

U.S. NUCLEAR REGULATORY COMMISSION  
REGION I

Report No.: 50-286/93-06

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License No.: DPR-64

Licensee: New York Power Authority  
P.O. Box 215  
Buchanan, New York 10511

Facility Name: Indian Point 3 Nuclear Power Plant

Inspection At: Buchanan, New York

Inspection Conducted: March 22-26, 1993

Inspectors:

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E. B. King, Physical Security Inspector

4/27/93  
Date

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4-27-93  
Date

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4-27-93  
Date

Areas Inspected: Access Authorization Program Administration and Organization; Background Investigation Elements; Psychological Evaluations; Behavioral Observation; "Grandfathering," Reinstatement, Transfer and Temporary Access Authorization; Denial/Revocation of Unescorted Access; Audits; and Records Retention.

Results: The licensee's Access Authorization Program provides reasonable assurance that individuals who are authorized unescorted access to the station are trustworthy and reliable, and do not constitute an undue risk to the health and safety of the public, as a result of their unescorted access to the station.

## DETAILS

### **1.0 Background**

On April 25, 1991, the Commission published the Personnel Access Authorization Requirements for Nuclear Power Plants, 10 CFR 73.56, (the rule), which requires that each licensee authorized on that date to operate a nuclear reactor pursuant to 10 CFR 50.21 implement an Access Authorization Program by April 27, 1992, to comply with the requirements of 10 CFR 73.56, and that such program be incorporated into the licensee's Physical Security Plan. The rule requires that licensees establish and maintain an Access Authorization Program with the objective of providing 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.

This inspection, conducted in accordance with NRC Inspection Manual Temporary Instruction 2515/116, Access Authorization, assessed the licensee's Access Authorization Program and its implementation to determine if the regulatory requirements reflected in its Physical Security Plan, in response to the rule, were being met. The licensee's Physical Security Plan was previously reviewed by the NRC and was found to be acceptable (NRC letter dated May 15, 1992).

The licensee's program that was inspected is also applicable to the James A. FitzPatrick Nuclear Power Plant; however, program implementation was only inspected at the Indian Point 3 Nuclear Power Plant.

### **2.0 Access Authorization Program**

#### **2.1 Administration and Organization**

The Access Authorization Program for New York Power Authority's Indian Point Unit 3 and James A. FitzPatrick nuclear power plants is promulgated by a policy statement dated January 10, 1992, issued by the corporate Director of Security, Safety and Fire Protection. Responsibility for the implementation of that policy rests with the site Resident Managers, Department Heads and Project Managers. At the nuclear plant level, the program is implemented under the supervision of the Access Control Supervisor who reports to the Fire and Safety Manager. This manager and the Security Manager, who is responsible for the physical security of the plant, both report to the General Manager - Support Services who has overall responsibility for the entire security program at the nuclear plant.

The inspectors noted that the assignment of operational security functions under one manager, and the majority of administrative support functions, such as the Access Authorization and Fitness-for-Duty Programs (which include the Behavioral Observation Program element common to both programs), under the

purview of another manager providing direct support to the Security Manager, both reporting to the same general manager, is an organizational strength.

Implementing procedures had been promulgated at appropriate organizational levels for the implementation of the program. The inspectors reviewed the administrative controls in detail in order to assess their adequacy for the implementation of the program. Functional responsibilities were found to be clear and comprehensive.

Through interviews, the inspectors determined that personnel responsible for the administration and implementation of the program elements, including the Access Control Supervisor who is responsible for ensuring that the requirements of the Access Authorization Program have been met prior to granting unescorted access authorization, were familiar with their duties.

## **2.2 Background Investigation Elements**

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 applicants prior to granting unescorted access to protected and vital areas. The inspectors reviewed the results of 20 background investigations (BIs) representing a cross-section of licensee and contractor employees.

The licensee employs one contractor to conduct BIs. The scope and depth of these investigations are prescribed in the New York Power Authority's contract with the background investigation contractor. This document was reviewed and determined to prescribe the requisites to satisfy the licensee's program commitments. The reports of the investigations which were reviewed were found to be in compliance with the contract and provided background information on which to base a determination for access authorization.

Those 20 BI reports also contained the information on which temporary access was granted or denied. The records of these abbreviated scope and depth investigations permitted by the rule contained information on which to base a determination regarding temporary access pending completion of the full BI and fulfilled the program requirements to which the licensee had committed. It was noted that any matter of questionable or suspect information was promptly reported to the licensee by the BI contractor with adequate detail to permit reasonable determination regarding granting or denying of temporary access.

Records of completed BIs contained a summary of information developed during the conduct of the investigations. The inspectors determined through interviews

and reviews of records that these records were reviewed by responsible licensee personnel and, in those cases where questionable or derogatory information had been reported, that the licensee had adjudicated the results of those investigations. The inspectors noted that, in the records reviewed, no temporary access authorizations were subsequently revoked based on information developed during the full background investigation.

### **2.3 Psychological Evaluations**

The licensee contracted with a consultant to perform the requisite psychological evaluations. All individuals seeking unescorted access to the licensee's nuclear facilities are required to satisfactorily complete the Clinical Analysis Questionnaire (CAQ) administered by a licensee employee at one of the nuclear facilities. The answer sheets are scored by the consultant's staff and, if indicated, a clinical interview is conducted by a state-licensed psychologist who provides the licensee with a recommendation regarding access or denial.

The inspectors reviewed the licensee's procedures governing the administration of the CAQ and interviewed the person who administered and proctored the tests. The procedures were clear and the proctor demonstrated a sound knowledge of the duties. The inspectors concluded that this aspect of the program was being effectively administered.

### **2.4 Behavioral Observation**

The licensee's behavioral observation program (BOP) was inspected to determine whether the licensee had a training and retraining program to ensure that supervisors have the awareness and sensitivity to detect changes in behavior which could be indicative of adverse trustworthiness or reliability and to report such to appropriate licensee management for evaluation and action. The program was instituted as part of, and is an element in common with, the licensee's fitness-for-duty program.

The inspectors reviewed the licensee's training program associated with the BOP. All employees, both system and contractor, are provided training in behavioral observation as part of the escort training program. Licensee supervisors are trained to standards which meet or exceed the requirements of 10 CFR 26, the NRC's Fitness-for-Duty rule, within three months of promotion.

Interviews of nine personnel, representative of a cross section of licensee and contractor employees, both supervisory and non-supervisory, indicated that the training program was effective. The inspectors also determined that these persons were aware of their responsibility to report arrests to the licensee.

## 2.5 "Grandfathering," Reinstatement, Transfer and Temporary Access Authorization

The licensee's records were reviewed to ascertain that 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, had not been granted unescorted access authorization without having satisfied the elements of the program. No discrepancies were noted.

The licensee's procedure for reinstatement of unescorted access authorization was reviewed. The procedure provides for reinstatement if an individual's unescorted access has not been interrupted for a continuous period of more than 365 days; if the previous unescorted access was terminated under favorable conditions; if the Personnel Access Authorization Questionnaire, which addresses such issues as positive drug test results, denial of unescorted access authorization, convictions, etc., has been completed and reviewed; and, a suitable inquiry has been initiated. The inspectors noted that, while the suitable inquiry questionnaire addressed the aspects required by the Fitness-for-Duty Program, the specific questions related to activities having the potential to affect the employee's trustworthiness and reliability specific to the access authorization program had not been included. (The licensee corrected this omission prior to the conclusion of the inspection). If a person has not been outside a BOP for more than 30 days, no ascertaining of activities or initiation of a suitable inquiry is required. For those personnel whose unescorted access has been interrupted for more than 365 calendar days and whose termination of access authorization was under favorable conditions, the licensee's procedure requires verification of identity; an updated background investigation from the date of the previous investigation or when access was last held, whichever is shorter; a satisfactory psychological evaluation; submittal of a criminal history check; and pre-access drug and alcohol screening.

In the course of the inspection, through review of the licensee procedures and interviews, the inspectors determined that employees of contractors that do not have an approved BOP and who have been away from the licensee's nuclear facility for more than 30 but less than 45 days are not necessarily subject to having their activities during that 15 day period ascertained prior to their access being reinstated. (Under the licensee's Fitness-for-Duty program, persons who have not used their badges for 45 days, and are therefore not subject to random drug testing, have their badges "flagged" to obtain a sample prior to access reinstatement).

It was explained that the intent of the rule, as stated in paragraph 3 of the Clarification to the Guidelines, Regulatory Guide 5.66, was that the licensee is expected to ascertain that whatever activities the employee engaged in during his or her absence from an approved behavioral observation program would not have



the potential to affect the employee's trustworthiness and reliability. This position is also clarified in NUMARC 91-03, October 1992 (which has not been issued as a final document and to which the licensee is not committed). Part III, B.4 of NUMARC 91-03 states that the licensee must ascertain that the activities of the employee during his or her absence, if more than 30 consecutive days, would not affect his or her trustworthiness, but if the individual has not been away from a licensee or approved contractor/vendor behavioral observation program for more than 30 consecutive days, there is no requirement to ascertain activities nor to do any suitable inquiry checks. It was further explained that, if a licensee chooses to accept portions of a contractor program approved by another licensee, or another licensee's audit of a contractor program, the accepting licensee has the responsibility to determine what portions of the contractor program were reviewed, approved and audited by another licensee.

Prior to the conclusion of the inspection, the licensee modified its procedure to correct the deficiency related to the potential for an individual's being away from a BOP for more than 30 but less than 45 days without activities during that period having been ascertained.

The inspectors determined that the licensee had established procedures to govern receipt and transfer of access authorization data from/to other licensees. The inspectors reviewed records of access authorizations transferred and received, and determined that the records of these transfers were complete, accurate, and conducted in accordance with licensee's procedures.

The personnel records of background investigations that were inspected also contained the records of the results of the limited scope background investigations on which temporary access authorizations were based. The inspectors determined that these data satisfied the licensee's commitments for the granting of temporary access authorizations. In the records reviewed, the inspectors noted no instances where temporary access was denied following receipt of the full background investigation.

## **2.6 Denial/Revocation of Unescorted Access**

The inspectors reviewed the licensee's procedures for revocation or denial of unescorted access for licensee and contractor personnel and determined that appropriate measures were in place to satisfy program commitments with respect to appeals and review. The review process was being conducted at an appropriate management level.

Records of two contractor personnel whose fingerprint records had been returned with derogatory information were reviewed. The inspectors concluded that

adequate review and evaluation of these individuals' records had been conducted prior to granting unescorted access authorization.

The records of two personnel denied access were reviewed. In both cases, the individuals had been notified of their appeal rights; however, neither availed themselves of this option.

## 2.7 Audits

The inspectors reviewed the contract between the licensee and the BI contractor and the audit of that contractor's product. The inspectors observed that the terms of the contract were essentially the same as Attachment A to NUMARC 89-01, which prescribes the minimum audit criteria for a contractor/vendor screening program, which exceeds the more limited scope of background investigation work actually performed by the BI contractor. (The audit of that contractor's work was limited to the work actually performed.) The audit report was found to be comprehensive and included appropriate inquiries to references to ensure the veracity of the investigations.

The inspectors reviewed the access authorization program requirements prescribed by the licensee in contractors with two large contractors that provide outage and technical support. The inspectors also reviewed the reports of recent audits conducted by the Shared Nuclear Access Authorization Audit Group (SNAAAG) of these contractors' programs. The access authorization programs of these contractors were accepted by the licensee. The audit reports were found to be extremely comprehensive. Where deficiencies had been noted by the SNAAAG, the licensee's Quality Assurance group had copies of the correspondence pertinent to resolution of the deficiencies. However, while the licensee Access Control Supervisor had copies of the correspondence from the lead SNAAAG auditor to the contractor accepting the contractor's corrective action, the contractor's corrective action had not been reviewed by the Access Control Supervisor at the station. This weakness was corrected prior to the close of the inspection.

The report of the audit of the licensee's program conducted by its Quality Assurance Department, as required by 10 CFR 73.56, was reviewed and found to be of adequate scope and breadth to detect problem areas. This report had been reviewed at appropriate management levels and recommendations had been adequately addressed. The inspectors noted that, although the licensee is a member of SNAAAG, the audit plan used by QA was based on NRC Inspection Manual Temporary Instruction 2515/116 rather than the more comprehensive SNAAAG audit plan developed to meet the 10 CFR 73.56 audit requirement.

## 2.8 Record Retention

The inspectors reviewed the licensee's record retention activities to ensure that required records were being retained for the appropriate duration. The inspectors determined that records were retained appropriately and that the storage facilities provided adequate security to prevent access to personal information by unauthorized personnel.

## 3.0 Exit Interview

An exit interview was conducted on March 26, 1993, at the Indian Point Station, Unit 3. The personnel listed below were present. During this meeting, the inspectors reviewed the scope and findings of the inspection. The licensee agreed with the inspection findings.

Other licensee and contractor personnel were contacted/interviewed by the inspectors in the conduct of the inspection.

### Exit Interview Attendees:

J. Perrotta, General Manager - Support Services  
J. Dube, Safety and Fire Protection Manager  
J. Fitzsimmons, Security Manager, Indian Point 3  
W. Harrington, Director of Security, Fire and Safety  
J. Hahn, Corporate Security Manager  
W. Heady, Access Control Supervisor  
E. Hojnacki, Access Control Program Administrator  
J. Mosher, Security Administration Coordinator  
A. Hughes, Quality Assurance Specialist  
J. Comiotes, Licensing Manager

G. Tracy, Senior Resident Inspector, USNRC  
B. Westreich, Resident Inspector, USNRC