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**DTE Energy**



10 CFR 50.54(f)

February 11, 2008  
NRC-08-0009

U. S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
11555 Rockville Pike  
Rockville, MD 20852

Reference: Fermi 2  
NRC Docket No. 50-341  
NRC License No. NPF-43

Subject: 60-Day Response to NRC Bulletin 2007-01, "Security Officer  
Attentiveness"

NRC Bulletin 2007-01, "Security Officer Attentiveness," dated December 12, 2007, required the attached information within 60 days. The bulletin was issued to:

1. Notify 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. Seek 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. Require 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).

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USNRC  
NRC-08-0009  
Page 2

Enclosure 1 provides Detroit Edison's 60-Day Response to NRC Bulletin 2007-01, for Fermi 2.

There are no regulatory commitments resulting from the 60-day response.

Should you have any questions or require additional information, please contact Mr. Ronald W. Gaston of my staff at (734) 586-5197.

Sincerely,

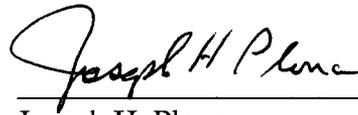
A handwritten signature in black ink, appearing to read "Joseph H. Plume". The signature is written in a cursive style with a large initial "J".

Enclosure:

Fermi 2 60-Day Response to NRC Bulletin 2007-01, "Security Officer Attentiveness."

cc: NRC Project Manager  
NRC Resident Office  
Reactor Projects Chief, Branch 4, Region III  
Regional Administrator, Region III  
Supervisor, Electric Operators,  
Michigan Public Service Commission

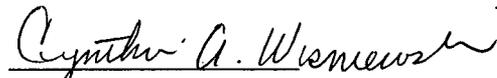
I, Joseph H. Plona, do hereby affirm that the foregoing statements are based on facts and circumstances which are true and accurate to the best of my knowledge and belief.



Joseph H. Plona  
Site Vice President – Nuclear Generation

On this 11<sup>th</sup> day of February, 2008 before me personally appeared Joseph H. Plona, being first duly sworn and says that he executed the foregoing as his free act and deed.

CYNTHIA A. WISNIEWSKI  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF WAYNE  
MY COMMISSION EXPIRES Mar 30, 2013  
ACTING IN COUNTY OF Monro

  
Notary Public

**Enclosure to  
NRC-08-0009**

**Fermi 2 60-Day Response to NRC Bulletin 2007-01, "Security Officer Attentiveness"**

NRC Bulletin 2007-01 requests Detroit Edison 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 Behavioral Observation Program (BOP) by individuals among Fermi 2 security personnel including security contractors and subcontractors.

In particular, the NRC requests a response to the questions below, including specific examples for each. The response should provide information that addresses measures that are currently in place noting changes made after the review and evaluation of Security Advisory SA-07-06, and any additional planned actions with expected completion dates.

Additional planned actions are actions being taken in accordance with the Fermi 2 Corrective Action Program. These potential actions have not been finalized or reviewed for effectiveness. They are presented for information only. They are not commitments.

### **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 the 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.**

### **RESPONSE**

Detroit Edison recognizes the importance of a safety conscious work environment (SCWE) where individuals feel free to raise safety concerns and feel confident that those concerns will be promptly reviewed and resolved with a priority appropriate to their significance.

Detroit Edison is committed to maintaining an environment where individuals' concerns and issues about safety are immediately recognized and addressed. We need everyone identifying and resolving issues in order to maintain the safe and efficient operation of our facility. Detroit Edison values an environment in which the raising of issues or expressing alternate points of view is encouraged and sought out. Equally important, when issues are raised, Detroit Edison must take the right actions, and demonstrate that we are taking the right actions. Failure to do so discourages people from raising issues.

Detroit Edison provides initial training on the importance of a SCWE in General Employee Training. The importance is reinforced through continuing training and communications to all individuals regarding the Fermi 2 General Management Policy on Maintaining a Safety Conscious Work Environment.

Individuals are encouraged and expected to promptly report concerns and issues to supervision or management for resolution under one or more existing plant programs. These programs include:

- Behavioral Observation Program
- Corrective Action Program
- Employee Concerns Program (Ombudsman)
- Access Authorization Program
- Fitness for Duty Program
- Ethics Hotline
- The individual may report concerns through any of these programs or directly to the Nuclear Regulatory Commission

The Behavioral Observation Program (BOP) is designed to make all employees aware of their responsibilities to recognize individual behavior which, if left unattended, could lead to acts detrimental to public health and safety. A key objective of the program is the recognition of behavior that is adverse to safety and security of the facility, including an unusual interest in or predisposition towards security and/or involvement in operations activities outside the normal work activities scope.

Personnel remaining on-site longer than 60-days or with unescorted access receive initial BOP training and annual BOP refresher. Employees monitor the behavior of other personnel. BOP monitoring is most effective when conducted by the employees' immediate supervision or co-worker because these individuals have frequent interaction and will recognize changes in behavior. All personnel are expected to identify and report acts detrimental to public health and safety including security officer inattentiveness. Individuals are encouraged to promptly report BOP observations to supervision for resolution under one or more existing plant programs.

On a monthly basis, supervision/management formally documents 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 and documented by supervision which typically

includes behavior deviations reported to or observed by the supervisor. The supervisory review is evaluated by an access authorization program reviewing official to determine if additional action is required concerning the individual's trustworthiness, reliability and fitness for duty.

Monitoring for both SCWE and BOP is accomplished through periodic assessment of the reporting programs noted above. Effectiveness of these programs is periodically assessed by the licensee through:

- Self Assessments
- Nuclear Quality Assurance audits
- Nuclear Safety Review Group reviews
- Safety Conscious Work Environment surveys
- Corrective Action Program review board

Additionally, independent reviews are conducted by INPO, the NRC, and Utility Service Alliance (USA).

Beyond the above mentioned programs, the following are used to identify security performance issues to include:

- Routine security shift briefings provide an opportunity for supervisors to monitor and for security officers to self-declare fatigue and other Fitness for Duty (FFD) issues.
- Security management and supervisory in-field observations are performed.
- Routine performance of post inspections by security supervision.
- A supervisor is normally stationed with a portion of the response team at the team muster area.
- Increased the frequency of supervisory inspections of remote power block security locations and increased the frequency of supervisory inspections of remote locations outside the power block. This was a result of SA-07-06 review.
- Security supervisor FFD evaluations are performed prior to approval of security work hour deviations.
- Increased the frequency of communications checks with security responders in remote locations, documented by the Response Force Supervisor (RFS) or Response Force Leader (RFL). This was as a result of SA-07-06.
- Random weekly backshift security management tours are being performed on a 60 day interim basis to evaluate security officer attentiveness.
- Security officers are expected to provide relief for one another, as requested. This is monitored, tracked, and documented by the Secondary Alarm Station operator.
- During outprocessing, personnel can request an exit interview or submit concerns in writing. Personnel are also asked if they would like the Ombudsman to contact them regarding a nuclear safety or nuclear quality concern.

Methods used to report and document security performance issues at Fermi 2 include:

- The Corrective Action Program. Processes for documenting and addressing security inattentiveness and complicity include a review by management, conducting an investigation, identification and tracking of corrective actions, and effectiveness reviews.
- Security supervisor observation reports per the FFD program.
- Performance of increased post inspections, documented in the Security Shift Supervisor Activity Log.
- Completion of increased communications checks, and documentation of those checks, in the Communications Tracking Log, implemented as a result of SA-07-06.
- The use of a Security Post Inspection checklist for supervisors (future action, due date March 31, 2008).
- Documentation of incidents reports / loggable events, in the Safeguards Event Log.
- Performance of Nuclear Quality Assurance audits.
- Implementation of the Access Authorization (AA) and FFD Programs.
- The NRC Allegation Program.
- Written Self-Assessment Reports.

Fermi 2 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 Central Alarm Station (CAS)/Secondary Alarm Station (SAS), and are immediately available to respond at all times. Methods include:

- All security personnel complete SCWE initial training (plant access training). (p)
- All security personnel complete annual BOP training. (p)
- All security supervisors and Response Force Leaders complete annual Worker Fatigue training.
- Security supervisors observe shift personnel for signs of fatigue and provide each individual the opportunity to self-declare fatigue, with no adverse impact. (p, i, c)
- Security personnel are authorized to utilize radio, reading material, computers and the internet on certain posts where these aids will not detract from their primary responsibilities. Security management has communicated acceptable attentiveness aids via memorandum. (p)
- The expectation that supervisors complete increased security post checks during the shift were implemented as a result of SA-07-06. (p, i, c) Exceptions to the minimum number of post checks are documented, with reasons, in the Security Shift Supervisors log. (p, i, c)
- Security post rotations are completed at increased intervals on compensatory or low activity posts. Posts with low activity or poor environmental conditions are evaluated by supervision on a case by case basis. (p)
- Security officers conduct communication/status checks with the security muster area by radio or phone on an increased basis. (p, i, c)

- Security overtime is managed within the existing work hour requirements. (p)

All of the above programs and methods to identify, report, and document human performance issues involving inattentiveness and complicity among security personnel are applicable to both licensee and contract security personnel.

Fermi 2 is evaluating two documents developed by the Nuclear Energy Institute (NEI). The first is Security Post Evaluation Guidance, which provides a standard methodology to evaluate security posts for conditions that may impact on the ability of physical security personnel to perform their assigned duties and responsibilities. The second is a Shift Briefing Paper: Attentiveness to Duty and Reporting Requirements, which makes security personnel aware of the importance of ensuring the physical security posture is maintained, avenues available for reporting non-compliance, and requirements to report regulatory violations. These NEI documents are being evaluated in the Fermi 2 corrective action program. These actions will be tracked and implemented by the corrective action program.

## **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?**

## **RESPONSE**

All employees and contractors with unescorted access authorization are required to adhere to all site policies and procedures. They are required to report any adverse condition to quality and safety including any perceived security conditions that reduce the safety or security of Fermi 2. Detroit Edison 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. Detroit Edison is monitoring the effectiveness of the measures identified in response to question 1:

- NQA performs annual audits of the Fitness for Duty program and the Access Authorization program is audited every two years.
- The Employee Concerns Program (Ombudsman) provides quarterly summaries of employee concerns including nuclear safety/quality concerns, open NRC allegations, and anonymous corrective action documents.
- Self assessments are performed by Nuclear Security.
- Corrective Action Program effectiveness reviews of CARs.
- Safety Culture assessments by Utility Service Alliance.
- An independent SCWE evaluation of the Security and Radiation Protection programs is being performed in the first quarter of 2008.

These methods provide indications of the effectiveness of programs, policies, procedures, training, and communications. Identified areas for improvement are entered into the corrective action program.

It is Detroit Edison management policy that retaliation of any kind for reporting of any concern, including a security issue will not be tolerated. This is reinforced during initial and annual Plant Access Training and via Fermi 2 Conduct Manual General Management Policy Statement.

Training was completed for all Fermi 2 leaders on detecting and preventing retaliation as a recommendation from an April 2006 independent SCWE evaluation.

A course entitled "Path to Success" was presented to all employees and contractors with unescorted access, in 2006. The training discussed INPO's "Principles for a Strong Nuclear Safety Culture," SCWE, and recognizing retaliation. This training has been included in annual plant access training.

### **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?**

### **RESPONSE**

Detroit Edison provides initial training on the importance of SCWE and BOP programs in initial Plant Access Training. The importance is reinforced through annual plant access training and communications from management to all individuals.

- On an annual basis, all supervisors are required to evaluate their employees to answer BOP questions related to changes in behavior, social interactions, and changes in personal health for each of their employees. These annual reviews, although not real time, reinforce supervisory BOP responsibilities and the need to continuously monitor employees.
- All security supervisors and Response Force Leaders complete annual Worker Fatigue training.
- Increased the frequency of supervisory inspections of remote power block security locations and increased the frequency of supervisory inspections of remote locations outside the power block. This was a result of SA-07-06 review.
- Increased the frequency of communications checks with security responders in remote locations are performed and documented by the RFS/RFL as a result of SA-07-06.
- Security personnel are authorized to utilize radio, reading material, computers and the internet on certain posts where these aids will not detract from their primary responsibilities. Security management has communicated acceptable attentiveness aids via memorandum.
- The expectation that supervisors complete increased post checks during the shift was implemented as a result of SA-07-06. Exception to the minimum number of post checks are documented with reasons in the Security Shift Supervisors log.
- Security supervision provides adequate oversight of security officer scheduling to be able to identify situations in which complicity could lead to inappropriate behavior or an error if someone is improperly assigned to a security post

Detroit Edison oversight of SCWE and BOP programs is provided by review of:

- NQA audits
- NQA Monthly Reports
- Corrective Action Program required safety culture review of root causes
- BOP annual supervisory review of personnel

Additionally, supervisory engagement in the SCWE and BOP programs is evidenced by management directed for-cause drug and alcohol testing, post accident testing, psychological evaluations, Employee Assistance Program (EAP) referrals, and Medical Review Officer (MRO) evaluations.

#### **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.**

#### **RESPONSE**

Detroit Edison has conducted self-assessments on Access Authorization and FFD to include adherence to the BOP process within the last two years. The results of the assessments indicate that Security personnel and procedures effectively implement program requirements.

- NQA Audit 07-0104, Security, Safeguards Information Protection, and Fitness for Duty Programs, May 21 through June 5, 2007.
  - The FFD elements include pre-access screening, for-cause testing, random drug and alcohol screening, collections, equipment calibrations, positive test results, MRO, EAP involvement, management sanctions and appeals, and the BOP.
  - The Security, Safeguards Information Protection, and FFD programs are assessed as effectively implemented. Issues identified during the audit mainly concerned administration of the training program, corrective action weaknesses, and inconsistent evaluation and application of external operating experience.
  - Evaluation of the BOP consisted of interviews, review of annual training, BOP requirements, and review of documentation of positive drug/alcohol tests due to supervisory or plant personnel observations. Interviews determined that the randomly selected supervisors and plant personnel were knowledgeable of the BOP requirements and their individual responsibility to be fit for duty. Additionally, on an annual basis, supervisors are required to evaluate their employees to answer BOP questions related to changes in behavior, social interactions, and changes in personal health for each of their employees. These annual reviews, although not real time, reinforce supervisory BOP responsibilities and the need to continuously monitor employees. Plant employees are provided guidance and instruction through annual BOP training and procedure guidance on responsibilities for program implementation. There is evidence that supervisor and plant personnel observations have detected behavior out of the norm. Based on the audit results, review of the training provided annually, procedure requirements, random interviews, and review of documentation

of positive drug/alcohol tests, there is clear evidence that the program is effective in identifying aberrant behavior.

- NQA Audit 06-0108, Security and Safeguards Information, and Fitness for Duty, Access Authorization and Personnel Access Data Systems (PADS) Programs, June 6 through June 30, 2006.
  - The Access Authorization program includes procedure adequacy, collection of personnel data for screening, General Employee Training, initial FFD drug screen, collection and verification of background information, suitable inquiry with previous employers, and review/adjudication and approval of Unescorted Access Authorizations (UAA). Additionally, maintenance of UAA includes the BOP, reporting of arrests, FFD screening, psychological screening (critical group), Supervisor observation reports, and reinvestigations.
  - The FFD elements include pre-access screening, for cause testing, random drug and alcohol screening, collections, equipment calibrations, positive test results, MRO, EAP involvement, management sanctions and appeals, and the BOP.
  - FFD program requirements were reviewed and found to be effectively implemented. The review included collections, chain of custody requirements, alcohol instrument calibrations, blind performance testing, review of positive test packages, MRO and EAP involvement, management sanctions and appeals. No findings were identified in this area.
  - Review of BOP included a review of training and evidence associated with for-cause tests based on observations by plant personnel. Review of files revealed evidence of referrals from supervisors and security personnel. The BOP training (plant access training) was reviewed and found to be satisfactory. Overall, the review indicates that BOP responsibilities are being properly implemented by supervision, and plant personnel that observe unusual behaviors. No findings were identified in this area.

- Security 2006 Self-Assessment of the Behavior Observation Program.
  - Interviews were conducted with five supervisors/managers representing Operations, Maintenance, Radiation Protection, Nuclear Security and one contract vendor (Washington Group International). The eight question interview demonstrated that the sample of supervisors of these critical work groups had effective working knowledge of their responsibilities regarding fitness for duty (including techniques for identifying drug or alcohol use or aberrant behavior) and behavioral observations. No discrepancies noted.
  - Interviews were also conducted with 10 escort qualified personnel (possess unescorted access to the protected area), two from each of the critical work groups listed above (Operations, Maintenance, Radiation Protection, Nuclear Security and Washington Group International). The five question interview demonstrated that the sample of site employees have a good, working knowledge of their responsibilities regarding FFD and behavioral observations. No discrepancies noted.
  - Additionally, Nuclear Training records were reviewed to verify that personnel with unescorted access to the protected area are qualified on Behavior Observation. No discrepancies noted as all personnel with unescorted access are qualified on Plant Access Training, which contains a module on both Behavior Observation and Fitness for Duty. Any changes to FFD policies or procedures are incorporated into this yearly testing of employees with unescorted access.

Additional Evaluations:

- Independent SCWE Evaluation, April 17 through April 21, 2006. The evaluation concluded a safety conscious work environment exists at Fermi 2. There is a high level of trust and respect in the organization and employees feel free to raise concerns without fear of retaliation. The corrective actions program and ombudsman program are programmatically sound and are addressing issues effectively. Completed actions from the evaluation include:
  - Revising plant access training to include SCWE for all employees.
  - Provide training to all Fermi 2 leaders on detecting and preventing retaliation.
- Follow-up independent SCWE Evaluation, February 19 through February 23, 2007. The evaluation concluded a safety conscious work environment exists at Fermi 2 and has improved since the evaluation performed in April 2006. There is a high level of trust and respect in the organization and employees feel free to raise concerns without fear of retaliation. The corrective actions program and ombudsman program are programmatically sound and are addressing issues effectively.

- USA Nuclear Safety Culture Assessment, August 21 through August 25, 2006. This round robin assessment was sponsored by the USA and included team members from D.C. Cook, San Onofre, Diablo Canyon, and Susquehanna nuclear plants. The team concluded that the Fermi organization has a healthy respect for nuclear safety and nuclear safety is not compromised by production priorities. Recommended corrective actions included:
  - Nuclear safety culture and SCWE topics were added to continuing training (annual plant access training) for management and front line personnel. (complete)

An independent SCWE evaluation of the Security and Radiation Protection programs is being performed in the first quarter of 2008.

**QUESTION 5**

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

**RESPONSE**

It is understood that the intent of this question is focused on licensee oversight of adherence to BOP requirements with regard to reporting security officer inattentiveness by all contractors remaining on-site longer than 60-days or granted unescorted access authorization.

Detroit Edison does not differentiate between licensee employees and contractors or subcontractors in implementation of access authorization, fitness for duty, behavior observation, or SCWE.

Detroit Edison requires that all contractors and subcontractors granted unescorted access authorization adhere to all site policies and procedures including the requirement to report security officer inattentiveness.

Detroit Edison assesses the effectiveness of its oversight of contractors and subcontractors through:

- NQA audits
- NQA Monthly Reports
- Human Performance results
- BOP annual supervisory review of personnel