



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

June 28, 1995

2

MEMORANDUM TO: James Lieberman, Director, Office of Enforcement
FROM: L. J. Callan, Regional Administrator *LJC*
SUBJECT: RECOMMENDED ENFORCEMENT ACTION - ENTERGY (EA 95-076)

I am recommending the issuance of the enclosed Severity Level III violation with no civil penalty based on an individual gaining unauthorized access to the protected area at Entergy's Arkansas Nuclear One facility.

This recommendation is based on an inspection that ended on April 20, 1995, and an enforcement conference that took place in Arlington, Texas on June 15, 1995. The justification for this recommended action is described in detail in the enclosed enforcement recommendation worksheet. This case was evaluated under the existing and revised enforcement policy. Because the revised enforcement policy is expected to be issued before this action is sent to the licensee, the write-up reflects the new policy, with the emphasis on identification and corrective action. It should be noted that the violation was also reviewed using the six mitigating/escalating factors in the existing enforcement policy. Using either policy, no civil penalty would have been recommended.

This case should not be included in calculating regional timeliness statistics. It should be exempt from regional timeliness because the enforcement conference was delayed at the licensee's request to provide the Vice President of Nuclear Operations an opportunity to attend. In addition, the conference was rescheduled to coincide with the predecisional enforcement conference for EA 95-085 which also involved ANO.

I am enclosing a number of documents relevant to this enforcement recommendation. Please contact my enforcement staff for clarification or additional information.

Enclosures:

1. Draft Enforcement Correspondence
2. Regional Recommendation Worksheet
3. Inspection Report 95-16, dated May 12, 1995
4. SER 95-S01-00
5. Enforcement Conference Handout
6. Licensee's Root Cause Evaluation

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ENCLOSURE 1



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

DRAFT

EA 95-076

Entergy Operations, Inc.
ATTN: J. W. Yelverton, Vice President
Operations, Arkansas Nuclear One
1448 S.R. 333
Russellville, Arkansas 72801-0967

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT 50-313/95-16; 50-368/95-16)

This is in reference to the April 19-20, 1995 special inspection at Arkansas Nuclear One (ANO) to review activities involving an unauthorized individual gaining unescorted access to the plant protected area. A report describing the results of this inspection was issued on May 12, 1995. One apparent violation was identified and was the subject of a June 15, 1995 enforcement conference in the NRC's Arlington, Texas office attended by you and other Entergy Operations, Inc. (Entergy), representatives.

The violation in the enclosed Notice of Violation (NOV) involved the failure to control access for an unauthorized individual who had been terminated for cause. This individual gained unescorted access to the protected area, and could have easily gained undetected access into most of the plant's vital areas. Entergy discovered and reported this incident to the NRC in accordance with 10 CFR 73, Appendix G, paragraph I(b), on February 21, 1995, and in Licensee Event Report 95-S01-00, dated March 22, 1995.

At the enforcement conference, Entergy admitted that a terminated contract fire watch employee (an unauthorized individual) gained unescorted access to the plant protected area for approximately 41 minutes. The fire watch employee had been previously terminated for cause on February 4, 1995, after it was determined that she had falsified fire watch records. This incident was the subject of EA 95-043 and resulted in a non-cited violation on March 5, 1995. On February 10, 1995, upon returning to the site to complete the contractor check-out process, the individual was issued her badge and gained unescorted site access. The NRC recognizes that the individual did not enter any plant vital area and while on site did not display any aberrant behavior or any indications that she was disgruntled. Entergy identified the event as an isolated incident with no actual safety consequences. In addition, Entergy asserted that it was the responsibility of the contract manager to ensure that the security badge was promptly removed and that the contract manager was trained on their access control procedures.

Entergy also provided an overview of two concerns identified in the inspection report cover letter. These concerns involved the availability of security badges for individuals who had been favorably terminated and an apparent failure of the security and quality assurance staffs to review or audit that portion of the ANO security program involving the termination of security

badges. Entergy responded that the process for reviewing access needs of individuals on a periodic basis was effective in identifying and removing the access control badges for personnel with favorable terminations. However, Entergy clarified the contract administration procedure to assure that persons without a need for access do not retain active security badges. Entergy provided a review of the past two ANO security program audit results for the access control process. The audit scope had included control of security badges and the audit results supported the conclusion that the February 10 event was an isolated incident.

The NRC considers the granting of unescorted access to an individual who had been terminated under unfavorable conditions to be significant because of the individual's ability to gain undetected (unauthorized) access to vital plant areas. The significance of this violation is compounded by the fact that in addition to the contract manager failing to follow through and ensure the badge had been removed, at least two other cognizant lower level contract supervisors failed to recognize the significance of requiring the security badge to be promptly removed. Therefore, in accordance with the **FEDERAL REGISTER INPUT HERE**, this violation has been classified at Severity Level III.

The NRC recognizes that Entergy has implemented corrective action at ANO to ensure Entergy and contract personnel responsible for suspension of unescorted access are cognizant of the requirements. The corrective actions completed include: 1) a survey of those individuals responsible for suspending unescorted access to ensure that they were fully cognizant of their responsibilities; 2) training the fire watch supervisors on the procedural requirements for terminating employees; 3) revising the contract administration procedure for terminating unescorted access, and; 4) verifying other unfavorable terminations were correctly conducted. Entergy also identified that it will perform a surveillance of favorable and for cause terminations to ensure they are being appropriately conducted by November 6, 1995.

The NRC also reviewed the corrective actions which resulted from EA 94-161 involving the inadequate handling of derogatory information relevant to the access authorization process. It was found that the previous corrective actions would not have prevented this latest incident from occurring. However, the NRC is concerned that challenges to the access authorization process have not been consistently met and have resulted in individuals gaining access to ANO when they should not have.

In accordance with the Enforcement Policy, a civil penalty is considered for a Severity Level III violation. However, I have been authorized after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, not to propose a civil penalty in this case based on Entergy's self-identification of the violation and its prompt and comprehensive corrective actions to prevent recurrence. In considering the additional information provided by Entergy during the predecisional enforcement conference, the NRC

found that Entergy had identified and reported the event in accordance with NRC requirements. It was particularly noteworthy that a security supervisor's questioning attitude resulted in the identification and follow through on this event. The surveillance which is to be completed in November 1995 should ensure that the corrective actions have been effective.

Entergy Operations, Inc., is required to respond to this letter and should follow the instructions specified in the enclosed Notice in preparing its response. In its response, Entergy should document the specific actions taken and any additional actions planned to prevent recurrence. After reviewing Entergy's response to this Notice, including its proposed corrective actions, and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

The response directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,

L. J. Callan
Regional Administrator

Dockets: 50-313; 50-368
Licenses: DPR-51; NPF-6

Enclosure: Notice of Violation

cc w enclosure:
Entergy Operations, Inc.
ATTN: Harry W. Keiser, Executive
Vice President & Chief Operating Officer
P.O. Box 31995
Jackson, Mississippi 39286-1995

Entergy Operations, Inc.

-4-

DRAFT

Entergy Operations, Inc.
ATTN: Jerrold G. Dewease, Vice President
Operations Support
P.O. Box 31995
Jackson, Mississippi 39286

Wise, Carter, Child & Caraway
ATTN: Robert B. McGehee, Esq.
P.O. Box 651
Jackson, Mississippi 39205

Honorable C. Doug Lunningham
County Judge of Pope County
Pope County Courthouse
Russellville, Arkansas 72801

Winston & Strawn
ATTN: Nicholas S. Reynolds, Esq.
1400 L Street, N.W.
Washington, D.C. 20005-3502

Arkansas Department of Health
ATTN: Ms. Greta Dicus, Director
Division of Radiation Control and
Emergency Management
4815 West Markham Street
Little Rock, Arkansas 72201-3867

B&W Nuclear Technologies
ATTN: Robert B. Borsum
Licensing Representative
1700 Rockville Pike, Suite 525
Rockville, Maryland 20852

Admiral Kinnaird R. McKee, USN (Ret)
214 South Morris Street
Oxford, Maryland 21654

ABB Combustion Engineering
Nuclear Power
ATTN: Charles B. Brinkman
Manager, Washington
Nuclear Operations
12300 Twinbrook Parkway, Suite 330
Rockville, Maryland 20852

bcc w/enclosure:

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NOTICE OF VIOLATION

DRAFT

Entergy Operations Inc.
Arkansas Nuclear One, Units 1 and 2

Dockets: 50-3132; 50-368
Licensee: DPR-51; NPF-6
EA 95-076

During an NRC inspection conducted April 19-20, 1995, a violation of NRC requirements was identified. In accordance with the "INPUT FEDERAL REGISTER NOTICE" the violation is listed below:

10 CFR 73.55(d)(7)(i)(C) requires in part, that in the case of an individual's involuntary termination for cause, the licensee shall revoke the individual's unescorted facility access and retrieve his or her identification badge and other entry devices, as applicable, prior to or simultaneously with notifying this individual of his or her termination.

License Condition 2.c(4) (Unit 1) and License Condition 2.D (Unit 2) of the licensee's facility operating licenses require that the licensee fully implement and maintain in effect all provisions of the Commission-approved Physical Security Plan, including amendments and changes made pursuant to the authority of 10 CFR 50.54(p) and 10 CFR 50.90.

Paragraph 6.8.1(d) of the licensee's facility operating licenses requires that written procedures be established, implemented and maintained covering the security plan implementation.

Paragraph 1.6 of the licensee's Physical Security Plan requires, in part, that access to the protected and vital areas be strictly controlled and that authorization (to the protected and vital areas) be granted to individuals on a need-to-enter basis only.

Arkansas Nuclear One Procedure 1000.019, "Station Security Requirements," Revision 25, Section 6.16.4, dated January 25, 1994, requires that in the case of an individual's involuntary termination for cause, the individual's security badge and keys must be retrieved prior to or simultaneously upon notification of termination.

Contrary to the above, on February 10, 1995 an unauthorized individual who had been terminated for cause on February 4, 1995, and who had not had her unescorted access revoked and her identification badge and other entry devices retrieved, gained unescorted access to the protected area.

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

Pursuant to the provisions of 10 CFR 2.201, Entergy Operations, Inc. (Licensee) is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C., 20555, with a copy to the Regional Administrator, Region IV, and a copy to the NRC Resident Inspector at the facility that is the subject

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of this Notice, within 30 days of the date of this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an Order or a Demand for Information may be issued to show cause why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Dated at Arlington, Texas
this day of July 1995

ENCLOSURE 2

* * REGION IV ENFORCEMENT ACTION RECOMMENDATION WORKSHEET * *

EA 95-076

Licensee: Entergy

Facility/Location: Arkansas Nuclear One

A. Recommended Enforcement Action

We are recommending a Severity Level III violation for this violation. This is based on the violation being consistent with Supplement III, C. 1 involving the failure to control access through established systems and procedures by allowing an individual to regain access to the facility after having been terminated under unfavorable conditions. Based on the licensee being given credit for identifying this problem and their corrective actions, no civil penalty was assessed.

B. Brief Summary of Inspection Findings

On February 4, 1995, various plant managers/supervisors failed to immediately notify security supervision that a contract fire watch employee had been involuntarily terminated for cause (for falsifying fire watch records). As a result, the security badge of the fire watch employee was not immediately retrieved, and her unescorted access was not revoked. Her security badge was active and available for issuance at the security badge issue counter. Subsequently, on February 10, 1995, the licensee improperly granted site access to the former fire watch employee, an unauthorized individual without a need to enter the site, when she appeared at the security access control point and requested her security badge. While on site for approximately 41 minutes, the former fire watch employee could have used her security badge to enter most of the vital areas of both plants without generating an invalid access alarm. The licensee documented this event in LER 95-S01-00, dated March 22, 1995.

C. Analysis of Root Cause & Message to be Provided to Licensee

The contract fire watch supervisor failed to notify security that the individual had been terminated under unfavorable conditions. Although the supervisor was cognizant of the requirement to terminate access authorization, the individual failed to follow through on statements he made to the fire prevention coordinator that he would pull the badge. The contract manager (Entergy employee) subsequently failed to verify that the badge had been pulled. This is contrary to his responsibilities and management expectations. The message to the licensee needs to focus their attention on the continuing problems with their access authorization process. Previous enforcement actions including EA 94-161 have documented problems with the granting of unescorted access; however, the corrective action from this previous violation would not have prevented this latest incident.

D. Basis for Severity Level (Safety Significance)

The significance of this event is that an individual who should have been promptly denied access to the protected area retained and later used that access to enter the protected area. The individual could have easily gained access to vital areas without alarm based on her retaining vital area access.

E. Escalation and Mitigation Factors

Base civil penalty - \$50,000

Based on application of the revised enforcement policy and a non-willful Severity Level III violation having been issued within the last two years (1994), both the identification and corrective action factors were considered.

Identification

In considering the additional information provided by Entergy during the predecisional enforcement conference, the NRC found that the licensee identified and reported the event in accordance with NRC requirements. It was particularly noteworthy that a security supervisor's questioning attitude resulted in the identification and follow through on this event.

The licensee identified and reported this event in an SER.

Corrective Action:

Entergy implemented appropriate corrective actions to prevent recurrence. The corrective actions completed include: 1) a survey of those individuals responsible for suspending unescorted access to ensure that they were fully cognizant of their responsibilities; 2) training the fire watch supervisors on the procedural requirements for terminating employees; 3) revising the contract administration procedure for terminating unescorted access, and; 4) verifying other unfavorable terminations were correctly conducted. Entergy also identified that it will perform a surveillance of favorable and for cause terminations to ensure they are being appropriately conducted by November 6, 1995.

Therefore, in accordance with the application of the revised escalated enforcement action process, with credit for identification and corrective actions, a Severity Level III violation with no civil penalty is recommended.

F. Additional Information

The region has requested assistance from NRR in assessing the period to inactivate security badges after individuals have been routinely terminated. Neither the licensee's Physical Security Plan nor plant procedures specified the time period to inactivate a security badge following an individual's routine employment termination from the plant.

Paragraph 1.6 of the licensee's Physical Security Plan requires, in part, that access to the protected area and vital areas be strictly controlled and that authorization (to the protected and vital areas) be granted to individuals on a need-to-enter basis only. Licensee's Station Procedure 1000.19, titled: "Station Security Requirements," reads as follows:

6.16.1 Security shall receive a letter of termination on each person (other than ANO employees) when unescorted access is withdrawn for any reason. This letter should (emphasis added) be received by Security on the day of termination.

The availability of an active security badge for individuals whose need to enter the protected area had apparently been terminated and whose plant employment had been terminated under favorable conditions is of concern. Bsent a specific regulatory requirement specifying the maximum amount of time that an individual's security badge may remain active following his/her routine termination of a need-to-enter the plant, we are unable to determine if enforcement action should be considered for this matter.

G. Date Inspection Ended: April 20, 1995

Exempt from Timeliness: Yes

Basis for Exemption: The basis for the timeless exemption was discussed with OE. The basis was that the licensee was not able to support an enforcement conference within our timeliness goals. Subsequently, the enforcement conference was further delayed to allow scheduling of the enforcement conference to correspond to EA 95-085.

H. Regional Counsel Review
No Legal Objection Dated:

Regional counsel is on concurrence for all EAs.

I. This Case Meets the Criteria for a Delegated Case

No

~~PROPOSED ENFORCEMENT ACTION
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J. This Action is Consistent With the Following Action or Enforcement Guidance Previously Issued:

The individual entering the protected area appears to be an example of a violation depicted by Supplement III C. 1 for the failure to control access through established systems or procedures.

Enforcement Coordinator: William Jones

DATE: June 25 1995

Document Name: G:\EA\EA95076.WST

PROPOSED ENFORCEMENT ACTION
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