

U. S. NUCLEAR REGULATORY COMMISSION

REGION III

Report No. 50-315/91020(DRSS); 50-316/91020(DRSS)

License No. DPR 58; DPR 74

Licensee. Indiana Michigan Power Company
1 Riverside Plaza
Columbus, OH 43216

Facility Name: Donald C. Cook Nuclear Power Station, Unit 1 and 2

Inspection at: Donald C. Cook Plant Site, Bridgman, Michigan
and NRC Region III Office in Glen Ellyn, Illinois

Inspection Conducted: September 17, 1991 - June 30, 1992

Inspector: Gary L. Pirtle
Gary L. Pirtle
Plant Protection Analyst

7/22/92
Date

Approved By: James R. Creed
James R. Creed, Chief
Safeguards Section

7/23/92
Date

Inspection Summary

Inspection Between September 17, 1991 and June 30, 1992 (Reports No. 50-315/91020(DRSS); 50-316/91020(DRSS))

Areas Inspected: Included a reactive inspection of portions of the Fitness-For-Duty (FFD) program and portions of the personnel security, access authorization program.

Results: One noncited violation was noted in reference to failing, in one case, to accurately respond to a suitable inquiry question from a health physics contractor. The licensee's security department's followup on a health physics contractor security screening program with potential deficiencies was timely, aggressive, and well documented.

DETAILS

1. Key Persons Contacted:

- A. Blind, Plant Manager
- *L. Matllias, Administrative Superintendent
- *W. Hodge, Security Manager
- *K. Alexejun, Fitness-for-Duty Administrator
- *S. Ganes, Quality Assurance Auditor
- *J. Labis, Security Department

The asterisk (*) denotes those present during the telephone exit interview conducted on June 30, 1992.

2. Entrance and Exit Interviews:

- a. At the beginning of the inspection, A. Blind, Plant Manager, and other members of his staff were advised of the purpose of the inspection and the areas to be examined.
- b. The inspector conducted a telephone exit interview with the licensee representatives denoted in Section 1 at the conclusion of the inspection on June 30, 1992. A general description of the scope of the inspection was provided. Briefly listed below are the findings discussed during the telephone exit interview. The details of each finding discussed are referenced, as noted, in this report.
 - (1) The personnel present were advised that a noncited violation was noted because the licensee failed, on one occasion, to provide accurate information about a person's access being denied during a suitable inquiry conducted by a health physics contractor (Refer to Section 4 for details).
 - (2) The licensee responded in a timely and aggressive manner when advised by another nuclear utility that a person with unescorted access at their plant may have had undisclosed past alcohol-related incidents (Refer to Section 5).

3. Background Information:

On July 25, 1991, another licensee advised the D. C. Cook security organization that an audit of a health physics (HP) contractor had identified derogatory information for a contractor employee who had current access to the D. C. Cook plant. The derogatory information (two incidents of Driving While Impaired (DWI) and a possession of marijuana charge occurring between 1986 and 1989) was evaluated by the licensee's Medical Review Officer (MRO). The MRO recommended that the contractor employee be included in the Fitness-For-Duty (FFD) monitoring program and that additional supervisor observation be performed. The licensee determined that revocation of the individual's unescorted access was not warranted at that time.

On August 19, 1991, the contractor employee tested positive (.04 or higher blood alcohol concentration) during an alcohol breath analysis test and unescorted access was terminated.

Based upon the information received from another licensee on July 25, 1991, D. C. Cook staff advised the HP contractor security director on July 29, 1991, that it was a mandatory requirement for negative information which could affect the granting of unescorted access to be reported to the licensee's security department prior to requesting unescorted access to the plant.

On August 15, 1991, the licensee received an allegation that the contractor HP's access authorization screening process was deficient. Based upon the information, the licensee conducted a surveillance of the HP contractor's background screening program between August 21 and September 5, 1991 (security surveillance number: SEC-91-02, Report dated October 3, 1991).

The surveillance report noted that five deviations were identified which would require further corrective and/or preventive actions by the HP contractor. The surveillance report also noted that the contractor's implementation of the background investigation process was considered to be ineffective, and that the licensee's security department would review the contractor's subsequent security screening records for unescorted access to ensure compliance with approved procedures. The security department held a meeting with the contractor representatives on September 5, 1991 to discuss background screening concerns. The HP contractor responded to the surveillance report by letter dated November 9, 1991.

During the audit of the contractor's background screening program, the licensee discovered that the HP contractor employee with the 1986-1989 alcohol-related incidents had also been denied access at the D. C. Cook plant in 1988. In 1990, the HP contractor had made inquiries of D. C. Cook to verify the access denial before requesting unescorted access for the individual. The licensee had erroneously advised the HP contractor that they could find no record of access denial for the individual at the D. C. Cook plant.

By August 27, 1991, the licensee concluded that if they had known of the two previous alcohol-related incidents, plus the 1988 access denial at their plant, they would have denied the contractor employee unescorted access to the plant in 1991. A telephone report of this conclusion was made to the NRC on August 27, 1991, in accordance with 10 CFR 73.71(b) and Generic Letter 91-03, "Reporting of Safeguards Events," dated March 4, 1991. A written report, "Licensing Event Report" (LER) was submitted to the NRC on September 20, 1991 (LER No. 91-S01-00). The LER provided a summary narrative of the incident, and addressed completed corrective actions, and preventive actions to prevent recurrence.

The names of the individuals involved with access authorization screening deficiencies are not included in this report to protect their personal privacy. The name of the specific health physics contractor is not included in this report since the details, causes and impact of the specific screening deficiencies are still being evaluated. The

evaluation results relating to the health physics audit deficiencies will be addressed in separate correspondence at a later date. This report addresses the licensee's actions when advised of the contractor's security screening deficiencies, and the FFD program weakness noted during the inspection.

4. Fitness-For-Duty Program (IP 81502):

A noncited violation was noted pertaining to a failure by the licensee to provide, in one case, accurate information to a Health Physics (HP) contractor's suitable inquiry question.

A suitable inquiry is a best-effort verification of employment history for the past five years to determine if a person was in the past, tested positive for illegal drugs, subject to a plan for treating substance abuse, removed from or denied unescorted access at a nuclear plant or other employment in accordance with a FFD program.

During a licensee's surveillance of a HP contractor's security access authorization program, conducted between August 21-22, 1991, the licensee's representative (auditor) discovered information that an employee of the contractor had been denied access at the D. C. Cook plant in 1988, and the licensee did not advise the contractor of that access denial when the contractor made a specific inquiry on December 7, 1990. Documentation pertaining to the 1988 access denial had been boxed for storage and the person responding to the contractor's suitable inquiry question was not aware of the access denial.

This is a violation of 10 CFR 26.27(a) which requires the identity of a person denied unescorted access, and the circumstances for such denial, to be made available to a licensee's, contractor's, or vendor's suitable inquiry when supported by a signed release from the individual involved.

Although the above incident constitutes a violation, this violation is categorized at Severity Level IV and is not being cited because the criteria specified in Section V. G. 1 of the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy, 10 CFR Part 2, Appendix C, 1991), were satisfied. Immediate corrective actions consisted of reviewing all files that had been placed in boxes to ensure that past employees who may have had a FFD or security screening problem could be identified when FFD suitable inquiries or security background investigation inquiries are being made by authorized licensees, contractors, or vendors. The immediate corrective action appeared to be adequate.

5. Access Control-Personnel (IP 81070):

No violations, deviations, or unresolved items were noted in reference to the licensee's actions in response to deficiencies noted in a HP contractor's security background screening program. The licensee responded in a timely and aggressive manner when advised by another utility that a person with unescorted access at their plant may have had undisclosed past alcohol-related incidents. The surveillance of the HP contractor's security screening program was adequate in scope and depth, and the surveillance results were well documented. Based upon the

surveillance results, the licensee decided to review the contractor's screening files prior to approving unescorted access authorization. Such actions were proactive and aggressive in nature. (Refer to Section 3 for related information).