

U.S. NUCLEAR REGULATORY COMMISSION

REGION III

Report No. 50-483/90020(DRSS)

License No. NPF-30

Licensee: Union Electric Company
P.O. Box 149 - Mail Code 400
St. Louis, MO 63166

Facility Name: Callaway County Nuclear Power Station, Unit 1

Inspection At: Callaway Site, Callaway County, Missouri

Inspection Dates: November 5-9, 1990

Inspector:

G. M. Christoffer
G. M. Christoffer
Physical Security Inspector

12/6/90
Date Signed

Approved By:

James R. Creed
James R. Creed, Chief
Safeguards Section

12/6/90
Date Signed

Inspection Summary

Inspection on November 5-9, 1990 (Report No. 50-483/90020(DRSS))

Areas Inspected: Routine, unannounced physical security inspection involving: audits; protected and vital area physical barriers; detection and assessment aids; alarm systems; communications and two allegations pertaining to fitness for duty issues.

Results: The licensee was found to be in compliance with NRC requirements within the areas examined. The licensee's performance meets regulatory requirements and the program is adequately implemented. The allegations were substantiated in part.

REPORT DETAILS

1. Key Persons Contacted

In addition to the key members of the licensee's staff listed below, the inspector interviewed other licensee employees and members of the security organization. The asterisk (*) denotes those present at the Exit Interview conducted on November 9, 1990.

- *G. Randolph, General Manager, Nuclear Operations, Union Electric (UE)
 - *G. Pendergraff, Superintendent, Security, UE
 - *J. Clark, Assistant Superintendent, Security, UE
 - *W. Stubblefield, Superintendent, Personnel, UE
 - *J. Gearhart, Superintendent, Quality Assurance (QA), UE
 - *T. Stotlar, Supervisory Engineer, QA, UE
 - *E. Thorton, Engineering Evaluator, QA, UE
 - *L. Eitel, Engineer, QA, UE
 - *B. Scott, Site Security Supervisor, Burns International Security Services Inc. (BISSI)
 - *G. Hill, Training Supervisor, BISSI
 - *T. Costner, Safeguards Coordinator, BISSI
 - *L. Walling, Administrative Supervisor, BISSI
- B. Bartlett, Senior Resident Inspector, USNRC
C. Brown, Resident Inspector, USNRC

2. Entrance and Exit Interviews (IP 30703)

- a. At the beginning of the inspection, Mr. G. Pendergraff of the licensee's staff was informed of the purpose of this visit and the functional areas to be examined.
- b. The inspectors met with the licensee representatives denoted in Section 1 at the conclusion of the inspection on November 9, 1990. A general description of the scope of the inspection was provided. Briefly listed below are the findings discussed during the exit interview. The details of each finding discussed are referenced, as noted, in this report. Included below is a statement provided by or describing licensee management's response to each finding.
 - (1) The licensee acknowledged the inspector's comments that no violations, deviations or other findings were identified during this inspection.
 - (2) The licensee acknowledged the inspector's comments that the information regarding the allegations would be discussed with NRC management. Additionally, if any areas of concern were identified, the inspector would telephonically contact the licensee.
 - (3) During the discussion of the review of one of the allegations, the inspector pointed out that it is NRC's position that not conducting

testing for cause when the smell of alcohol on a person is detected is less than conservative and, according to NRC Headquarters, does not meet the full intent of the regulations (10 CFR 26.24(3)). The licensee was told that because the regulation is not specific on the topic, no violation would be cited.

The licensee's position was that the smell of alcohol on an individual in itself is not enough justification to subject individuals to being tested "for-cause." They feel that 10 CFR 26.24(3) allows them the latitude to consider other factors prior to subjecting individuals to a for-cause test such as: the observation of employee, interviewing the employee to ascertain if signs of impairment are evident, obtaining other information that may support reasonable suspicion that the employee is under the influence of alcohol, or learning if there is an explanation as to why he smells of alcohol (i.e. working with cleaning agents). They feel that "smelling" is not a form of "observation" included in for-cause test criteria. They feel that employees should be afforded an indepth investigation utilizing the tools allowed them by 10 CFR 26.24(3) prior to being subjected to a for-cause test rather than based on an apparent scent of alcohol only.

3. Program Areas Inspected (MC 0610)

Listed below are the areas which were examined by the inspector within the scope of these inspection activities in which no violations, deviations, unresolved or open items were identified. These areas were reviewed and evaluated as deemed necessary by the inspector to meet the specified "Inspection Requirements" (Section 02) of the applicable NRC Inspection Procedure (IP) and the licensee's approved security plan. Only those areas in which findings were identified are discussed in subsequent report sections. Sampling reviews included interviews, observations, testing of equipment, document reviews and, at times, drills or exercises that provide independent verification of your ability to meet security commitments. The depth and scope of activities were conducted as deemed appropriate and necessary for the program area and operational status of the security system.

<u>Number</u>	<u>Program Area and Inspection Requirements Reviewed</u>
81700	<u>Physical Security Program for Power Reactors</u> <ol style="list-style-type: none"><u>Management Support:</u> (01c) Program and Corrective Action System for Annual Audits; Qualifications and Independence of Auditors.<u>Protected and Vital Areas Barriers:</u> (02a) PA and VA Barriers Meet Commitments and Provide Required Penetration Resistance; (02b) Isolation Zones Adequately Maintained; (02c) Detection Aids Functionally Effective, Meet Commitments, and no Vulnerabilities to Avoid Detection (02d) Assessment Aids Functional and Effective and Meet Commitments.

- c. Alarm Stations and Communications: (04a) Alarm Stations Adequately Equipped with Alarm; Surveillance, and communications, Continuously Manned and Independent Functioning Capability; (04c) Alarm Stations Have Continuous Communication Capability with Guards and LLEA.

4. Allegation Review

Allegation RIII-90-0085

On August 22, 1990, NRC's Region III received allegations via telephone from a named alleged. The allegations were issues concerning security at the Callaway Nuclear Power Plant.

Allegation No. A: In 1985, security vehicle search personnel found a bag of suspected marijuana in the cab of a truck. Instead of confiscating the substance and detaining the suspect for local law enforcement, the Assistant Superintendent of Security (ASA) told security personnel not to report the incident and dumped the substance and let the individual go.

Review Action Taken: The inspector interviewed eight security persons who were employed in security positions at Callaway during 1985. There were no incident reports to review since the licensee is only required to retain records of security incidents for three years, per 10 CFR 73.70(f). The inspector reviewed the applicable portions of several versions of security procedure SDP-ZZ-PP005, entitled "Protected and Vital Area Entry/Exit," dated October 1, 1985, May 9, 1985, January 23, 1985, and September 7, 1984. There were no explicit instructions in the procedures on what to do if contraband was found during a vehicle search. Also, reviewed was the security department post instruction for vehicle search officer dated September 28, 1990, which does currently include instructions on what to do if contraband is found on a vehicle. Currently, the driver of a vehicle is handed a card before he enters the protected area. The card explains the policy for action to be taken if any contraband is found during a vehicle search, i.e. would not be allowed access into the protected area and the Sheriff's Department would be notified immediately.

The majority of the individuals interviewed could not recall specifics about the incident described by the alleged. The ASA stated that in the summer of 1985, he recalls being notified by a member of the contract security force that contraband was found during a vehicle search. The ASA was given the contraband which was contained in a baggie and consisted of a few seeds and leaf dust. He suspected it to be marijuana. He walked outside the protected area with the driver and assessed his condition and could not find any signs of substance use or impairment. The ASA mentioned that he has had prior law enforcement background and training to identify drug/alcohol use. He determined that the driver was not a threat to the facility nor to himself. The driver then dumped the substance in a ditch filled with water and was allowed to drive his vehicle into the protected area accompanied by an armed guard and deliver his load. The law enforcement authorities were not notified because during previous discussions they had indicated that very small amounts of marijuana would not be investigated

due to police shortages. Interviews with the ASA and Superintendent of Security (SS) disclosed that there were no procedures in 1985 on how to handle such situations. In those days, the law enforcement authorities were understaffed and had an unwritten policy that unless a felony quantity of drugs was involved expending resources would not prove productive. These situations were handled on a case-by-case basis following the guidance provided by the law enforcement authorities. The SS and ASA both stated that currently, the discovery of contraband would be reported because of NRC regulations regarding reportability of security events and the Fitness-for-Duty policy. (It should also be noted that currently, no "for-cause" test would be required in this case because the escorted truck-driver would not be subject to 10 CFR 26).

Conclusion: It was confirmed that in 1985, a bag of a very small amount of suspected marijuana was found during a vehicle search and the ASA did not report the incident to law enforcement authorities but instead had the driver dispose of the alleged marijuana. The driver was allowed access to the protected area accompanied by an armed guard because there were no signs of use or impairment. There was no violation of NRC requirements. Procedures are currently in place to address actions to be taken if such an event would occur. The incident is required to be handled differently now. This matter is considered closed.

Allegation No. 8: During a refueling outage in 1986 or 1987 a truck driver was found with a half-pint of vodka in the cab. The Assistant Superintendent of Security (ASA) allegedly told security officers that vodka could not be detected by smell and to let the driver continue. Security officers felt it was obvious that the driver was under the influence.

Review Action Taken: The inspector interviewed eight security persons who were employed in security positions at Callaway during 1985. This included the officer who wrote a specific incident report relating to this matter. His report could not be reviewed since the licensee is only required to retain records of security incidents for three years per 10 CFR 73.70(f). The inspector reviewed an incident/investigation log which indicated that on March 18, 1986, (this was during a refuel outage) a report was initiated because liquor was found during a vehicle search.

The following information was reconstructed during interviews. Apparently, a truck was making a delivery to Callaway and when asked if he had any contraband, the driver stated he had none. During a search of the sleeper compartment the vehicle search officer found a pint of vodka. He stated he determined that the driver was not drunk, but had been drinking. However he could not specifically recall how he had arrived at that conclusion. A Burns supervisor was called and took possession of the vodka. The truck driver met with Callaway and Burns security management and a determination was made that the driver was able to safely drive the truck and was not a threat to the facility. The truck entered the protected area accompanied by an armed security officer. The guard involved could not remember the ASA being in the decision making meeting. It could not be confirmed that the ASA was involved in this event, however, recollections were that he usually was the individual involved. The ASA stated that, contrary to the allegation he would not tell anyone

you cannot detect vodka by smell, because his position is it can be detected by smell, although sometimes very difficult. Others could not remember that statement being made by the ASA. The licensee currently has a vehicle search officer post instruction dated September 28, 1990, that gives explicit instructions on the actions to be taken upon discovery of contraband, including alcohol.

Conclusion: It was confirmed that on March 17, 1986, liquor (vodka) was found in a truck during a vehicle search. It was determined that the driver was not a threat to the facility and was allowed access to the protected area accompanied by an armed guard. That determination was made jointly by several individuals. It could not be confirmed that the ASA was involved in this event. In previous years there was no specific written instructions regarding handling this type of incident. The licensee has currently in effect a post instruction which deals with discovery of contraband. No violations of NRC requirements occurred. This matter is closed.

Allegation No. C: In 1986, a construction worker pulled a knife on a security officer and was only given a one day suspension.

Review Action Taken: The inspector interviewed eight security persons who were employed at Callaway during 1985, this included the guard involved in this event. There were no incident reports to review since the three year time limit expired for retaining security incident reports. They had been routinely destroyed sometime ago. A review of the incident/investigation report log, showed that on December 19, 1986, a report was written regarding "unusual behavior in the containment building elevator." The information was reconstructed through interviews. On December 19, 1986, a guard was on patrol and saw an individual he had seen many times at the plant. They exchanged some informal joking comments and entered the elevator. They were the only ones in the elevator when the contractor pulled out a 2-inch knife and touched the front of the guard's shirt with the blade and said something like - "You don't really see this, it's your imagination. The guard was stunned and shaken by the behavior, but he didn't apply any defensive tactics because he did not feel his life was being threatened. The officer didn't report it to supervisors until one hour later, after he talked to another officer who apparently indicated that this type of matter should be reported. The officer did not press charges. The contractor was interviewed by the ASA and the individual's supervisor. They considered the contractor's behavior as a bad act, but not a direct threat to the facility. He was given 3 days off and had to see a psychiatrist before returning to work. At that time the licensee had a continuous observation program and no other problems with this individual had been identified prior to or after the incident.

Conclusion: It was confirmed that on December 19, 1986, a contractor individual pointed a small knife at a security officer. Licensee management and the contractor's supervisor were made aware of the event and took followup action. There were no violations of NRC requirements. This matter is closed.

Allegation RIII-90-0095:

On September 24, 1990, we received allegations via telephone from two anonymous allegers. The allegations related to the implementation of the Fitness for Duty Program at the Callaway Nuclear Power Plant. The allegers stated that on September 23, 1990, the licensee's contract security force became aware of someone with the smell of alcohol on his breath. The security officers escorted the individual offsite and contacted the contractor's supervisor and a Union Electric (UE) supervisor. The individual was not given a breathanalysis test for alcohol and was allowed site access.

Review Action Taken: The inspector interviewed eight security persons and three Fitness for Duty Program personnel. The incident report file that the licensee had developed regarding this event was reviewed.

Information developed from these sources indicated that on September 23, 1990, a security officer observed a contractor employee inside the protected area, who apparently had the odor of alcohol on his breath. He allegedly stumbled while walking. Supervisors from the guardforce, Union Electric (UE) and the contractor were notified of the situation. The individual was escorted out of the protected area by members of the guardforce and into the security office building for an interview. The employee was then interviewed and observed by both a UE manager and a contractor manager. They determined from their interview that the individual had been drinking and he stated he had abstained for at least a five hour period before beginning work. They also could not detect any impairment or other reason to believe the individual was impaired. The individual has a limp caused by a previous injury and possibly this is what the officer had previously observed. The managers determined the individual was fit for duty and he was allowed to return to work. No breathanalysis test was given. It is Union Electric's position that the smell of alcohol on an individual in itself is not enough justification to subject individuals to being tested for cause. They feel the criteria established in 10 CFR 26.24(3) "Testing for Cause", allows utilities the latitude to consider other factors prior to subjecting individuals to a test for cause such as observing the employee; interviewing the employee to ascertain if signs of impairment are evident; obtaining other information that might support reasonable suspicion that the employee is under the influence of alcohol, and determining the individual has an explanation as to why he smells of alcohol (i.e., working with cleaning agents). In their evaluation of the rule they feel "smell" alone is not a form of "observation" included in the Test for Cause criteria. The licensee's procedure APA-22-00909 "Fitness for Duty" (FFD) Program Contractor/Consultant" allows them this latitude and was followed during this event.

It is NRC's position that not conducting testing for cause when the smell of alcohol on a person is detected is less than conservative and, according to NRC Headquarters, does not meet the full intent of the regulation (10 CFR 26.24(3)).

On September 26, 1990, the licensee issued a memorandum to all managers providing further clarification of the responsibilities in the specific area

of testing for cause. This information was also later discussed with security officers. Additionally, the security department revised on November 8, 1990, their post instruction regarding Fitness-for-Duty observation to further clarify security officers responsibilities.

In an unrelated matter one of the allegeders was also concerned that personnel undergoing pre-access screening for the current outage, are being held until the end of the day before they are given their urine and breathanalysis tests. This could allow a person's drug or alcohol use not to be detected. There is no regulatory requirement regarding this concern because pre-access tests may be announced ahead of time. It should be noted however that the FFD permanent record book was reviewed and the test times for pre-access screening were in fact scattered throughout the day. Interviews with the FFD program administrator revealed that there were no specific set times for this test.

Conclusion: It was confirmed that on September 23, 1990, a security officer smelled alcohol on a contractor employee in the protected area. He was escorted offsite. The licensee followed their FFD procedure and interviewed the individual and determined the individual was not impaired. He was allowed to return to work. This was done in accordance with their program. No violations of NRC requirements occurred. This matter is closed.