

The Commissioners

May 20, 1998

SECY-98-110

FOR: The Commissioners

FROM: L. Joseph Callan /s/
Executive Director for Operations

SUBJECT: REPORT ON INSPECTION AND PROGRAMMATIC FINDINGS RELATING TO
THE CARL C. DREGA INCIDENT

PURPOSE:

To inform the Commission of the staff's inspection and programmatic findings in the incident involving Carl C. Drega and to obtain the Commission's approval to provide the attached report to the State of Vermont and to licensees that had employed Mr. Drega, as well as to place it in the Public Document Room.

BACKGROUND:

In August 1997, Carl C. Drega was involved in shootings in New England that left four people dead. He was subsequently killed in a confrontation with police. Mr. Drega had worked at, and been granted unescorted access to, three nuclear plants. NRC staff conducted inspections to determine whether the licensees who employed Mr. Drega acted properly in granting him unescorted access, whether the authorization and fitness-for-duty programs of these licensees were adequately implemented, and whether the individual exhibited any traits that might have led the licensees to deny him access. Inspections were conducted by a senior program manager from the Office of Nuclear Reactor Regulation (NRR) and a senior inspector from Region I, with the assistance of an investigator from the Office of Investigation's Region I Field Office.

DISCUSSION:

Mr. Drega was employed at Vermont Yankee (1992 and 1995), Pilgrim (1997), and Indian Point 3 (1997) as a temporary employee. During the inspection effort, it was reported that Mr. Drega might have worked at Seabrook. However, although Mr. Drega had applied for employment at Seabrook, the licensee noticed that he was living in his trailer on company grounds and asked him to leave before his request for employment had been granted.

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Therefore, the inspection effort covered three nuclear plants: Vermont Yankee (Inspection Report [IR] 50-271/9707, August 26, 1997), Pilgrim (IR 50-293/9709, August 27-28, 1997), and Indian Point 3 (IR 50-296/9708, August 29, 1997). The inspection team concluded that each of the licensees had followed its security plan commitments and other applicable requirements. Therefore, no violations were found regarding the employment or access authorization of Mr. Drega.

Following the inspections, the Safeguards Branch, NRR, conducted a programmatic review of NRC's access authorization requirements to determine whether additional measures might have

identified Mr. Drega as potentially dangerous before the events of August 1997, thus preventing him from gaining authorization for unescorted access to licensed facilities. The staff concluded that it is not likely that additional NRC requirements could have identified Mr. Drega's latent tendencies to violence and, therefore, would not have raised questions sufficient to deny him access.

Since Mr. Drega had originally been granted temporary access authorization, the staff also considered whether the NRC should continue to allow licensees to grant temporary unescorted access authorization to employees on the basis of less than full background investigations. The staff concluded that temporary unescorted access authorization is appropriate.

RECOMMENDATION:

That the Commission approve release of the attached final report on the incident involving Carl C. Drega to the licensees that were the subjects of the inspection effort and to the state liaison officer from Vermont, as well as to place it in the Public Document Room.

NOTE:

The attached inspection reports referenced herein have already been issued to the licensees.

L. Joseph Callan
Executive Director
for Operations

- Attachments: 1. Final Report on Incident Involving Carl C. Drega
2. Inspection Report 50-271/9707 (Vermont Yankee)
3. Inspection Report 50-293/9709 (Pilgrim)
4. Inspection Report 50-296/9708 (Indian Point 3)

Final Report on Incident Involving Carl C. Drega

I. Overview

On August 19, 1997, Carl C. Drega was involved in shootings in New Hampshire and Vermont that left four people dead. Drega was subsequently killed in a confrontation with Vermont law enforcement officers.¹

When it was discovered that Drega had been granted unescorted access to Vermont Yankee (1992 and 1995), Pilgrim (1997), and Indian Point 3 (1997) as a temporary employee, NRC dispatched an inspection team composed of a senior inspector from Region I and a senior program manager from the Office of Nuclear Reactor Regulation's (NRR's) Safeguards Branch (PSGB), Division of Reactor Program Management, assisted by an investigator from the Office of Investigations' (OI's) Field Office in Region I.² The objective of the visits was to determine through inspection, interviews, and records checks whether (a) the licensees' access authorization programs were properly implemented and administered, (b) the licensees' access control equipment was properly installed and operated and the appropriate procedures were implemented, (c) the licensees' fitness-for-duty (FFD) programs were properly implemented and administered, and (d) the licensees conducted adequate background investigations of Drega, considered the information developed during that investigation, and acted properly in granting him unescorted access.

The inspections did not identify violations of regulations or licensee commitments with respect to the access authorization programs, access control equipment, or FFD programs. Furthermore, the inspectors concluded through interviews and records checks that the individual had not exhibited aberrant behavior that would have warranted a denial of unescorted access authorization by any of the three licensees for which he worked.

Following review of the inspection findings, PSGB initiated a study of the potential programmatic implications of the incident. Specifically, in light of the finding that there were no violations, the staff considered the two programmatic components of access control, that is, access authorization and entry controls, to determine whether additional requirements might reduce the

¹ In early reports of the investigation into this matter, comments made concerning the possibility that Drega had been stockpiling explosives, or components useful in constructing explosives, at his house. In a search of his residence, bomb-making materials were found. According to comments made to NRC's Office of Investigations Field Office in Region I, the Federal Bureau of Investigation did not find any indication of what Drega had planned to do with the explosive devices.

² During the inspection effort, it was reported that Drega had worked at Seabrook. The inspectors determined that although Drega had applied for employment at Seabrook, he was asked to leave the property and was ultimately not hired after he attempted to live in his trailer on company grounds. The licensee did conclude, however, after completing the access authorization process that it had begun, that Drega would have been granted authorization for unescorted access at Seabrook but for the incident involving living in his trailer on company grounds.

likelihood that a person who might pose a threat to the public health and safety could gain unescorted access to licensed facilities.

II. Regulatory Basis

Since Drega worked as a temporary employee, the regulations concerning granting of unescorted access authorization to temporary employees were examined. Regulations in 10 CFR 73.56(c)(2) allow licensees' access authorization programs to specify conditions for permitting temporary access. Regulatory Guide 5.66 (RG), Section B, incorporates the guidelines for temporary access in the appended NUMARC 89-01, "Guidelines for Access Authorization Programs," to which all commercial power reactor licensees have committed, as discussed in Section III.B.2, below.

III. Findings

Inspections were conducted at the three facilities at which Drega worked: Vermont Yankee (Inspection Report [IR] 50-271/9707, August 26, 1997), Pilgrim (IR 50-293/9709, August 27-28, 1997), and Indian Point 3 (IR 50-296/9708, August 29, 1997). With respect to licensee commitments at each site, the inspection team --

- reviewed the access authorization program commitments and procedures,
- tested the access control equipment (metals and explosives detectors, x-ray machines)
- reviewed the FFD and behavioral observation programs and procedures, and
- audited the training program records for supervisors (to ensure that required FFD and behavioral observation training had been conducted).

With respect to Drega, the inspection team --

- interviewed his former supervisors and co-workers,
- reviewed the licensees' records of background screening conducted before granting unescorted access authorization to Drega, and
- reviewed Drega's general employee training records and FFD chemical testing records.

A. **Inspection and Compliance Issues**

1. Access Authorization Program

The inspectors examined components of the licensees' access authorization programs, including procedures for background screening, psychological evaluation, processing of criminal history information, and decisionmaking. Special attention was paid to the processing of Drega's application for unescorted access authorization. No violations were found in the implementation of the access authorization programs at the three licensed facilities at which Drega had been employed.

2. Access Control Equipment and Procedures

The inspectors reviewed the licensees' installation instructions, operating procedures, and testing procedures for access control equipment in place at the primary access

portals through which personnel are processed onto the site. Security force members were interviewed and observed carrying out tests of the equipment. The inspectors found no violations in the installation or operation of the access control equipment and found adequate testing procedures and schedules of testing at each of the licensed facilities at which Drega had been employed.

3. Fitness-for-Duty Program

The inspectors reviewed procedures for chemical testing and also reviewed general employee and supervisory training for fitness for duty. Special attention was paid to Drega's experience (for general employee training) and to his supervisors (for supervisory training). The inspectors found no violations in the implementation or management of the FFD programs or in the conduct of training at the three licensed facilities at which Drega had been employed.

4. Granting of Unescorted Access Authorization

In reviewing the information found by the licensees in conducting background screening for Drega, the inspectors did not find sufficient reason to expect a licensee to deny unescorted access for him. Furthermore, after reviewing records of Drega's performance and interviewing his supervisors, the inspectors concluded that there was no basis for a licensee to revoke Drega's unescorted access authorization.

B. Programmatic Issues

1. Current Requirements

Current NRC requirements would not have prevented Drega from gaining authorization for unescorted access. This conclusion is borne out by the fact that licensees that complied with their commitments and the NRC's expectations concerning the granting of access authorization appear to have had an adequate basis to grant Drega unescorted access.

The decision to grant unescorted access is intertwined with the decision to employ an individual. Consequently, the NRC has established no disqualifying criteria for licensees to use in deciding whether to grant unescorted access and expects the licensees to rely on required information in making their own decisions. The staff is satisfied that the three licensees did what would be expected and complied with current requirements and commitments in their physical security plans. The staff is also satisfied that the licensees made reasonable decisions in deciding to grant Drega unescorted access, considering the information available to the licensees when the decisions were made.

2. New Requirements

The staff considered whether additional background checks would provide a higher level of assurance as to an individual's integrity, such as contacts with local law enforcement, review of driving records, and telephone interviews with the applicant's

neighbors or associates. These additional checks could uncover personal data not found in more formal records (such as employment records, psychological evaluations, and existing criminal records) and could provide the hiring licensee with new tools for evaluating personal traits and judging the appropriateness of granting unescorted access to an individual. The staff decided that such additional checks would require the expenditure of additional resources by the licensees with no resulting quantifiable increase in assurance concerning the individual's integrity. The staff also determined that licensees might face complex legal challenges in using such information to deny access, an action that, in practical terms, would effectively deny employment. Therefore, requiring such additional checks would not be appropriate at this time.

The staff also considered whether the conditions for granting *temporary* unescorted access should be changed. The granting of temporary access, that is, authorization for unescorted access before a complete background investigation is completed, carries with it certain implied risks. However, licensees experience periodic fluctuations in site population, including large--and short-term--increases in the site workforce during outages that necessitate quick turnaround in granting access, a need that is satisfied by the granting of temporary access by the licensees to the new hires. NUMARC 89-01, the appendix to RG 5.66, states that temporary access authorization will be based on (a) verification of identity, (b) psychological evaluation, (c) credit check, (d) one developed reference, (e) the initiation of a criminal history check, and (f) a check of the applicant's employment history for the past year. When the licensee has completed those steps and considered the information obtained, it may grant temporary authorization for unescorted access to the applicant for not more than 180 days pending completion of the checks required by the access authorization program.

The staff met with Nuclear Energy Institute officials to discuss the Personnel Access Data System (PADS), a computer-based system for recording background information on employees who have worked with temporary access authorization at one or more nuclear power facilities. PADS provides a corps of "pre-approved" nuclear employees whose unescorted access authorization can be granted by successive licensee employers who subscribe to PADS and who access it for a record of the applicant's history in the industry. This system, when it is fully operational and reaches 100 percent subscription by the nuclear power industry, could provide substantial savings in time and money in the access authorization program, as well as an increase in the overall assurance that temporary employees are trustworthy and reliable.

Considering the progress being made to implement PADS, the staff recommends no changes to the agency's approach to grants of temporary unescorted access at this time. If PADS does not reach full subscription, if future incidents in temporary access warrant, or if conditions in the industry's application of access authorization change, the staff will reconsider this position and determine whether new requirements are necessary.

IV. **Recommendations**

A. **Current Requirements**

The staff recommends no changes to current requirements at this time.

B. New Requirements

The staff recommends no new requirements at this time.

Therefore, the inspection effort covered three nuclear plants: Vermont Yankee (Inspection Report [IR] 50-271/9707, August 26, 1997), Pilgrim (IR 50-293/9709, August 27-28, 1997), and Indian Point 3 (IR 50-296/9708, August 29, 1997). The inspection team concluded that each of the licensees had followed its security plan commitments and other applicable requirements. Therefore, no violations were found regarding the employment or access authorization of Mr. Drega.

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