Document Number 1

September 29, 2015

MEMORANDUM

17244	September 25, 2015
REPLY TO ATTN OF	IG-30 (S13IS004)
SUBJECT ¹	Reissued Inspection Report: "Management of Certain Aspects of the Human Reliability Program and Incident Reporting Within the Office of Secure Transportation"
TO:	Acting Assistant Deputy Administrator for the Office of Secure Transportation, NA-15
received quest (NNSA) and C sabotage and regarding the I access to a two complaint practices by O examine the father we did not subconcern. How questionable p identified, throstatus and wea	port is attached. Because of allegations the Office of Secure Transportation (OST) ioning some OST actions, both the National Nuclear Security Administration OST requested that the Office of Inspector General review allegations of (1) mishandling of the Human Reliability Program (HRP), (2) questionable practices HRP, and (3) a blatant cover-up of a security violation relating to unauthorized in addition, the Office of Inspector General received is that alleged similar concerns with the HRP and questionable management ST officials in Amarillo, Texas. In response, we initiated this inspection to extra and circumstances surrounding the allegations. Destantiate sabotage of the HRP or a blatant cover-up of an incident of security ever, we substantiated parts of the allegation regarding mishandling and ractices related to the management of the HRP within OST. Specifically, we hugh OST personnel, problems related to notification and consideration of HRP pons qualification prior to assigning OST staff to missions. These problems gent who had been suspended from the HRP the ability to inappropriately gain
The primary ca	hause of the unauthorized access to the was that the was that the
(6)(7)(E) comprehensive NNSA personr	this case chose to disregard specific orders from his (b)(7)(E) to not engage in duties requiring HRP certification during his participation in the mission Contributing to the unauthorized access, OST had also not developed written policies and procedures regarding the use of (b)(7)(E) Also, nel did not properly follow Department of Energy policy regarding notifications intial incidents of security concern.

The NNSA agreed with the report's recommendations, and we consider management's comments to be responsive to the report's findings and recommendations. The OST proposed including enhanced training for all OST personnel on potential scenarios that must be characterized as

potential incidents of security concern, and	in regard to our third recommendation.	, OST will
cease the practice of placing (b)(7)(E)	members into the Transportation Con	nmunication
and Control System, to ensure the	(b)(7)(E)	only include
agents with active HRP certifications.		•

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We appreciated the cooperation of your staff during the review.

Rickey R. Hass

Rungler

Deputy Inspector General for Audits and Inspections Office of Inspector General

Attachment

cc: Director, Audit Coordination and Internal Affairs, NA-MB-1.1

Director, Office of Finance and Accounting, CF-10

Acting Assistant Director, Office of Financial Policy and Internal Controls, CF-12

Division Director, Office of Financial Policy and Internal Controls, CF-12

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U.S. Department of Energy
Office of Inspector General
Office of Audits and Inspections

INSPECTION REPORT

Management of Certain Aspects of the Human Reliability Program and Incident Reporting Within the Office of Secure Transportation

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DOE/IG-0919

September 2015*

*This report was originally issued in September 2014.



Department of Energy

Washington, DC 20585

September 29, 2015

MEMORANDUM FOR THE SECRETARY

FROM:

Gregory H. Friedman

Inspector General

SUBJECT:

INFORMATION: Reissued Inspection Report: "Management of

Certain Aspects of the Human Reliability Program and Incident

Reporting Within the Office of Secure Transportation"

BACKGROUND

The Office of Secure Transportation (OST) is managed by the National Nuclear Security Administration (NNSA) within the Department of Energy. OST is responsible for the safe and secure transport of Government-owned special nuclear materials within the contiguous United States. These classified shipments may contain nuclear weapons or nuclear weapon components, enriched uranium or plutonium. The cargo is transported in highly modified secure tractor-trailers and escorted by Federal agents. OST uses an [bi(7)(E)]

(b)(7)(E

In accordance with Title 10, Code of Federal Regulations, Part 712, *Human Reliability Program*, OST implemented the Human Reliability Program (HRP). The HRP is a security and safety reliability program designed to ensure that those who meet the highest standards of reliability, physical and mental suitability can gain access to nuclear weapons. All OST personnel permitted access to certain materials, nuclear explosive devices and facilities must maintain HRP certification.

Because of allegations OST received questioning some of OST actions; both NNSA and OST requested that the Office of Inspector General review allegations of: (1) sabotage and mishandling of the HRP: (2) questionable practices regarding the HRP; and (3) a blatant coverup of a security violation relating to unauthorized access to a In addition, the Office of Inspector General received two complaints which alleged similar concerns with the HRP and questionable management practices by OST officials in Amarillo, Texas. In response, we initiated this inspection to examine the facts and circumstances surrounding the allegations.

RESULTS OF INSPECTION

We did not substantiate sabotage of the HRP or a blatant cover-up of an incident of security concern. However, we substantiated parts of the allegation regarding mishandling and

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comprehensive written policies and procedures regarding the use of NNSA personnel did not properly follow Department policy regarding notifications related to potential incidents of security concern.
Finally, we were informed by OST officials that the OST Operations Center did not have access to HRP status of agents prior to The
Customer agency informed us that this (b)(7)(E) Agents who are not HRP certified are not allowed unescorted access to (b)(7)(E) By allowing the Operations Center to access such information, OST could provide an
additional control to ensure that only mission eligible agents are included on the (b)(7)(E)
The Department implemented the HRP to ensure that individuals who occupy positions affording unescorted access to certain materials, facilities and programs meet the highest standards of reliability as well as physical and mental suitability. Unless OST takes actions to ensure that agents without active HRP certifications are clearly identified on the risk

MANAGEMENT RESPONSE

Management concurred with the recommendations and indicated that corrective actions had been initiated.

remains that an agent who lacks required certifications could improperly gain access to certain

cc: Deputy Secretary

Administrator, National Nuclear Security Administration

materials, nuclear explosive devices, facilities, and programs.

Chief of Staff

Acting Assistant Deputy Administrator for the Office of Secure Transportation

INSPECTION REPORT: MANAGEMENT OF CERTAIN ASPECTS OF THE HUMAN RELIABILITY PROGRAM AND INCIDENT REPORTING WITHIN THE OFFICE OF SECURE TRANSPORTATION

TABLE OF CONTENTS

Ins	pec	tio	n R	ep	ort

Details of Findings
Recommendations
Management Response and Inspector Comments
Appendices
1. Objective, Scope, and Methodology8
2. Prior Report
3. Management Comments

MANAGEMENT OF CERTAIN ASPECTS OF THE HUMAN RELIABILITY PROGRAM AND INCIDENT REPORTING WITHIN THE OFFICE OF SECURE TRANSPORTATION

HUMAN RELIABILITY PROGRAM

Title 10. Code of Federal Regulations (CFR), Part 712, establishes policies and procedures for the Human Reliability Program (HRP). The HRP is designed to ensure that individuals who occupy positions affording access to certain materials, nuclear explosive devices, facilities, and programs meet the highest standards of reliability and physical and mental stability. To accomplish this, individuals are evaluated to determine if their judgment and reliability are impaired by physical or mental/personality disorders, alcohol abuse, use of illegal drugs or abuse of legal drugs or other substances, or any other condition or circumstance that may be a security or safety concern.

We identified problems related to notification and consideration of HRP status and weapons qualification prior to assigning Office of Secure Transportation (OST) staff to missions. These problems contributed to the ability of an agent who had been suspended from the HRP, and who chose to disobey direct orders from his superiors, to gain unauthorized access to (D)(7)(E)

We also received observed anomalies regarding required reporting of the security event. Notably, we received conflicting testimony regarding required notifications to security officials. Those directly associated with the event told us that they reported the issue to OST officials within required timeframes. OST management, however, indicated that such was not the case. As a consequence, the characterization and review was not initiated until 5 days after the incident. We could not reconcile the conflicting testimony regarding reporting. Finally, we could not find evidence that National Nuclear Security Administration (NNSA) notified the customer agency of the incident of security concern.

Consideration of HRP Status and Notification

(b)(6) (b)(7)(C)	
We confirmed that on July 14, 2011, a	from Agent Operations Central
Command, who had been temporarily removed from participated as part of an OST (b)(7)(E) In (c)	m HRP and was not weapons qualified,
participated as part of an OST (b)(7)(E) In	doing so, the sought and was
granted unauthorized access to a customer agency	. In fact, the
(b)(7)(E)	
stating that, "I certify by my signature that	I have received the material listed on this
form " Based on testimony, the (b)(6)(6)(7)(C)	never took actual physical possession of the
identified by (b)(7)(E)	According to OST, signing of the
form was an administrative action. OST officials a	sserted that no lone individual was ever in a
position to obtain physical possession of a (b)(7)(E)	These events resulted in an incident
of security concern.	

According to Title 10, CFR, Part 712, certification under the HRP is required for each individual assigned to, or applying for, a position that involves nuclear explosive duties or has responsibility for working with, protecting, or transporting nuclear explosives, nuclear devices,

or selected components. The OST HRP *Implementation Plan* requires that if an agent is temporarily removed from certification under the HRP for any reason, that agent must also be removed from nuclear explosives duties, meaning any work assignments that allow custody of a nuclear explosive or access to a nuclear explosive device or area. To that end, OST publishes the *Inactive Federal Agent Duty Listing* to identify individuals who are temporarily removed from certification under the HRP and who are not permitted to perform nuclear explosives duties.

We further determined that certain OST officials knew the had been had been
temporarily removed from the HRP. According to these officials, the insiste
on going on the mission as a member of the $(0)(7)(E)$ 1. We were also told that one of the
OST officials directly appealed to the (b)(6)(6)(7)(C) to stop the (b)(6)(6)(7)(C) from participating
on the however the object to intervene.
(b)(6) (b)(7)(C)
When we brought this matter to the attention of the he told us that he did not
intervene because it was his understanding that the was only going on the
(b)(7)(E)
also noted that he specifically ordered the to restrict his activities
which did not include entering the secure facility while on the mission.

Incident Reporting

OST did not initiate the characterization and review of the incident of security concern in a timely manner. Specifically, the characterization and investigation of this incident was not initiated until July 20, 2011, 5 days after OST officials became aware of the incident. According to Department of Energy (Department) Manual 470.4-1, Safeguards and Security Program Planning and Management, once a security incident is suspected to have occurred, the cognizant security authority has 24 hours to examine and document all pertinent facts and circumstances to determine whether an incident has occurred. According to the (b)(6)(b)(7)(C) at the Transportation and Emergency Control Center (TECC) on July 15, 2011, after he reviewed the official advised us that he notified the (b)(6)(b)(7)(C) that a potential incident of security concern had occurred. However, according to the NNSA, the (O)(C) was not notified and did not become aware of the event until July 20, 2011, while performing an annual staff assistance visit. We were unable to resolve this discrepancy.

On July 20, 2011. OST's Security Branch declared the event an Incident of Security Concern and immediately appointed an Inquiry Official to investigate the incident, in accordance with Department Manual 470.4-1, and provide a report within 30 days. The *Report of Security Incident/Infraction* and a related Lessons Learned document were issued on August 17, 2011. The document provided a narrative along with contributing factors to the security incident, to include a number of HRP policy and procedural issues. Of importance, the findings made in the Inquiry Official's report are consistent with those identified in this inspection.

Notification to an External Agency
Also, NNSA was unable to provide evidence that it officially notified the customer agency of the unauthorized access to the nuclear weapons facility. Reporting within the Department is performed in accordance with Department Manual 470.4-1, with one of its stated purposes to include ensuring that security incidents are communicated to other agencies, as appropriate. In discussions with OST officials, we were told that a written statement concerning the incident was never provided to the customer agency and we could find no evidence that NNSA security officials notified the customer agency. However, an OST official believed that the OST Inquiry Official informed the customer agency through a phone call. The (b)(6),(b)(7)(C) Confirmed that he was questioned telephonically in regard to the incident: however, he said OST did not fully inform him as to what exactly had occurred. The (b)(6) (b)(7)(C) advised us that although he was aware that a non-HRP individual entered the weapons facility, he did not know that the (b)(6)(6)(7)(C)(C)(C)(C)(C)(C)(C)(C)(C)(C)(C)(C)(C)
CONTRIBUTING FACTORS AND IMPACT
Department and OST Policy
The primary cause of the unauthorized access to the nuclear weapons facility was that the in this case chose to disregard specific orders from to not engage in activities requiring HRP certification during his participation in the mission Contributing to the unauthorized access, OST had also not developed comprehensive written policies and procedures regarding the use of (5)(7)(E)
We found that OST personnel did not properly follow Department policy. Specifically, Department Manual 470.4-1 states that, "When an incident is suspected to have occurred, the cognizant security authority at the site/facility where the incident occurred has 24 hours to examine and document all pertinent facts and circumstances to determine whether an incident has occurred." As stated above, TECC was notified on July 15 of the potential incident of security concern; however, the official categorization and subsequent investigation into the incident did not take place until 5 days after TECC was notified. During our inspection, we were provided with conflicting information regarding the reporting of the incident to the However, documentation was not available to permit us to resolve the conflict. We noted that the response to the security incident was delayed, to include a delay in assessing the potential impact of the incident as well as delays in the appropriate notifications, determination of the extent of condition, and identification and implementation of corrective actions.
Written Policy and Procedures for (b)(7)(E)
We determined that OST had not developed comprehensive written policies and procedures addressing the various uses and functions of (6)(7)(E) to include assignment of (6)(7)(E)

Page 3

Details of Findings

and certification under the HRP as a requirement for the performance of certain
(b)(7)(E)
According to the Command Mission Planning Checklist, the $(b)(7)(C)$ identifies any $(b)(7)(C)$ support necessary at the destination. The (c) will also request added support from a Unit
Commander as necessary Thereas large determines the specific task assignments to be
accomplished by the (b)(7)(E)
(b)(7)(E) require that agents are HRP certified. In addition, OST published internal policy (b)(7)(E) Office of Secure Transportation Missions,
establishing specific time parameters to ensure optimum safety, security and continuity between
planning, scheduling and execution of the transportation missions. $(7)(C)$ are closely monitored and held accountable by the Operations Center to the time parameters of $(5)(7)(E)$ OST also
developed the Federal Agent Standard Operating Procedure FA9001, which contained a section
on (b)(7)(E) may be
authorized to perform, including (b)(7)(E)
However, no guidance existed which addressed the assignment of (b)(7)(E) members or certification under the HRP as a requirement for the performance of certain (b)(7)(E) tasks. We were told that the use of an (b)(7)(E) was not viewed as a direct mission requirement and that the use of (b)(7)(E) was not uniform across the three operational commands within OST. We were also told that the decision to request (b)(7)(E) support is within the discretion of the (c) who is tasked with the conduct of the operational transportation mission, including making specific task assignments for all the agents on the mission. In the July 2011 incident, we were informed that the Agent Operations Central Command used an (b)(7)(E) (c)(7)(E) (c)(7)(
and ensure that such agents understand and will comply with requirements to refrain from all Nuclear Explosive Duties. OST Operations Center Observation
We also noted that OST's Operations Center was not provided information to allow them to ensure only HRP certified individuals are included on the
Had such information been available, in our opinion, the Operations Center could have served as an additional internal control to ensure that only HRP certified federal agents were placed on the (b)(7)(E)
Details of Findings Page 4

We were told that the OST Operations Center, responsible for
(b)(7)(E) to OST's customer agencies, was not provided the <i>Inactive Federal Agent Duty List</i> . In
fact, OST officials informed us that the OST Operations Center had no information on the IIRP
status of the assigned agents prior to (b)(7)(E) to the customer agencies.
When we asked officials within the Operations Center why they did not review the HRP status of
the agents assigned to a transportation mission, they told us that the selection of the members for
the mission was determined strictly by the command that planned the mission.
the mission was determined survey by the command that planned the mission.
According to OST officials, once the Operations Center receives tasking for a mission, it
that it sends to the command. The
command updates the Transportation Communication and Control System (TCCS) and sends the
to the Operation Center. The Operations Center then (b)(7)(E)
to the customer agency to advise it of the information pertinent to the agents who will be on the
mission According to the customer agency official, the
as a control measure. If an agent is not on both the $(b)(7)(E)$
(b)(7)(E) that agent would not be granted access to the facility. Without a list of the
agents who were no longer certified under the HRP, OST's Operations Center has no assurance
that the only included those agents who are authorized to
enter the customer facility.
The Department has implemented the HRP to help ensure that individuals who occupy positions
affording unescorted access to certain materials, facilities, and programs meet the highest
standards of reliability, as well as physical and mental suitability. Unless OST takes actions to
ensure that agents without active HRP certifications are clearly identified on (b)(7)(E) the
risk remains that an agent who lacked required certifications could improperly gain access to
certain materials, nuclear explosive devices, facilities, and programs.
continuity material expressive devices, identities, and programs

RECOMMENDATIONS

To address the issues identified in this report, we recommend that the Acting Assistant Deputy Administrator for the Office of Secure Transportation take steps to:

- Ensure that all OST personnel understand their respective responsibilities relating to the
 reporting of potential incidents of security concern and that all OST personnel receive
 enhanced training on potential scenarios that must be characterized as potential incidents
 of security concern;
- 2. Consistent with the provisions of Department Order 473.3, *Protection Program Operations*, develop comprehensive written policies and procedures addressing the various uses and functions of (b)(7)(E) including assignment of (b)(7)(E) members and certification under the HRP as a requirement for the performance of certain (b)(7)(E) and
- 3. Ensure the (b)(7)(E) only include agents with active HRP certifications.

MANAGEMENT RESPONSE

Management concurred with the recommendations and indicated that corrective actions had been
initiated. Management has committed to enhancing its Annual Security Awareness Briefing
relating to potential incidents of security concern. We were informed by management that the
training is currently in progress. Management has also rewritten the OST Federal Agent
Standard Operating Procedures relating to the functions that can perform and
the requirements for Federal Agent's HRP status assigned to those teams. Lastly, management
has implemented additional review of HRP status for proposed trip members and limited the (b)(7)(E)
to include only the names of Federal
Agents who have been determined to have current HRP certification and have been tasked by the
Command to conduct nuclear explosive duties during the mission.

INSPECTOR COMMENTS

Management's corrective actions were responsive to our recommendations. Management's comments are included in Appendix 3.

OBJECTIVE, SCOPE, AND METHODOLOGY

Objective

The National Nuclear Security Administration (NNSA) requested that we conduct an independent review of the actions taken by the Office of Secure Transportation (OST) in response to allegations pertaining to (1) sabotage and mishandling of the Human Reliability Program (HRP), (2) questionable practices regarding the HRP, and (3) a blatant cover-up of a security violation relating to unauthorized access to a nuclear weapons storage area. Additionally, the Office of Inspector General was in receipt of two Hotline complaints which alleged similar concerns with the HRP and questionable management practices by OST officials in Amarillo, Texas. We initiated this inspection to assess the facts and circumstances surrounding the alleged activities.

Scope

We conducted our inspection fieldwork from December 2012 through September 2015, at Department of Energy (Department) facilities in Albuquerque, New Mexico, and the Agent Operations Central Command facility in Amarillo, Texas. The inspection was conducted under Office of Inspector General project number \$131\$\$S004.

Methodology

To accomplish the inspection objective, we:

- Reviewed and analyzed pertinent Federal and Department regulations and OST procedures related to the HRP and the Security Program. Furthermore, we requested and received comprehensive briefings related to the conduct of those programs at OST.
- Conducted interviews with Federal personnel, including interviews with OST officials in Albuquerque, New Mexico, and at Agent Operations Central Command in Amarillo, Texas.
- Reviewed specific aspects of an internal investigation conducted by OST's Internal Affairs Office.
- Reviewed specific aspects of an inquiry report written by an Inquiry Officer within OST's Security Branch documenting an Incident of Security Concern caused by a (b)(6) (b)(7)(C) assigned to OST's Agent Operations Central Command on July 14, 2011.
- Reviewed OST's process for assigning Federal agents to transport missions. Specifically, to determine how and why the was not certified under the HRP.

This inspection was conducted in accordance with the Council of the Inspectors General on Integrity and Efficiency's, *Quality Standards for Inspection and Evaluation*, dated January 2012. Those standards require that we plan and perform the inspection to obtain sufficient, appropriate evidence to provide a reasonable basis for our conclusions and observations based on our inspection objective.

We believe the evidence obtained provides a reasonable basis for our conclusions and observations based on our inspection objective. Accordingly, the inspection included tests of controls and compliance with laws and regulations to the extent necessary to satisfy the inspection objective. Because our review was limited, it would not necessarily have disclosed all internal control deficiencies that may have existed at the time of our inspection.

An exit conference was held with management officials on September 15, 2015.

PRIOR REPORT

Inspection Letter Report on *Inspection of Allegations Relating to Irregularities in the Human Reliability Program and Alcohol Abuse within the Office of Secure Transportation* (INS-L-11-01, November 2010). We did not substantiate the allegations that violations of the Human Reliability Program (HRP) occurred that were not reported, as required, or that the HRP was administered in an unfair or inconsistent manner. However, we did identify certain improvements in the administration of the HRP which would, in our judgment, enhance the program. Specifically, these included improvements in the areas of HRP certification. HRP recertification, maintenance of derogatory information files and processing of HRP disclosure forms.

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Washington, DC 20585

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