provide management with an overview of the effectiveness of the FCS Access Authorization Program and the Personnel Access Data System (PADS) program. This audit is performed biennially as required by the Site Security Plan, NEI 03-01, *Nuclear Power Plant Access Authorization Program* and NEI 03-05 *Personnel Access Data System* [PADS] *Operating Manual.* The audit scope included assessments to determine that the requirements of 10CFR73 are appropriately reflected in the Personnel Reliability Plan, PRP-100. Observations, reviews and interviews were used to assess security screening processes including background investigations, psychological evaluations, and criminal histories. PADS assessments included observations and reviews of data entry, training, system security and configuration control. Implementation of NRC Access Authorization Order (AA CM 1/7/03) was also evaluated.

The audit team noted one area of good performance in the area of Access Authorization. The audit team determined that the Access Authorization Program is implemented by a very knowledgeable and competent staff and continues to be effective at implementing the regulatory requirements associated with processing personnel for unescorted access at FCS.

One area for improvement was identified in that the threshold for initiating CRs in the FFD area was too high. The audit team noted several issues that occurred that should have had CRs initiated. Three (3) additional CRs were issued in the FFD area during

the audit but the conditions were low significance and did not reduce the effectiveness of the FFD program.

QA Audit 70, FFD was performed again on April 9 through May 4, 2007.

The audit team noted one area of good performance. There were no FFD program failures since the third quarter of 2005 affecting the physical protection cornerstone and FFD/PRP performance indicator. This is especially noteworthy since this timeframe includes the 2006 RFO that had approximately two thousand (2000) supplemental personnel added to the random FFD testing population.

There were four findings noted during the audit.

- Corporate security officers reporting to the Emergency Operations Facility (EOF) are not included in the FFD program.
- FFD program administrators such as the MRO, specimen collectors and specimen collection receptionist are not included in the BOP.
- Three (3) individuals were not current on BOP training, including one FFD program administrator.
- A Department of Transportation (DOT) specimen collection kit was being used for NRC specimen collections.

The corrections and enhancements from these two (2) self-assessments include the following:

- Individuals that need to complete BOP training are monitored by FFD and Access Authorization. They are sent reminders and their badges are blocked if they do not complete the training on time.
- Corporate security officers who report to the EOF now receive FFD/BOP training and are subject to random drug and alcohol testing.
- FFD program administrators now receive BOP training. Because the MRO, the specimen collectors, and the specimen receptionist do not have unescorted access and do not supervise personnel with unescorted access, they do not require BOP training.
- The use of an inappropriate specimen collection kit was resolved by separating the specimen collection kits into labeled cabinets.
- Supplemental personnel allowed into the OPPD follow-up program but not tested while they had unescorted access to FCS are now placed in the follow-up program and tested while they are here.
- Supplemental personnel are required to have a single point of contact to facilitate personnel notification for random drug and alcohol testing.

In summary, the assessments indicated the need for some minor improvements but overall, the Access Authorization, BOP, and FFD programs are effectively implemented at FCS.

NRC Question

5. How do you assess the effectiveness of your oversight of contractors and subcontractors?

OPPD Response

OPPD does not differentiate between OPPD employees and supplemental personnel (e.g., contractors and subcontractors) in the implementation of access authorization, FFD, BOP, or a SCWE. OPPD requires that all supplemental personnel granted unescorted access adhere to all site policies and procedures including the requirement to report human performance issues involving security officer inattentiveness and complicity.

OPPD manages supplemental personnel in accordance with FCSG-36, *Supplemental Personnel Management Process*, which establishes consistent methodology and expectations and assigns responsibilities for the procurement and supervision of supplemental personnel performing work in support of FCS. The overall principles and objectives while using supplemental personnel can be summarized as follows:

- Station management always retains ultimate responsibility for ensuring nuclear safety
- Performance expectations and standards are the same for all personnel
- Station processes will be used
- Supplemental personnel must be qualified to perform the work
- Good industrial safety practices are not assumed
- Roles and responsibilities of supervisors are clearly defined and vigorously implemented

Industry experience has shown that although supplemental supervisors typically are very knowledgeable of the technical tasks, they are often unprepared to implement station standards or procedures and to fulfill key roles expected of OPPD supervisors. Thus, FCSG-36 ensures that expectations for the performance of supplemental supervisors are no different than those required of OPPD supervisors or are tailored to the specific requirements of the work. Supplemental supervisors are provided with training or briefings on the following:

- Station expectations and standards of performance for supervisors
- Expectations for supervisor involvement with the workers and field time at the job site
- Expectations for use of plant corrective action processes
- BOP and FFD
- Station standards for worker behavior and use of error-prevention techniques

OPPD assesses the effectiveness of supplemental personnel oversight by continuous reinforcement of site policies and procedures by OPPD supervisors and managers. Supplemental personnel are routinely involved in job planning and execution through their attendance at pre-job briefings, meetings, and shift turnover activities. OPPD and supplemental supervisors are routinely present at the job site. Thus, OPPD has numerous opportunities to ensure that supplemental personnel follow OPPD policies and procedures including the reporting of human performance issues involving security officer inattentiveness and complicity. FCSG-36 also contains guidance for assessing the performance of supplemental personnel and the effectiveness of OPPD oversight, which is captured in the CAP.

In summary, personnel from the individual performing the task to the management level responsible for the project are accountable for reporting inappropriate behavior. The fact that non-security personnel and supplemental personnel will report such behavior was evident from the CR review. Since 2005, one-third of the CRs involving personnel inattentiveness were reported by personnel outside of the security organization. This provides evidence that the need to report such behavior is established outside of the security organization as well as in supplemental personnel.

References:

1. Letter from OPPD (M. A. Tesar) to NRC (Document Control Desk), NRC Inspection Report 05000285/2007009, Reply to a Notice of Violation (NOV) EA-07-056, dated June 15, 2007 (LIC-07-0057) (ML 071730052)
2. Security Advisory (SA)-07-06, *Security Officers Inattentive to Duty*, dated September 27, 2007

List of Actions

Action	Due Date	Tracking #
Utilize NEI shift briefing paper *Attentiveness to Duty and Reporting Requirements* to brief security officers	April 19, 2008	AR 41812
Perform evaluation of security posts using NEI guidance	April 19, 2008	AR 41812
Enhance GET regarding security officer inattentiveness and complicity	February 29, 2008	AR 41812