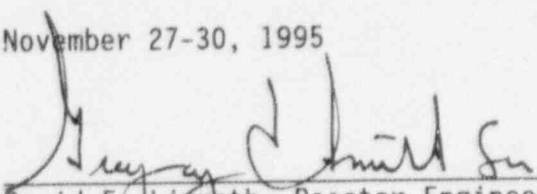


U. S. NUCLEAR REGULATORY COMMISSION
REGION I

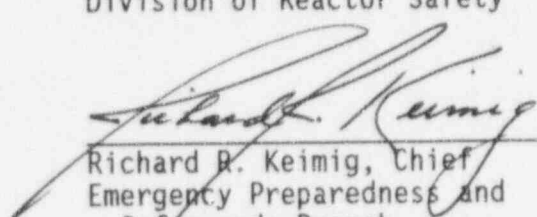
DOCKET/REPORT NO: 50-219/95-23
LICENSEE: GPU Nuclear Corporation
Parsippany, New Jersey 07054
FACILITY: Oyster Creek Nuclear Generating Station
LOCATED AT: Forked River, New Jersey
INSPECTION DATES: November 27-30, 1995

INSPECTOR:


David F. Limroth, Reactor Engineer
Civil, Mechanical, and
Materials Engineering Branch
Division of Reactor Safety

1/26/96
Date

APPROVED BY:


Richard B. Keimig, Chief
Emergency Preparedness and
Safeguards Branch
Division of Reactor Safety

1-26-96
Date

Areas Inspected: Access authorization program administration and organization; background investigation elements; psychological evaluations; behavioral observation; "Grandfathering," reinstatement, and transfer of access authorization; temporary access authorization; denial/revocation of unescorted access; audits; and records and records retention.

Results: The licensee's access authorization program was assessed as providing high assurance that individuals granted unescorted access are trustworthy, reliable, and do not constitute an unreasonable risk to the health and safety of the public, including a potential to commit radiological sabotage. No matters of noncompliance were noted in the inspection. The inspectors noted a weakness related to various instances of the lack of readily-available data on which access authorization was based. The lack of an administrative control that implements the program was noted to be a possible cause of certain inconsistencies noted during the inspection.

DETAILS

1.0 BACKGROUND AND PURPOSE

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 letter of March 4, 1992, forwarded Revision 29 to its Physical Security Plan, which stated, in part, "GPU Nuclear uses USNRC Regulatory Guide 5.66 and NUMARC 89-01 for the Access Authorization Program..."

The NRC Region I letter of May 31, 1992, to the licensee stated that the changes submitted had been reviewed and, with agreed-upon modifications, were determined to be consistent with the provisions of 10 CFR 50.54(p) and acceptable for inclusion in the security plan.

This inspection, conducted in accordance with NRC Inspection Manual Temporary Instruction 2515/127, Access Authorization, assessed the implementation of the licensee's AAP to determine if the program is commensurate with regulatory requirements and the licensee's physical security plan (the Plan), and to identify AAP strengths and weaknesses in the areas inspected. The programmatic aspects of the AAP are common with those of the licensee's Three Mile Island Station, which was inspected in August 1995 (see NRC Inspection Report Nos. 50-289/95-11 and 50-320/95-06); therefore, the scope of this inspection was limited to the implementation aspects of the program at the Oyster Creek Nuclear Generating Station.

2.0 ACCESS AUTHORIZATION PROGRAM

2.1 Administration and Organization

The overall requirements for the implementation of the GPU Nuclear Corporation's access authorization program are defined within three documents. GPU Nuclear Corporate Policy and Procedure Manual Procedure 1000-ADM-1510.03, "Screening Requirements for Unescorted Access to Protected/Vital Areas of GPU Nuclear Generating Plants," defines the overall requirements for the access authorization program, less the criminal history checks and the behavioral observation program requirements. These two portions of the program are defined in Procedures 1000-ADM-1500.07, "Criminal History Check Procedure," and 1000-ADM-2002.06, "Fitness-For-Duty Program," respectively.

Responsibilities for the implementation of the access authorization program within GPU Nuclear Corporation are shared by the Manager, Nuclear Security who is responsible for defining the background investigation, suitable inquiry and psychological screening program requirements; the Director, Human Resources, who is responsible for defining the fitness-for-duty program requirements (which includes the behavioral observation program, an element in common with the access authorization program); the site's Access Center

Coordinator, who, reporting to the site's Manager, Human Resources, is responsible for the initiation and initial review of the results of background investigations, criminal history checks, and psychological screening; the site's Support Training Manager, who is responsible for providing training in support of the behavioral observation program (and general employee training); and the site Security Manager, who is responsible for the granting or denying of access to the facility based on satisfactory results of the above.

The Access Center is staffed by an Access Center Coordinator and two administrative personnel, one of whom has recently been assigned and is in training. Through interviews and inspection of documentation, the inspectors determined that personnel responsible for the administration and implementation of the program were familiar with their duties and responsibilities.

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 applicant prior to granting unescorted access to protected and vital areas. The inspectors reviewed the results of the background investigations (BIs) of more than 75 licensee employees and contractor personnel.

The licensee employs one contractor to conduct background investigations of both licensee and contractor personnel. The scope and depth of these investigations are prescribed in Contract No. 0540939, dated July 17, 1995. This contract had been reviewed previously and was determined to be comprehensive and adequately prescribed the requisites to satisfy the NRC regulatory requirements that the contractor was to perform. The reports of the investigations that the inspectors reviewed were found to be in accordance with the licensee's specifications and provided adequate background information to aid in making a determination regarding access authorization.

In accordance with 10 CFR 73.57, the licensee is responsible for initiating criminal history checks of individuals applying for unescorted access authorization and for considering all information received from the Attorney General. Among the records reviewed at random by the inspectors was the record of one person whose fingerprint records had been returned with derogatory information that was assessed as unacceptable by the licensee. Access authorization was appropriately terminated.

In the review of the background investigation data of the personnel records maintained by the Access Center, the inspectors noted that virtually all records of access authorization, initiated by the licensee in the 1992-mid-1993 period, reflected the closeout of the temporary access authorization and granting of completed access authorization prior to the receipt of the criminal history information from the FBI. The inspectors noted that these records all contained the fingerprint card that had been returned by the FBI following the FBI criminal history check; however, since the administrative check sheet used to assist in assuring that all prerequisites had been

completed and signed off as "NA" (not applicable) for the receipt of the criminal history report, there was no documented evidence that the report had been reviewed. The inspectors' review of these criminal history reports did not identify any record that would have necessitated adjudication. In an interview with a prior Access Center Coordinator, the inspectors determined that this incorrect practice had been identified by the licensee in the August 1993 time frame and immediately corrected. Inspector review of records of access authorization granted after that time period indicated satisfactory correction of the problem. This was identified and promptly corrected by the licensee; and, in consideration of the fact that none of the criminal history reports reviewed by the inspectors contained material that would have adversely affected the final outcome of the background investigation, this matter is not of regulatory significance.

Overall, the inspectors concluded that the records contained background investigation information on which a decision regarding granting access authorization could be based.

2.3 Psychological Evaluations

The inspectors interviewed the member of the Access Center staff, who administered the Minnesota Multiphasic Personality Inventory (MMPI) and determined that the person had been trained and qualified in its administration.

The inspectors determined, through inspection of records, that positive identification of MMPI candidates was verified and the method of identification was documented in the candidate's (applicant) record. Records were reviewed that documented that the tests were properly monitored by Access Center personnel.

The inspectors determined, through interviews, that answer sheets for the MMPI were transmitted via telephone facsimile to the psychologist's office facility, and the results were transmitted back to the licensee via telephone facsimile.

Through review of records, the inspectors determined that MMPI results were being reviewed by qualified psychologist(s), as required. The psychological screening program, which has been in place for approximately 17 years, was found to be well managed and to provide timely support to the AAP.

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 that could adversely affect trustworthiness and reliability and to report such to appropriate licensee management for evaluation and action. The program had been instituted as part of, and is an element in common with, the licensee's FFD program. The inspectors reviewed the licensee's BOP training program and related lesson plans and concluded that they were adequate to support the program. Interviews conducted throughout the inspection with various persons

representative of a cross-section of licensee and contractor personnel, both supervisory and nonsupervisory, indicated a satisfactory knowledge of program requirements and the awareness of a person's responsibility to report arrests to the licensee. The inspectors concluded that BOP training satisfied regulatory requirements.

2.5 "Grandfathering," Reinstatement, and Transfer of Access Authorization

2.5.1 "Grandfathering"

Included in the cross-section of records selected at random were several 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 access authorization rule. The inspectors noted that, in all such cases, none of the records reviewed revealed anyone who had been granted unescorted access authorization without having satisfied the requisite elements of the program. Further, records of all persons who had been "grandfathered" indicated employment that qualified for continued access authorization under the "grandfather" provision of Regulatory Guide 5.66.

Based on the above, the inspectors concluded that the "grandfather" provisions had been implemented properly.

2.5.2 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 granted, the individual's unescorted access authorization was terminated within 365 days of the reinstatement request, termination was under favorable conditions, and FFO program requirements were met. Additionally, the inspectors determined, through review of Procedure 1000-ADM-1510.3, records, and interviews with Access Center personnel, that the licensee determined that the activities engaged in by individuals during their absence did not have the potential to affect their trustworthiness and reliability.

The inspectors determined that the reinstatement portion of the access authorization program was being implemented satisfactorily.

2.5.3 Transfer of Access Authorization

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

One record reviewed by the inspectors involved a contractor whose access authorization had been transferred under the provisions of "Nuclear Power Plant Personnel Access Authorization Data Exchange Guidelines," NUMARC 91-03, the provisions of which have been reviewed and found to be acceptable by the NRC. The transferred access authorization data had been received and reviewed

by the Access Center personnel at the Three Mile Island Station and entered into a computer data base shared by both facilities. That computer-based data was reportedly used for granting access authorization to the Oyster Creek Station; however, no record was available at Oyster Creek that reflected the data upon which access authorization was granted other than the current computer screen, which is subject to change with each update of information. (It had been noted during the inspection at the Three Mile Island Station that the facility printed copies of all screen data used for granting access authorization in order to preserve the history of the data on which access authorization was based and filing, such as record copies in the individual's Access Center file.) While the data was subsequently retrieved by means of a computer "audit" process, the lack of readily-available data that reflected the basis for the granting of access authorization is considered a weakness.

The inspectors concluded that, with the exception of the above-noted weakness, the transfer of access authorization aspects of the program was properly implemented.

2.6 Temporary Access Authorization

Among the records selected at random for review by the inspectors were those that included the results of an abbreviated scope investigation, which is used as the basis for granting temporary unescorted access authorization, as permitted by the Rule. The results of these investigations provided adequate information (character and reputation from one developed reference, employment history for the past year, and a credit check) on which to base temporary access authorization. The inspectors noted that, in these records, there were no instances in which rescission of access authorization based on the abbreviated investigation was necessitated following receipt of the full five-year investigation (excluding information furnished by the FBI pursuant to 10 CFR 73.57).

2.7 Denial/Revocation of Unescorted Access

The inspectors reviewed the licensee's provisions for the review of appeals of denial or termination of access authorization and determined that persons are informed of the basis for denial or revocation of access authorization, have the opportunity to provide additional information for consideration of access authorization, and if requested by the affected individual, have the decision and any additional information reviewed by the Manager, Nuclear Security, whose decision is final. The inspectors concluded that this aspect of the program was being adequately implemented.

2.8 Audits

The inspectors reviewed reports of four audits that included the access authorization program. The first, S-OC-92-18, conducted 3/3/92-3/18/92, evaluated the implementation of the access authorization program at the Oyster Creek station. The audit, which satisfied the requirements of 10 CFR 73.56(g)(1), was determined to be thorough and identified some minor deficiencies that were immediately corrected. Audits of the Security Program S-OC-92-12, conducted 9/25/92-11/30/92; S-OC-93-13, conducted 9/30/93-11/1/93;

and S-OC-95-08, conducted 5/22/95-7/18/95, included the access authorization program. The latest audit identified one deficiency related to the educational history element of the background investigation. Specifically, the educational history of four contractor personnel, who had claimed post-high school attendance leading to degrees, had not been verified because the claimed education had occurred more than five years before the application for access authorization. This is not consistent with Regulatory Guide 5.66 or the licensee's program procedure requirements. When it was identified by the licensee, it was promptly corrected, and the inspectors noted no further examples in the various records reviewed. This matter is not of regulatory significance.

The inspectors did note, however, that the matter dealing with criminal history reports not having been received and reviewed prior to the granting of access authorization in the 1992 time frame had not been identified in either of the 1992 audits during which the practice was occurring. This matter, along with the apparently limited scope of the second and third audits, was discussed with the Nuclear Safety Assessment Manager who stated that a monitoring of the program would be conducted during the first quarter of 1996, prior to the increased contractor population necessitated by the fall 1996 outage. The results of the monitoring will be reviewed in a subsequent inspection.

The inspectors concluded that, with the exception of the above-noted item, the audit program was being satisfactorily implemented.

One of the inspectors had previously reviewed GPU Nuclear Audit Report No. O-COM-94-15, a report of the audit of the contractor that provided background investigation and suitable inquiry services for the licensee. This audit had been found to be thorough and adequately addressed the requisite background investigation elements of the access authorization program and the specific elements of the contract with the background investigation contractor. One recurring deficiency was reported in this audit. The contractor's corrective action response was reviewed by the inspector, along with a report of an audit of the same contractor performed by another licensee that furnished an acceptable basis for the closing of the audit finding by GPU Nuclear (Reports of Audits Nos. A-COM-95-01, A-COM-95-03, A-COM-95-04, and A-COM-95-07). These audits, performed in accordance with the recently-issued Nuclear Energy Institute Standardized Industry Audit Process for Licensee-Approved Contractor/Vendor Access Authorization and Fitness-For-Duty Programs and NEI 94-02, were found to be comprehensive and examined required program elements.

2.9 Records and Record Retention

The inspectors noted in their reviews some degree of inconsistency among records created during the same time frame by different persons. This inconsistency was found to be more prevalent during periods of high activity when the Access Center staff was augmented by temporarily-assigned persons. Some records appeared to be incomplete; however, the Access Center personnel were able to recover the data, usually through an audit of computer records, in all such cases. The inspectors discussed this concern (and other records-

related matters documented in this report) with the Access Center Coordinator and the Manager, Human Resources. The inspectors also discussed the lack of an administrative control governing the implementation of the program and the probability of this being a significant contributor to the above-noted weaknesses. During a post-inspection telephone conversation on December 8, 1995, between an inspector and the Access Center Coordinator, the inspector was informed that an administrative directive was being developed by a member of the Center's staff. The administrative directive will be reviewed during a subsequent inspection.

The inspectors reviewed the licensee's record retention activities and determined that required records were being retained for the appropriate duration. The inspectors further determined that the storage facilities that provided adequate security and access to those records were adequately controlled to preclude disclosure of personal information to unauthorized personnel. Records are stored in locked file cabinets in a locked room to which unauthorized personnel do not have access. Overall, the inspectors concluded, based on observations of ongoing operations and with the exception of the records-related matters discussed within this report, that records were being maintained satisfactorily and that record retention practices were adequate to provide requisite security of sensitive personal information.

3.0 EXIT INTERVIEW

An exit interview was conducted on November 30, 1995, at the Oyster Creek Nuclear Generating Station with the below-listed persons. 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.

- S. Levin, Director, Operations and Maintenance
- R. Cook, Manager, Human Resources
- R. Tilton, Nuclear Safety Assessment Manager
- G. Busch, Licensing Engineer
- C. Scarpinato, Access Center Coordinator
- R. Pezzella, Security Operations and Maintenance Supervisor

- L. Briggs, Senior Resident Inspector, NRC
- S. Pindale, Resident Inspector, NRC
- M. Bugg, NRC Intern

In addition to the above persons, other licensee and contractor personnel were contacted/interviewed by the inspectors during the period of the inspection.