

U.S. NUCLEAR REGULATORY COMMISSION

REGION I

Docket Nos. 50-220 and 50-410
License Nos. DPR-63 and NPF-69
Report No. 96-09
Licensee: Niagara Mohawk Power Corporation
Facility: Nine Mile Point Nuclear Station, Units 1 and 2
Location: Oswego, New York
Dates: July 8-12, 1996
Inspectors: G. C. Smith, Senior Security Specialist
R. J. Albert, Safeguards Inspector
Approved by: Richard R. Keimig, Chief
Emergency Preparedness and
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Division of Reactor Safety



EXECUTIVE SUMMARY

Nine Mile Point Nuclear Station NRC Inspection Report 50-220/96-09 and 50-410/96-09

On April 25, 1991, the Commission published the Personnel Access Authorization Requirements for nuclear power plants, 10 CFR 73.56 (the rule), requiring power reactor licensees to implement an Access Authorization Program (AAP) by April 27, 1992, and to incorporate the AAP into the licensee's physical security plan. The objective of the rule is to provide high assurance that individuals granted unescorted access are trustworthy and reliable, and do not constitute an unreasonable risk to the health and safety of the public, including a potential to commit radiological sabotage.

The licensee's Access Authorization Program was inspected during the period July 8-12, 1996. In general, it was found to meet the above stated objective. However, an unresolved item was identified relative to the application of continual behavioral observation of individuals with unescorted access who are away from the station for more than 30 days.



Report Details

S8 Miscellaneous Security and Safeguards Issues

S8.1 General

On April 25, 1991, the Commission published the Personnel Access Authorization Requirements for nuclear power plants, 10 CFR 73.56 (the rule), requiring power reactor licensees to implement an Access Authorization Program (AAP) by April 27, 1992, and to incorporate the AAP into the licensee's physical security plan. The objective of the rule is to provide high assurance that individuals granted unescorted access are trustworthy and reliable, and do not constitute an unreasonable risk to the health and safety of the public, including a potential to commit radiological sabotage.

An October 1, 1992, letter from the licensee to the NRC forwarded Issue 3, Revision 2 to the physical security plan, which stated, in part, that all elements of Regulatory Guide 5.66, "Access Authorization Program for Nuclear Power Plants," have been implemented to satisfy the requirements of 10 CFR Part 73. An NRC December 17, 1992, letter to the licensee stated that the changes submitted had been reviewed and were determined to be consistent with the provisions of 10 CFR 50.54(p) and acceptable for inclusion in the NRC-approved security plan.

a. Inspection Scope (TI 2515/127)

This inspection, conducted in accordance with NRC Inspection Manual, Temporary Instruction 2515/127, "Access Authorization," January 17, 1995, assessed the implementation of the licensee's AAP to determine if the program was commensurate with regulatory requirements and the licensee's physical security plan.

S8.2 Access Authorization Program and Administration Organization

a. Inspection Scope

The inspectors reviewed applicable procedures and conducted interviews to assess the licensee's Access Authorization Program and Administration Organization.

b. Observations and Findings

The Niagara Mohawk Power Corporation AAP requirements are contained in two documents. The Unescorted Access Authorization Program, Revision 8, Procedure S-SAP-3.1, April 8, 1996, defines the overall requirements of the program. The fitness-for-duty requirements and behavioral observation portions of the AAP are contained in the Fitness-for-Duty Procedure, Revision 3, April 8, 1996.



The responsibility for implementation of the program is vested in the plant security manager. The access screening and fitness-for-duty personnel report to the security manager. All access authorization functions are performed in the plant access processing center.

c. Conclusions

The inspectors' review of the program procedure and the Fitness-for-Duty Manual disclosed that both were comprehensive and contained sufficient details to provide adequate guidance to implement the AAP in accordance with regulatory requirements. Further, the consolidation of the access screening and fitness-for-duty functions in one location and under the direction of the security manager has resulted in an effective means to process personnel in a proper and timely manner.

S8.3 Background Investigations (BI) Elements

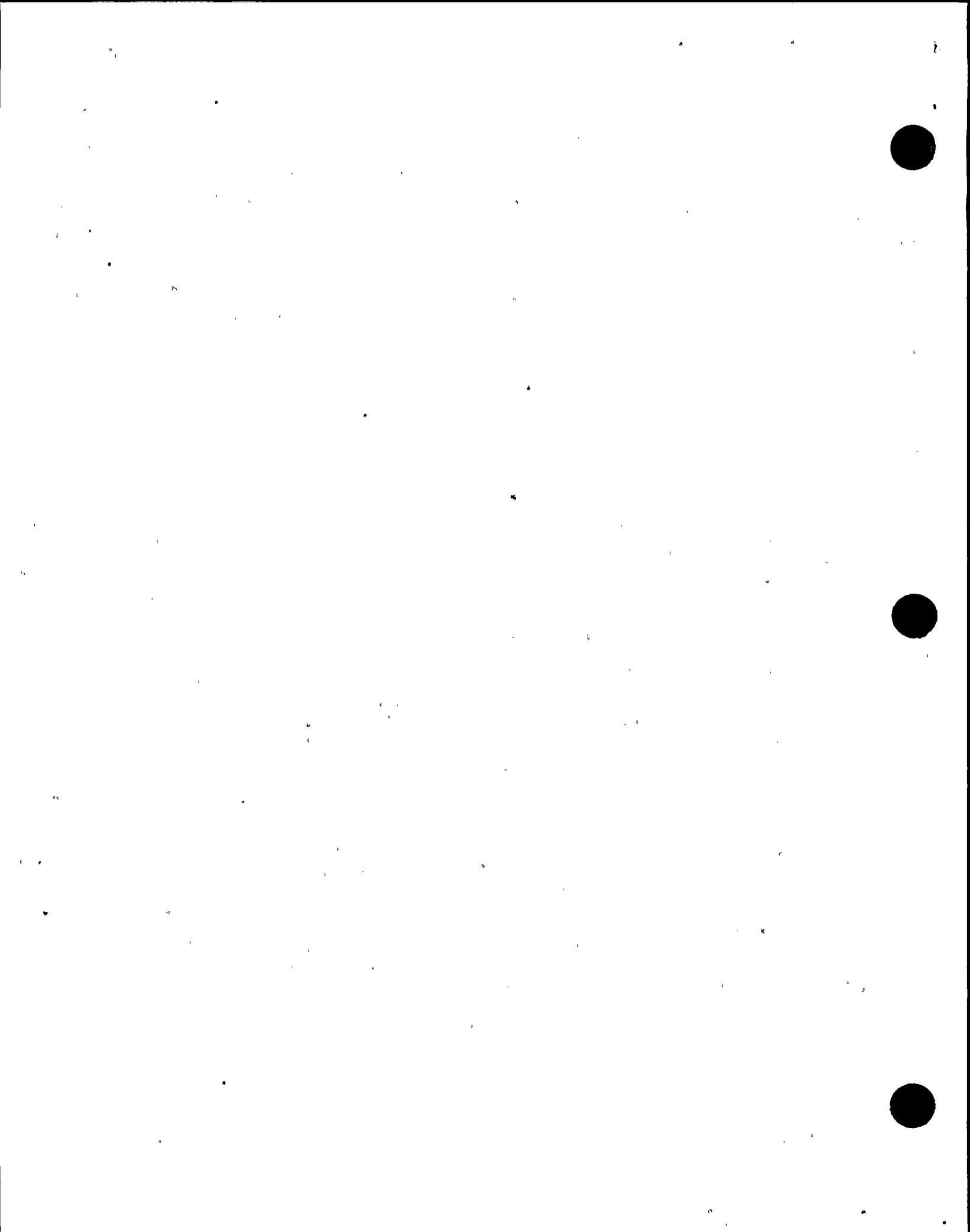
a. Inspection Scope

The inspectors reviewed records and conducted interviews to determine the adequacy of the program to verify the true identity of an applicant and to develop information concerning employment history, educational history, credit history, criminal history, military service, and character and reputation of the applicant prior to granting unescorted access to protected and vital areas.

b. Observations, Findings and Conclusions

The inspectors reviewed the results of 48 background investigations (BIs) representing a cross-section of licensee and contractor employees. The licensee employs two contractors to conduct its BIs. The scope and depth of these investigations are prescribed in Purchase Orders 95-16457 and 95-15851, July 1, 1995, and January 9, 1995, respectively. These documents were reviewed and determined to be comprehensive and were found to prescribe the requisites to satisfy the licensee's program commitments. The reports of the BIs that were reviewed were found to be in compliance with the purchase order and provided sufficient information on which to base a determination for access authorization.

The BI reports reviewed also contained the information on which temporary access was granted or denied. The records of those abbreviated scope and depth investigations permitted by the rule contained information on which to base a determination regarding temporary access pending completion of a full BI, and fulfilled the program requirements to which the licensee had committed. The inspectors noted that any matter of questionable or suspect information was promptly reported to the licensee by the BI contractor with adequate detail to permit a reasonable determination regarding granting or denying of temporary access.



In accordance with 10 CFR 73.57, the licensee is responsible for initiating criminal history checks on individuals applying for unescorted access authorization, and for considering all information received from the U.S. Attorney General. Among the records reviewed by the inspectors were the records of eight individuals whose fingerprint records had been returned with derogatory information. The inspector determined that the information had been properly evaluated and appropriate action had been implemented as a result of the derogatory information.

S8.4 Psychological Evaluations

a. Inspection Scope

The inspectors reviewed the licensee's psychological testing program procedures and interviewed the individuals who administer and proctor the psychological tests.

b. Observations, Findings and Conclusions

The licensee has contracted with a licensed psychologist to provide oversight of the psychological testing program and to perform the requisite evaluations. All individuals seeking unescorted access to the site are required to complete the Clinical Analysis Questionnaire (CAQ) administered by licensee personnel who have been trained and certified by the psychologist. The answer sheets for the CAQ are electronically scanned at the site and, if the need for a clinical interview is indicated, the psychologist conducts the interview and recommends either access or denial to the licensee. In all cases reviewed, the licensee took the psychologist's recommendation.

The inspectors reviewed the licensee's procedures governing the administration of the CAQ and interviewed the personnel who administered and proctored the tests. The procedures were clear and comprehensive and the proctors demonstrated a sound knowledge of their duties.

The inspectors determined that the licensee's psychological evaluation program was being effectively administered.

S8.5 Behavioral Observation Program (BOP)

a. Inspection Scope

The inspectors reviewed the Behavioral Observation Program (BOP) training procedures and lesson plans and conducted interviews to determine the effectiveness of the licensee's security training program for onsite personnel and visitors. The inspectors also reviewed the licensee's implementation of the BOP for personnel who routinely access the station, as well as for those who infrequently access the station.



b. Observations and Findings

The inspection of the licensee's implementation of the BOP for persons authorized unescorted access who are on site infrequently disclosed that the procedures require suspension of access for individuals who have not entered the protected area within 60 days and, therefore, have not been subject to a continual BOP. Prior to reinstatement of the access for such an individual, an inquiry is conducted to determine if the individual's activities during the absence would have the potential to affect the individual's trustworthiness. For an individual whose access is transferred from another licensee, the licensee's procedures require that an inquiry into the individual's activities be conducted if the individual has been away from a BOP program for 30 days or more. Guidance in NUMARC 91-03 (the guidance document for transfers of unescorted access from one licensee to another licensee) specifies that an inquiry into an individual's activities will be conducted if an individual is away from a BOP for 30 days or more and that individual's access is being transferred from one licensee to another.

The acceptability of allowing individuals with authorized unescorted site access to be away from a BOP for 60 days before deactivating their badge and conducting an inquiry into their activities versus the 30-days specified in NUMARC 91-03 for individuals transferring from one licensee to another is currently under review by the NRC. This issue is considered an Unresolved Item pending the results of NRC's review (URI 50-220/96-09-01 and 50-410/96-09-01).

The BOP was also reviewed to determine whether the licensee's training and retraining program as implemented, ensured that supervisors have and maintain awareness and sensitivity to detect behavior changes in employees that could adversely affect their trustworthiness and reliability, and to report such changes to appropriate management for further evaluation and action, if deemed necessary. The program was instituted as part of, and is an element in common with, the licensee's Fitness-for-Duty (FFD) Program. Interviews conducted throughout the inspection with various individuals, representative of a cross-section of licensee and contractor personnel, both supervisory and non-supervisory, indicated a satisfactory knowledge of program requirements and the awareness of the individual's responsibility to report arrests to the licensee.

c. Conclusions

The inspectors concluded that the training program and lesson plans were adequate to support the program. The inspectors determined that the licensee is meeting the regulatory requirements in the administration of its BOP training program, with the possible exception of the aforementioned URI.



S8.6 Grandfathering, Reinstatement and Transfer of Access Authorization

a. Inspection Scope

The inspectors reviewed a cross-section of records to evaluate the licensee's application of the provisions for grandfathering, reinstatement and transfers of access authorizations.

b. Observations and Findings

- "Grandfathering"

Included in the records selected at random by the inspectors were records of personnel who did not meet the criteria for "grandfathering," i.e., those who did not have uninterrupted, unescorted access authorization for at least 180 days on April 25, 1991, the date of publication of the NRC's access authorization rule.

- Reinstatement

The licensee's criteria for reinstatement of access authorization were reviewed. The criteria provided for reinstatement of unescorted access authorization if a security clearance had been previously granted, that clearance was terminated under favorable conditions no more than 365 days prior to the reinstatement request, and FFD program requirements were met.

- Transfer of Access Authorization

The licensee incorporated the provision for the transfer of access authorization, both receipts in and transfers out, into its program. The records selected at random for review by the inspector included several examples of each.

c. Conclusions

The inspectors determined that the requirements for grandfathering, reinstatement and transfers of access authorizations were being met and that these portions of the AAP were being implemented satisfactorily. No discrepancies were noted.

S8.7 Temporary Access Authorization

a. Inspection Scope

The inspectors reviewed records that included the results of abbreviated scope investigations, which are used as the basis for granting temporary unescorted access authorization, as permitted by the rule.



b. Observations, Findings and Conclusions

The records of the abbreviated scope investigations were determined to contain adequate information (character and reputation from a developed reference, past year's employment history, and a credit check) on which to base temporary access authorization. The inspectors noted that, in the records of abbreviated scope investigation, there were no instances in which rescission of access authorization was necessitated following receipt of the full 5-year investigation.

S8.8 Denial/Revocation of Unescorted Access

a. Inspection Scope

The inspectors reviewed the licensee's provisions for the review of appeals of denial or termination of access authorization.

b. Observations, Findings and Conclusions

The inspectors determined that an individual is informed of the basis for denial or revocation of access authorization, is provided the opportunity to provide additional information for consideration and can have the decision, and any additional information, reviewed by the corporate manager of system security and a representative of the corporate legal department. After that review, the decision on the appeal is final. The inspectors concluded that this aspect of the program was in accordance with the rule and was being adequately implemented.

S.8.9 Audits

a. Inspection Scope

The inspectors reviewed the licensee's most recent audit report on the Access Authorization Program. In addition, the inspectors reviewed audit reports on aspects of the licensee's program that were conducted under contract with another entity.

b. Observations and Findings

The inspectors reviewed the biennial audit report (Audit No. 96006, "Security and Safeguards Information Control") for the licensee's access authorization program. The audit was conducted from April 8-12, 1996. The inspectors determined that the audit had been conducted in accordance with the licensee's NRC-approved Physical Security Plan (the Plan). The audit identified some minor input errors in the Integrated Nuclear Data Exchange System (INDEX). Some minor downloading problems were also identified relative to the licensee switching from INDEX to the Personnel Access Data System (PADS). Those minor problems were corrected during the audit.



Even though the requirement to audit vendor access authorization programs is reflected in the Plan and in S-SAP-3.1, the audit identified that neither the NDD-SEC procedures nor the Quality Assurance procedures reflected the requirement. The finding resulted in a Deviation Event Report (DER) being written. The inspectors verified that the licensee did not accept any vendor program other than that of the Institute of Nuclear Power Operations.

Additionally, the inspectors reviewed the reports of audits conducted of the two contractors that do BIs for the licensee. Two adverse findings and seven recommendations were identified. One finding resulted from several cases where a contractor did not verify employees' activities during interruptions of employment in excess of 30 days, and the other finding concerned another contractor that did not include the reason (i.e. graduation, academic suspension, etc.) when students left educational institutions. Follow-up by the licensee on both findings did not result in any derogatory information and both contractors implemented prompt corrective action. The recommendations involved program enhancements.

c. Conclusions

The audits were determined to be comprehensive and indepth, and the results were reported to the appropriate levels of management. None of the adverse findings were considered programmatic and were appropriately resolved. The recommendations were evaluated and implemented as the licensee deemed appropriate.

S8.10 Record Retention

a. Inspection Scope

The inspectors reviewed the onsite record retention program for the AAP records.

b. Observations, Findings and Conclusions

The inspectors determined that the storage facilities provided adequate security, and that access to those records was adequately controlled to protect personal information from disclosure to unauthorized personnel. Records were stored in locked file cabinets, in a locked room. The inspectors noted that the records were complete.

V. Management Meetings

XI Exit Interview

The inspectors presented the inspection results to members of licensee management at the conclusion of the inspection on July 12, 1996. At that time, the purpose and scope of the inspection were reviewed and the preliminary findings were presented. The licensee acknowledged the preliminary inspection findings.



X2 Updated Final Safety Analysis Report (UFSAR) Review

A recent discovery of a licensee operating their facility in a manner contrary to the UFSAR description highlighted the need for a special focused review that compares plant practices, procedures and/or parameters to the UFSAR description. Security requirements are not specifically included in the UFSAR; they are in the licensee's NRC-approved security plan. While performing inspections discussed in this report, the inspectors reviewed applicable portions of regulatory requirements that related to the areas inspected. In addition to inspecting the licensee's APP, the inspectors also reviewed the licensee's program for searching vehicles prior to granting them access to the protected area against the NRC-approved security plan. The inspectors' review determined that the licensee's practices were consistent with security plan commitments. No discrepancies were noted.

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