



**Wisconsin  
Electric**  
POWER COMPANY

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NRC-92-015

January 29, 1992

U. S. NUCLEAR REGULATORY COMMISSION  
Document Control Desk  
Mail Station P1-137  
Washington, D. C. 20555

Gentlemen:

DOCKETS 50-266 AND 50-301  
RESPONSE TO NOTICE OF VIOLATION  
INSPECTION REPORT 50-266/91020(DRSS);  
50-301/91020 (DRSS)  
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2

This letter is in response to the Notice of Violation (NOV) enclosed with your letter of December 31, 1991. The NOV is associated with the inspection conducted by Mr. G. L. Pirtle between August 28 and December 6, 1991. During this inspection, one Severity Level IV Violation of NRC requirements was identified. This NOV resulted from an inspection initiated by our Safeguards Event Report 91-S01-00 dated August 14, 1991. We concur with the facts of the NOV and our response follows.

The Fitness-for-Duty (FFD) Rule, 10 CFR Part 26.27(a), requires, in part, that prior to granting initial unescorted access to a protected area, the licensee shall obtain a written statement from the individual as to whether activities within the scope of 10 CFR Part 26 were ever denied the individual. If such a record is established, the unescorted access authorization must be based upon a management and medical determination of fitness for duty and the establishment of an appropriate follow-up testing program.

Contrary to the above, between March and July 1991, four contractor personnel who indicated in writing that they had been denied access at another nuclear plant did not have the required management and medical determination of fitness for duty completed prior to being granted unescorted access authorization to the protected area. An appropriate follow-up testing program was not established for the four contractor personnel because of the error.

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The violation, as restated in the previous paragraphs, is appropriately characterized as a Severity Level IV violation. However, as a minor correction, we note the four cases cited occurred between October 1990 and March 1991.

Our investigation revealed that these admissions were overlooked due to inadequate training of the personnel responsible for receipt of the forms. The form design was also inadequate, allowing the FFD disclosure to be overlooked.

On July 15, 1991, responsible personnel received training in the proper processing of the FFD disclosure form. In addition, Revision 3 to the FFD disclosure form was issued on July 22, 1991, moving the disclosure to the front of the page and simplifying the language. When the drug/alcohol test result package is prepared by the Medical Review Officer, the form is collated at the top of the stack. The person responsible for review of the disclosure is required by procedure to initial and date the form next to the disclosure. A written procedure was developed detailing the processing of FFD information and is now part of the Security Division's office procedures for FFD. In addition, one FFD procedure is being revised and a new procedure is being issued to address this issue, as described in our response to weakness number 2 below.

The Inspection Report also cited four weaknesses:

1. Security Plan requirements do not adequately address contractor screening criteria.

While we had not committed to 10 CFR 73.56, we have been exceeding the requirements for some time. Our letter transmitting the changes to the Security Plan formalizing the implementation of the provisions of 10 CFR 73.56 was sent to you on January 27, 1992. In the characterization of this weakness on Page 7 of the Inspection Report, the planned submittal date was incorrectly stated as January 31, 1991.

2. Written guidance for reviewing past self-disclosed FFD access denials was not included in formal FFD procedures.

In response, Wisconsin Electric will revise an existing procedure and create a new procedure in the Fitness-for-Duty Program Procedures Manual to address this issue by February 1, 1992.

3. More definitive guidance for contractors was needed in reference to actions to take for past FFD-related access denials.

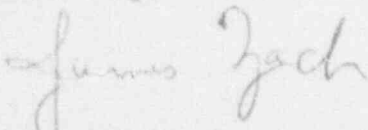
On September 30, 1991, Wisconsin Electric sent a Letter of Notice, enclosing copies of the Fitness-for-Duty Program Procedures Manual Section 5, to each self-screening contractor, advising them of their responsibility to inform Wisconsin Electric of past denials of access of their personnel, pursuant to 10 CFR Part 26.23(a). We believe this addresses the NRC concern.

4. A contractor's response to some audit findings did not address root causes.

In response, future audits of self-screening contractors will include root cause analysis of deficiencies.

If you have any questions concerning this information, please contact us.

Sincerely,



James J. Zach  
Vice President  
Nuclear Power

Copies to NRC Regional Administrator, Region III  
NRC Resident Inspector