



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW, SUITE 23T85
ATLANTA, GEORGIA 30303-8931

August 30, 2007

EA-07-041

Mr. Larry Bean
President Energy Services Division
Securitas Security Services USA, Inc.
2 Campus Drive
Parsippany, New Jersey 07054

SUBJECT: NOTICE OF VIOLATION (NRC OFFICE OF INVESTIGATIONS REPORT NO. 2-2006-01 AND INSPECTION REPORT NO. 05000400/2007403, SHEARON HARRIS NUCLEAR PLANT)

Dear Mr. Bean:

This refers to an investigation completed by the U.S. Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) on September 27, 2006, (Report 2-2006-011) regarding activities at Progress Energy/Carolina Power and Light Company's (CPL) Shearon Harris Nuclear Plant (HNP) and an NRC in-office inspection (Report 05000400/2007402). The purpose of the inspection and investigation was to determine whether Securitas Security Services USA, Inc. (Securitas) supervisors were providing answers to security officers or otherwise coaching individuals during the administration of NRC-required requalification testing. The results of our review of this matter, including the identification of two apparent violations involving the requirements of 10 CFR 50.5, were transmitted to Securitas by letter dated April 13, 2007.

On June 12, 2007, a predecisional enforcement conference was conducted in the NRC's Region II Office with Securitas to discuss the apparent violations, the significance, the root causes, and Securitas' corrective actions. At the conference, Securitas did not contest the apparent violations, and provided a description of its corrective actions taken in response to the violations.

Based on the information developed during the inspection and investigation, and the information that Securitas provided at the conference, the NRC has determined that Securitas violated 10 CFR 50.5(a)(1), "Deliberate Misconduct." The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the above referenced Inspection Report and investigation. In summary, the NRC concluded that Securitas, through the deliberate misconduct of three supervisors, caused HNP to violate NRC requirements. Specifically, in 2005, three Securitas Security Services USA, Inc. supervisors deliberately caused CPL to violate 10 CFR 73.55(b)(4), Section II.E. of Appendix B to 10 CFR Part 73, and the Shearon Harris Security Training and Qualification Plan, Revision 9, Section 3.3.1. In September 2005, one supervisor provided the answer key with tests he handed out during annual written certification testing (Armed Guard/Responder Crucial Task Test).

During 2005, that same supervisor and two other supervisors provided answers to security officers while administering NRC-required annual written security re-qualification testing (Armed Guard/Responder Crucial Task Test) and while administering the NRC required annual re-qualification computer based testing (Plant Access, Radiation Worker and Respiratory Protection Training). As a result, numerous security officers were not tested or qualified as required.

The violation did not result in any actual consequences, in part because subsequent actions by Securitas confirmed that officers, in fact, possessed the requisite knowledge to perform security-related and radiologically-related duties. However, the NRC views this matter to be significant because security officers potentially could have performed security-related duties or have been involved with radiologically hazardous material without the requisite knowledge. In addition, the deliberate misconduct of security supervisors calls into question the integrity of Securitas' qualification process for security officers. Therefore, the violation is categorized in accordance with the NRC Enforcement Policy at Severity Level III.

Securitas, together with HNP, implemented a number of corrective actions including: (1) an investigation into the circumstances of this matter; (2) changes in its administration of examinations such that exams now will be given only by State certified HNP security training personnel; (3) the formal documentation and inclusion of examination requirements and processes in HNP's procedures; and (4) the re-administration of examinations to security officers by State certified training personnel. Securitas also noted that the individuals involved in the deliberate misconduct were no longer employed by them and had been appropriately characterized in the Plant Access Data System. Securitas also supported various activities by HNP at the site to improve the recruitment and retention of security staffing, and improve communications at all levels of the security organization. Securitas, with HNP support, had also supported the conduct of additional field observations of security-related activities and emphasized the use of the corrective action program by security personnel.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in the information presented by Securitas at the enforcement conference and in this letter. Therefore, you are not required to respond to the enclosed Notice unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

If you disagree with this enforcement sanction you may request Alternative Dispute Resolution (ADR) with the NRC in an attempt to resolve this issue. ADR is a general term encompassing various techniques for resolving conflicts outside of court using a neutral third party. The technique that NRC has decided to employ is mediation. Additional information concerning the NRC's program is described in the enclosed brochure (NUREG/BR-0317) and can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>.

The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as an intake neutral. Please contact ICR at 877-733-9415 within 10 days of the date of this letter if you are interested in pursuing resolution of this issue through ADR.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and enclosures will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Should you have any questions concerning this letter, please contact Mr. Joseph Shea, Director, Division of Reactor Safety, at (404) 562-4600.

Sincerely,

/RA/

William D. Travers
Regional Administrator

Enclosures:

1. Notice of Violation
2. NUREG/BR-0317

cc w/encls:

Carolina Power & Light Company
ATTN: Mr. Robert Duncan, II
Vice President - Harris Plant
Shearon Harris Nuclear Power Plant
P. O. Box 165, Mail Code: Zone 1
New Hill, NC 27562-0165

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New Hill, NC 27562-0165

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NAME	C.Evans	J. Shea	J. Munday		R. Correia		G. Longo
DATE	8/24/07	8/28/07	8/28/07		7/22/07	August 30, 2007	8/22/07
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

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DOCUMENT NAME: C:\FileNet\ML072420246.wpd

NOTICE OF VIOLATION

Securitas Security Services USA, Inc.
Parsippany, New Jersey

EA-07-041

During an NRC investigation completed on September 27, 2006, and NRC in-office inspection completed on April 13, 2007, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is set forth below:

10 CFR 73.55(b)(4)(i), states, in part, that each guard, watchman, armed response person, and other member of the security organization shall requalify in accordance with Appendix B to this part at least every 12 months.

10 CFR Part 73, Appendix B, Section II.E., states, in part, that security personnel shall be requalified at least every 12 months to perform assigned security-related job tasks and duties for both normal and contingency operations. Requalification shall be in accordance with NRC-approved licensee training and qualification plan.

Shearon Harris Nuclear Plant, Security Training and Qualification Plan, Revision 0, dated October 18, 2004, Section 3.3.1, states, in part, that an annual written examination shall be administered to armed security officers which samples the knowledge requirements identified in the security training program.

Shearon Harris Nuclear Plant Technical Specification 6.8, requires, in part, that the licensee develop and adhere to procedures listed in NRC Regulatory Guide 1.33, including procedures for instructing workers on radiological safety.

Progress Energy Nuclear Generation Group (Shearon Harris) Standard Procedure TRN-NGGC-0010, Plant Access, Radiation Worker and Respiratory Protection Training, Revision 5, Section 9.5.2, paragraph 6, states in part, Plant Access Re-training (PAR) is required annually with a tolerance of the remainder of the month in which the training was completed. Section 9.5.3, paragraph 5, states in part, Radiation Worker Retraining (RWR) is required annually with a tolerance of the remainder of the month in which the training was completed. Section 9.8.3 states in part, Respiratory Protection Retraining (RPR) is required annually with a tolerance of the remainder of the month in which the training was completed.

10 CFR 50.5(a)(1) states, in part, that any contractor of any licensee, who knowingly provides to any licensee any components, equipment, materials, or other goods or services that relate to a licensee's or applicant's activities in this part, may not engage in deliberate misconduct that causes or would have caused, if not detected, a licensee to be in violation of any rule, regulation, or order; or any term, condition, or limitation of any license issued by the Commission.

Contrary to the above requirements, in 2005, Securitas Security Services USA, Inc., (Securitas) violated 10 CFR 50.5(a)(1) by deliberately causing Progress Energy/Carolina Power and Light Company's Shearon Harris Nuclear Plant (HNP) to violate 10 CFR 73.55(b)(4)(i) and 10 CFR Part 73, Appendix B, Section II.E. Specifically, a supervisor deliberately provided the answer key with tests he handed out during NRC-required

Enclosure 1

annual written security re-qualification testing (Armed Guard/Responder Crucial Task Test). Also, in 2005, that same supervisor and two other supervisors deliberately provided answers to security officers during the administration of NRC-required annual written security re-qualification testing (Armed Guard/Responder Crucial Task Test) and while administering NRC-required annual re-qualification computer based testing (Plant Access, Radiation Worker and Respiratory Protection Training). As a result, the annual re-qualification tests did not sample the knowledge requirements identified in the security training program for numerous security officers.

This is a Severity Level III Violation (Supplement III).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket in the information provided by Securitas at the conference and in the cover letter transmitting this Notice of Violation (Notice). However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation - EA-07-041," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region II, within 30 days of the date of the letter transmitting this Notice.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), to the extent possible, it should not include any personal privacy, proprietary, classified or safeguards information so that it can be made available to the public without redaction. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request that such material is withheld from public disclosure, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated this 30TH day of August 2007