

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, D.C. 20555

September 23, 1991

NRC INFORMATION NOTICE 91-59: PROBLEMS WITH ACCESS AUTHORIZATION PROGRAMS

Addressees

All holders of operating licenses or construction permits for nuclear power reactors.

Purpose

The U.S. Nuclear Regulatory Commission (NRC) is issuing this information notice to alert addressees to two areas of continuing problems with access authorization programs. One area involves licensee contractors or subcontractors not completing the requirements for background investigations or falsifying records; the other involves the improper administration or compromise of psychological tests. It is expected that recipients will review the information for applicability to their facilities and consider actions, as appropriate, to avoid similar problems. However, suggestions contained in this information notice are not NRC requirements; therefore, no specific action or written response is required.

Description of Circumstances

In recent months, the NRC has received numerous reports and allegations that some licensee contractors or subcontractors have certified individuals as satisfactorily meeting the licensee's requirements for background investigations without completing all required residence, employment, education, or reference checks. One contractor certified to a licensee that an employee was suitable for unescorted site access before receiving a response to an investigative inquiry initiated in accordance with the licensee's approved security plan. The contractor subsequently received derogatory information in response to the inquiry that would have led to the denial of access but did not act upon the information. The licensee discovered the information when reviewing the contractor's screening files and immediately suspended the employee's unescorted access. The access was later withdrawn because of the information. This event and similar problems in the past have prompted the licensee to require copies of all contractor and subcontractor background investigations and to perform the adjudication reviews to determine access suitability instead of accepting the contractors' or subcontractors' determinations. Similar screening problems have prompted other licensees to require copies of all derogatory information developed from background investigations conducted by their contractors or subcontractors.

9109170084

ZA

IDR-11C

The NRC has also recently received numerous reports concerning licensee contractors or subcontractors who have provided false certification regarding the length of time individuals had been employed. In one case, a union business agent (BA) certified to a licensee that certain individuals had been members of the union for 3 years and, to the best of the BA's knowledge, had shown no adverse character traits. The certification qualified the individuals for an exemption from background screening requirements as set forth in the licensee's approved security plan because of the BA's personal knowledge of the individuals resulting from the length of union membership. The licensee subsequently discovered that the BA had falsified the certification. None of the individuals had been members of the union for 3 years, and in fact, were not even members of the BA's union local.

Licensees identified some of these problems when auditing contractor or subcontractor programs. One effective audit technique used was telephone contact with the applicant's previous employers and references to verify information supplied by the contractor or subcontractor doing the screening.

In addition to receiving reports of problems with background investigations, the NRC has received allegations that some licensee contractors and subcontractors have improperly administered or deliberately compromised psychological tests, or have falsified the results of such tests. Some of the allegations were similar to cases discussed in IN 88-91, "Improper Administration and Control of Psychological Tests," in that individuals allegedly completed tests in unprocured settings. In one case, an individual allegedly took a psychological test for employment at a nuclear facility in a motel room in which someone called out the "correct" answers to produce the desired profile. It was also alleged that some falsification of test results occurred because contractors exerted pressure on subcontractors to have certain numbers of craft workers certified as acceptable by certain dates for licensees during reactor outages.

Discussion

The NRC has issued IE Circular 78-17, "Inadequate Guard Training/Qualification and Falsified Training Records," October 13, 1978; IE Circular 79-03, "Inadequate Guard Training/Qualification and Falsified Records," February 23, 1979; Information Notice (IN) 82-07, "Inadequate Security Screening Programs," March 16, 1982; IN 83-15, "Falsified Pre-Employment Screening Records," March 23, 1983; IN 87-64, "Conviction for Falsification of Security Training Records," December 22, 1987; IN 88-26, "Falsified Pre-Employment Screening Records," May 16, 1988; and IN 88-91, "Improper Administration and Control of Psychological Tests," November 22, 1988. These documents alerted addressees


to the possibility that contractors might submit falsified records to meet licensees' commitments to the NRC, identified weaknesses in the administration and control of psychological tests used in personnel screening programs, and reminded licensees of the importance of adequate program audits.

On April 25, 1991, the NRC published Section 73.56 of Title 10 of the Code of Federal Regulations (10 CFR 73.56), "Personnel Access Authorization Requirements for Nuclear Power Plants" (Access Authorization Rule) to provide increased assurance that individuals granted unescorted access to protected and vital areas are trustworthy and reliable and do not pose a threat to commit radiological sabotage. Under the provisions of 10 CFR 73.56(a)(4), licensees may accept an access authorization program, or part of a program, used by its contractors or vendors for their employees provided it meets the rule requirements. Clear specification of screening requirements in the work contract is an effective method to safeguard against inadequate access authorization programs. Under the provisions of 10 CFR 73.56(g)(2), each licensee who accepts the access authorization program of a contractor or vendor must audit the program every 12 months to ensure that the requirements of the Access Authorization Rule, as specified in their approved security plan, are met. Some licensees have committed to ensuring nuclear security expertise on their audit and assessment teams.

Failure to ensure that a proper access authorization program is conducted could compromise nuclear safety. The NRC can take enforcement action in cases in which licensees fail, whether intentionally or unintentionally, to meet security program plan commitments regarding their access authorization program. Furthermore, intentional violations may subject corporations, the individual wrongdoer, and others who knew and condoned such acts to criminal prosecution. In IN 85-97, "Jail Term For Former Contractor Employee Who Intentionally Falsified Welding Inspection Records," IN 86-54, "Criminal Prosecution of a Former Radiation Safety Officer Who Willfully Directed an Unqualified Individual to Perform Radiography," and IN 87-64, "Conviction For Falsification of Security Training Records," the NRC stated that the criminal sanctions available may include a fine and/or imprisonment.

On August 15, 1991, a final rule was published regarding misconduct by unlicensed persons (56 FR 40684). This rule amended the Commission's regulations "to put on notice all persons whose actions relate to a licensee's activities subject to NRC regulation, that they may be subject to civil enforcement action for deliberate misconduct" that causes the licensee to be in violation. Periodically informing contractors, subcontractors, and vendors that they may be subject to criminal prosecution for intentional wrongdoing may also be a deterrent against deliberate compromise of background screening programs.

This information notice requires no specific action or written response. If you have any questions about the information in this notice, please contact the technical contact listed below or the appropriate Office of Nuclear Reactor Regulation project manager.


Charles E. Rossi, Director
Division of Operational Events Assessment
Office of Nuclear Reactor Regulation

Technical contact: Nancy Ervin, NRR
(301) 492-0946

Attachment: List of Recently Issued NRC Information Notices

LIST OF RECENTLY ISSUED
 NRC INFORMATION NOTICES

Information Notice No.	Subject	Date of Issuance	Issued to
91-58	Dependency of Offset Disc Butterfly Valve's Operation on Orientation with Respect to Flow	09/20/91	All holders of OLs or CPs for nuclear power reactors.
91-57	Operational Experience on Bus Transfers	09/19/91	All holders of OLs or CPs for nuclear power reactors.
91-56	Potential Radioactive Leakage to Tank Vented to Atmosphere	09/19/91	All holders of OLs or CPs for nuclear power reactors.
91-55	Failures Caused by An Improperly Adjusted Test Link In 4.16 KV General Electric Switchgear	09/16/91	All holders of OLs or CPs for nuclear power reactors.
85-18, Supp. 1	Failures of Undervoltage Output Circuit Boards In the Westinghouse-Designed Solid State Protection System	09/10/91	All holders of OLs or CPs for Westinghouse (W)-designed nuclear power reactors.
91-54	Foreign Experience Regarding Boron Dilution	09/06/91	All holders of OLs or CPs for pressurized water reactors (PWRs).
89-90, Supp. 2	Pressurizer Safety Valve Lift Setpoint Shift	09/05/91	All holders of OLs or CPs for nuclear power reactors.
91-53	Failure of Remote Shutdown System Instrumentation Because of Incorrectly Installed Components	09/04/91	All holders of OLs or CPs for nuclear power reactors.

OL = Operating License
 CP = Construction Permit

This information notice requires no specific action or written response. If you have any questions about the information in this notice, please contact the technical contact listed below or the appropriate Office of Nuclear Reactor Regulation project manager.

Original Signed by
 Charles E. Rossi, Director
 Division of Operational Events Assessment
 Office of Nuclear Reactor Regulation

Technical contact: Nancy Ervin, NRR
 (301) 492-0946

Attachment: List of Recently Issued NRC Information Notices

*SEE PREVIOUS CONCURRENCE

*out of office
 on 9/18/91
 concurrence not
 needed
 C. E. Rossi*

OFC	:RSGB:NRR	:TECH ED	:RSGB:NRR	:BC:RSGB:NRR	:OGC	:D:OE
NAME	:NErvin:cb	:JMain*	:LLBush*	:PMcKee*	:RFonner*	:JLieberman*
DATE	:09/10/91	:8/ /91	:09/10/91	:8/ /91	:8/ /91	:8/ /91
OFC	:D:DRIS:NRR	:OSCB:NRR	:D:DOEA:NRR	:	:	:
NAME	:BKGrimes*	:CBerTinger	:ERossi	:	:	:
DATE	:8/ /91	:8/ /91	:09/18/91	:	:	:

OFFICIAL RECORD COPY

Document Name: IN 91-59

This information notice requires no specific action or written response. If you have any questions about the information in this notice, please contact the technical contact listed below or the appropriate Office of Nuclear Reactor Regulation project manager.

Charles E. Rossi, Director
 Division of Operational Events Assessment
 Office of Nuclear Reactor Regulation

Technical Contact: Nancy Ervin, NRR
 (301) 492-0946

Attachment: List of Recently Issued NRC Information Notices

Distribution:

- Central Files
- PDR
- RSGB r/f
- DRIS r/f
- JGPartlow
- WRussell
- CBerlinger
- JLieberman
- RFonner
- BKGrimes
- PMcKee
- LBush
- NEErvin

*SEE PREVIOUS CONCURRENCE

OFC	:RSGB:NRR	:TECH ED	:RSGB:NRR	:BC:RSGB:NRR	:OGC	:D:OE
NAME	<i>for</i> NErvin:cb*	:JMain*	:LLBush*	:PMcKee*	:RFonner*	:JLieberman*
DATE	:8/10/91	:8/ /91	:8/10/91	:8/ /91	:8/ /91	:8/ /91

OFC	:D:DRIS:NRR	:OGCB:NRR	:D:DOEA	:	:	:
NAME	:BKGrimes *	:CBerlinger	:CERossi <i>all</i>	:	:	:
DATE	:8/ /91	:8/ /91	:	:	:	:

logical sabotage. Under the provisions of 10 CFR 73.56(a)(4), licensees may accept an access authorization program, or part of a program, used by its contractors or vendors for their employees provided it meets the rule requirements. Clear specification of screening requirements in the work contract is an effective method to safeguard against inadequate access authorization programs. Under the provisions of 10 CFR 73.56(g)(2), each licensee who accepts the access authorization program of a contractor or vendor must audit the program every 12 months to ensure that the requirements of the Access Authorization rule, as specified in their approved security plan, are met. Some licensees have committed to ensuring nuclear security expertise on their audit and assessment teams.

Failure to ensure that a proper access authorization program is conducted could compromise nuclear safety. The NRC can take enforcement action in cases in which licensees fail, whether intentionally or unintentionally, to meet security program plan commitments regarding their access authorization program. Furthermore, intentional violations may subject corporations, the individual wrongdoer, and others who knew and condoned such acts to criminal prosecution. In IN 85-97, "Jail Term For Former Contractor Employee Who Intentionally Falsified Welding Inspection Records," IN 86-54, "Criminal Prosecution of a Former Radiation Safety Officer Who Willfully Directed an Unqualified Individual to Perform Radiography," and IN 87-64, "Conviction For Falsification of Security Training Records," the NRC stated that the criminal sanctions available may include a fine and/or imprisonment.

Periodically informing contractors, subcontractors, and vendors that they may be subject to criminal prosecution for intentional wrongdoing may be a deterrent against deliberate compromise of background screening programs.

No specific action or written response is required by this information notice. If you have any questions about this matter, please contact the technical contact listed below or the appropriate regional office.

Charles E. Rossi, Director
 Division of Operational Events Assessment
 Office of Nuclear Reactor Regulation

Technical Contact: Nancy Ervin, NRR
 (301) 492-0946

Attachment: List of Recently Issued NRC Information Notices

Distribution:
 See next page

*SEE PREVIOUS CONCURRENCE

OFC	:RSGB:NRR	:TECH ED	:RSGB:NRR	:BC:RSGB:NRR	:OGC	:D:OE
NAME	:Nervin:cb	:JMain*	:LLBush	:Pikee	:RFonner*	:JLieberman
DATE	:8/26/91	:8/ /91	:8/26/91	:8/26/91	:8/ /91	:8/28/91
OFC	:D:DRIS:NRR	:OGCB:NRR	:	:	:	:
NAME	:BKGrimes	:CBerlinger	:	:	:	:
DATE	:8/ /91	:8/ /91	:	:	:	:

logical sabotage. Under the provisions of 10 CFR 73.56(a)(4), licensees may accept an access authorization program, or part of a program, used by its contractors or vendors for their employees provided it meets the rule requirements. Clear specification of screening requirements in the work contract is an effective method to safeguard against inadequate access authorization programs. Under the provisions of 10 CFR 73.56(g)(2), each licensee who accepts the access authorization program of a contractor or vendor must audit the program every 12 months to ensure that the requirements of the Access Authorization rule, as specified in their approved security plan, are met. Some licensees have committed to ensuring nuclear security expertise on their audit and assessment teams.

Failure to ensure that a proper access authorization program is conducted could ~~compromise nuclear safety~~. The NRC ~~has taken~~ ^{can take} enforcement action in cases in which licensees ~~have failed~~ to meet security program plan commitments regarding their access authorization program ~~because of inattention to detail, human error, or other unintentional acts~~. ~~Violations caused by intentional acts~~ may subject corporations, the individual wrongdoer, and others who knew and condoned such acts to criminal prosecution. In IN 85-97, "Jail Term For Former Contractor Employee Who Intentionally Falsified Welding Inspection Records," IN 86-54, "Criminal Prosecution of a Former Radiation Safety Officer Who Willfully Directed an Unqualified Individual to Perform Radiography," and IN 87-64, "Conviction For Falsification of Security Training Records," the NRC stated that the criminal sanctions available may include a fine and/or imprisonment.

Periodically informing contractors, subcontractors, and vendors that they may be subject to criminal prosecution for intentional wrongdoing may be a deterrent against deliberate compromise of background screening programs.

No specific action or written response is required by this information notice. If you have any questions about this matter, please contact the technical contact listed below or the appropriate regional office.

Charles E. Rossi, Director
 Division of Operational Events Assessment
 Office of Nuclear Reactor Regulation

Technical Contact: Nancy Ervin, NRR
 (301) 492-0946

whether intentionally or unintentionally

Furthermore, intentional

Attachment: List of Recently Issued NRC Information Notices

Distribution:

See next page

*SEE PREVIOUS CONCURRENCE

OFC	:RSGB:NRR	:TECH ED	:RSGB:NRR	:BC:RSGB:NRR	:D:OE
NAME	:NErvine:eb	:JMain*	:LLBush	:P...:er	:JLieberman
DATE	:8/2/91	:8/ /91	:8/2/91	:8/7/91	:8/ /91

OFC	:D:DRIS:NRR	:OGCB:NRR	:	:	:
NAME	:BKGrimes	:CBerlinger	:	:	:
DATE	:8/ /91	:8/ /91	:	:	:

Observe with Jones above

Records," 86-54, Criminal Prosecution of a Former Radiation Safety Officer Who Willfully Directed an Unqualified Individual to Perform Radiography," and 87-64, "Conviction For Falsification of Security Training Records," the NRC stated that the criminal sanctions available may include a fine and/or imprisonment. Periodically informing contractors, subcontractors, and vendors that they may be subject to criminal prosecution for intentional wrongdoing may be an effective deterrent against deliberate compromise of background screening programs. No specific action or written response is required by this information notice. If you have any questions about this matter, please contact the technical contact listed below or the Regional Administrator of the appropriate regional office.

Charles E. Rossi, Director
 Division of Operational Events Assessment
 Office of Nuclear Reactor Regulation

Technical Contact: Nancy Ervin, NRR
 (301) 492-0946

Attachment: List of Recently Issued NRC Information Notices

Distribution:

RSGB r/f
 DRIS r/f
 JGPartlow
 WRussell
 CBerlinger
 JLieberman
 RFonner
 BKGrimes
 PMcKee
 LBush
 NErvin
 Central Files
 PDR

*SEE PREVIOUS CONCURRENCE

OFC	:RSGB:NRR	:TECH ED	:RSGB:NRR	:BC:RSGB:NRR	:D:DRIS:NRR	:OGC
NAME	:NErvin:cb	:JMain <i>qm</i>	:LLBush	:PMcKee	:BKGrimes	:RFonner
DATE	:5/ /91	:5/ /91 <i>6/25/91</i>	:5/ /91	:5/ /91	:5/ /91	:5/ /91
OFC	:D:OE	:OGCB:NRR	:ADT:NRR	:ADP:NRR	:	:
NAME	:JLieberman	:CBerlinger	:WRussell	:JGPartlow	:	:
DATE	:5/ /91	:5/ /91	:5/ /91	:5/ /91	:	:

No specific action or written response is required by this information notice. If you have any questions about this matter, please contact the technical contact listed below or the appropriate regional office.

Charles E. Rossi, Director
 Division of Operational Events Assessment
 Office of Nuclear Reactor Regulation

Technical Contact: Nancy Ervin, NRR
 (301) 492-0946

Attachment: List of Recently Issued NRC Information Notices

Distribution:

Central Files
 PDR
 RSGB r/f
 DRIS r/f
 JGPartlow
 WRussell
 CBerlinger
 JLieberman
 RFonner
 BKGrimes
 PMcKee
 LBush
 NEErvin

*SEE PREVIOUS CONCURRENCE

OFC	:RSGB:NRR	:TECH ED	:RSGB:NRR	:BC:RSGB:NRR	:OGC	:D:OE
NAME	:NErvin:cb	:JMain*	:LLBush*	:PMcKee*	:RFonner*	:JLieberman*
DATE	:8/ /91	:8/ /91	:8/ /91	:8/ /91	:8/ /91	:8/ /91
OFC	:D:DRIS:NRR	:OGCB:NRR	:	:	:	:
NAME	:BKGrimes	:CBerlinger	:	:	:	:
DATE	:8/ /91	:8/ /91	:	:	:	: