

U.S. NUCLEAR REGULATORY COMMISSION

REGION I

DOCKET\REPORT NO. 50-333\96-04
LICENSEE: New York Power Authority
LOCATION: Lycoming, New York
FACILITY: James A. FitzPatrick Nuclear Power Plant
DATES: April 15 - 18, 1996
INSPECTOR: Gregory Smith, Sr. Security Specialist
Emergency Preparedness and
Safeguards Branch
Division of Reactor Safety
APPROVED: Richard R. Keimig, Chief
Emergency Preparedness and
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Inspection Summary:

Inspection of the site access authorization program, including: program administration and organization; background investigation elements; psychological evaluations and behavioral observation; "grandfathering," reinstatement, and transfer of access authorization; temporary access authorization; denial/revocation of unescorted access; and audits and records retention.

Results: See Executive Summary.

EXECUTIVE SUMMARY

The licensee's access authorization program was assessed as being capable of 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. Program strengths were noted in the aggressive followup to disposition criminal history charges and the well organized and user-friendly record maintenance system.

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.

A March 2, 1992, letter from the licensee to the NRC forwarded Revision 14 to its physical security plan, which stated, in part, that all elements of Regulatory Guide 5.66, "Access Authorization Program for Nuclear Power Plants," have been implemented to satisfy the requirements of 10 CFR Part 73. An NRC April 21, 1992, letter to the licensee stated that the changes submitted had been reviewed and 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" dated January 17, 1995, assessed the implementation of the licensee's AAP to determine if the program was commensurate with regulatory requirements and the licensee's physical security plan, and to identify AAP strengths and weaknesses in the areas inspected.

2.0 ACCESS AUTHORIZATION PROGRAM ADMINISTRATION AND ORGANIZATION

The New York Power Authority (NYPA) access authorization program requirements are contained in two documents. NYPA Administrative Procedure AP 13.05, Revision 1, July 21, 1995, defines the overall requirements for the access authorization program. The fitness-for-duty and behavioral observation portions of the access authorization program are contained in NYPA Administrative Procedure AP 11.01 Fitness-for-Duty Program, Revision 2, July 31, 1995.

The responsibility for implementation of the access authorization program is vested in the Security/Safety Manager. The access screening and medical departments both report to the Security/Safety Manager. All access authorization functions are performed in the site access processing center. The consolidation of these functions in one location under the direction of the Security/Safety Manager has resulted in an effective process that allows NYPA to process personnel through the access program properly and in a timely manner.

Through interviews and inspection of documentation, the inspector determined that the personnel responsible for the administration and implementation of the program were familiar with their duties and responsibilities.

3.0 BACKGROUND INVESTIGATION ELEMENTS

The inspector 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, character and reputation of the applicant prior to granting unescorted access to protected and vital areas. The inspector reviewed the results of 30 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 NYPA Purchase Order S-94-67787, January 1, 1995. This document was reviewed and determined to be comprehensive and was found to prescribe the requisites to satisfy the licensee's program commitments. The reports of the investigations that were reviewed were found to be in compliance with the purchase order and provided background information on which to base a determination for access authorization.

The 30 BI reports also contained the information on which temporary access was granted or denied. The records of those 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. The inspector noted that any matter of questionable or suspect information was promptly reported to the licensee by the BI contractor with adequate detail to permit a reasonable determination regarding granting or denying of temporary access.

In accordance with 10 CFR 73.57, the licensee is responsible for initiating criminal history checks on individuals applying for unescorted access authorization, and for considering all information received from the U.S. Attorney General. Among the records reviewed by the inspector were the records of ten individuals whose fingerprint records had been returned with derogatory information. The inspector determined that the information had been properly evaluated and appropriate action had been implemented as a result of the derogatory information. The action included access denial for some individuals and "holds" placed on the access authorizations of those individuals who had left the site prior to the receipt of the criminal history records by the licensee. The "holds" on the access authorizations remain until the derogatory information is satisfactorily dispositioned. The inspector noted that the licensee was very aggressive in obtaining the disposition for arrests in the criminal history records when none was identified in the records received from the U.S. Attorney General. The obtaining of the arrest dispositions provided more information on which to base the decision to grant access authorization.

Overall, the inspector concluded that the records contained the required background investigation information on which an appropriate decision regarding granting access authorization could be based.

4.0 PSYCHOLOGICAL EVALUATIONS

The licensee has contracted with a licensed psychologist to provide oversight of the psychological testing program and to perform the requisite evaluations. All individuals seeking unescorted access to the site are required to satisfactorily complete the Clinical Analyses Questionnaire (CAQ) administered by licensee personnel that have been trained and certified by the psychologist. The answer sheets for the CAQ are electronically scanned at the site and, if the need for a clinical interview is indicated, the psychologist conducts the interview and recommends either access or denial to the licensee.

The inspector 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 his duties. The inspector concluded that this aspect of the program was being effectively administered, and was deemed to be a program strength.

5.0 BEHAVIOR OBSERVATION

The licensee's Behavioral Observation Program (BOP) was reviewed to determine whether the licensee had a training and a retraining program to ensure that supervisors have and maintain awareness and sensitivity to detect behavior that could reflect adverse changes with the potential for affecting 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 Fitness-for-Duty (FFD) Program. The inspector 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 individuals representative of a cross-section of licensee and contractor personnel, both supervisory and non-supervisory, indicated a satisfactory knowledge of program requirements and the awareness of the individuals' responsibility to report arrests to the licensee. The inspector concluded that BOP training satisfied regulatory requirements.

6.0 "GRANDFATHERING," REINSTATEMENT AND TRANSFER OF ACCESS AUTHORIZATION

6.1 "Grandfathering"

Included in the cross-section of records selected at random by the inspector were 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 NRC's access authorization rule. The inspector noted that in all cases, none of the records reviewed revealed anyone who had been granted unescorted access authorization without having satisfied the requisite elements of the program.

6.2 Reinstatement

The licensee's criteria for reinstatement of access authorization was 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 FFD program requirements were met. The inspector determined that the reinstatement portion of the access authorization program was being implemented satisfactorily.

6.3 Transfer of Access Authorization

The licensee incorporated the provision for the transfer of access authorization, both receipts in and transfers out, into its program. The records selected at random for review by the inspector included several examples of both. No discrepancies were noted. The inspector concluded that the transfer of access authorization aspects of the program were properly implemented.

7.0 TEMPORARY ACCESS AUTHORIZATION

Among the records selected at random for review by the inspector were those that included the results of abbreviated scope investigations, which are used as the basis for granting temporary unescorted access authorization, as permitted by the rule. The records of these investigation results contained adequate information (character and reputation from a developed reference, past year's employment history, and a credit check) on which to base temporary access authorization. The inspector noted that, in these records of abbreviated scope investigation, there were no instances in which rescission of access authorization, was necessitated following receipt of the full 5-year investigation (except in several cases following receipt of information furnished by the FBI pursuant to 10 CFR 73.57).

8.0 DENIAL/REVOCAION OF UNESCORTED ACCESS

The inspector reviewed the licensee's provisions for the review of appeals of denial or termination of access authorization, and determined that an individual is informed of the basis for denial or revocation of access authorization; has the opportunity to provide additional information for consideration and can have the decision, and any additional information, reviewed by the Plant Manager. The Plant Manager's decision on the appeal is final. The inspector concluded that this aspect of the program was being adequately implemented.

9.0 AUDITS AND RECORDS RETENTION

9.1

The inspector reviewed the most recent audit of the licensee's access authorization program (QA Audit A95-06W, conducted April 24-28, 1995). The audit identified no findings and three recommendations. The recommendations

were for program enhancements and upgrades. Two of the recommendations were implemented during the audit and the other shortly after the conclusion of the audit. The audit was determined to be comprehensive and indepth and the results were reported to the appropriate levels of management.

9.2 Records Retention

The inspector reviewed the licensee's record retention activities and determined that required records were being retained for the required time period. The inspector further determined that the storage facilities provided adequate security, and that access to those records was adequately controlled to protect personal information from unauthorized personnel. Records are stored in locked file cabinets, in a locked room, accessible only to authorized personnel. The inspector noted that the records were well organized and complete. The documentation for individuals with active access was filed separately from those whose access was no longer active. The records maintenance system was simple and user-friendly which facilitated record retrieval.

10.0 EXIT INTERVIEW

An exit interview was conducted on April 18, 1996, at the James A. FitzPatrick Power Plant with the below listed individuals. 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.

The principal licensee employees contacted during the inspection follow:

- G. Brownell, Licensing
- M. Colomb, Plant Manager
- R. Denbleykor, Access Control Coordinator
- D. Lindsey, General Manager, Maintenance
- D. Topley, General Manager, Support
- T. Teifke, Security/Safety Manager

In addition to the above, other licensee personnel were contacted/interviewed by the inspector during the period of the inspection.