

Indiana Michigan
Power Company
P.O. Box 16631
Columbus, OH 43216



March 20, 1995

AEP:NRG:1212K

Docket Nos.: 50-315
50-316

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D. C. 20555

Gentlemen:

Donald C. Cook Nuclear Plant Units 1 and 2
NRC INSPECTION REPORTS NOS. 50-315/94023(DRSS)
AND 50-316/94023 (DRSS)
REPLY TO NOTICE OF VIOLATION

This letter is in response to a NRC letter dated February 28, 1995, that forwarded a notice of violation to Indiana Michigan Power Company. The notice of violation contained one violation identified during a special inspection conducted by Mr. James Belanger on December 8, 9, and 20, 1994, and January 4, 1995. The inspection and subsequent Notice of Violation were associated with an event in which unescorted access was inadvertently granted to an individual whom we later determined should not have been granted such access.

Our reply to the notice of violation is provided in the attachment to this letter.

Sincerely,

A handwritten signature in cursive script, reading "E. E. Fitzpatrick".

E. E. Fitzpatrick
Vice President

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 20th DAY OF March 1995

A handwritten signature in cursive script, reading "Lisa M. Pice".

Notary Public

My Commission Expires: 6-28-99

eh

MAR 24 1995

9503270133

Attachment

cc: A. A. Blind
G. Charnoff
J. B. Martin
NFEM Section Chief
NRC Resident Inspector - Bridgman
J. R. Padgett

ATTACHMENT TO AEP:NRC:1212K

REPLY TO NOTICE OF VIOLATION

Background

A special inspection was conducted by Mr. James Belanger on December 8, 9, and 20, 1994, and January 4, 1995. The purpose of the inspection was to review the circumstances of an event which occurred in 1994 in which we inadvertently granted unescorted access to an individual whom we later determined should not have been granted such access. The individual had previously had unescorted access revoked at Turkey Point due to a positive drug test result. The results of the inspection were the subject of an enforcement conference held at the NRC Region III offices on January 23, 1995.

During this inspection, one item was found to be in violation. The violation involved the failure to base access authorization on the review and evaluation of all pertinent information. This violation was set forth in a letter containing the notice of violation, dated February 28, 1995, from John B. Martin, Regional Administrator, NRC, Region III.

Our response to the notice of violation is contained within this document.

NRC Violation

"During an NRC inspection conducted on December 8, 9, and 20, 1994, and January 4, 1995, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violation is listed below:

10 CFR 73.56(a) requires that the access authorization program be incorporated into the site Physical Security Plan as provided for by 10 CFR 50.54(p)(2).

10 CFR 73.56(b)(3) requires that a licensee base its decision to grant, deny, revoke, or continue an individual's access authorization on review and evaluation of all pertinent information developed.

Amendment No. 27 to License No. DPR-58 and Amendment No. 9 to License No. DPR-74 for the D. C. Cook Nuclear Plant states, in part, "The licensee shall maintain in effect and fully implement all provisions of the commission approved physical security plan, including amendments and changes made pursuant to the authority of 10 CFR 50.54(p).

Section 2.1.1 of the licensee's security plan states that "Plant Access Authorization Procedures shall be followed to provide high



assurance that individuals granted unescorted access to protected and vital areas are trustworthy and reliable and do not constitute an unreasonable risk to public health and safety, including the potential to commit radiological sabotage."

Section 8.3.5 of Implementing Procedure 12 PMP 2060 SEC.010 (Access Authorization Program) requires that Cook Plant Security assure that data developed as a result of a background screening investigation be properly adjudicated.

Section 4.3 of Access Control Administrative Guideline AC-003, titled "Background Screening Review Guidelines," states that all data obtained as a result of the background investigation shall be considered when making a determination to grant unescorted access authorization.

Contrary to the above, on February 8 and June 13-14, 1994, the licensee failed to base its decision for continued access authorization on review and evaluation of all pertinent information developed and, consequently, an individual who had been granted unescorted access who otherwise would not have been granted it was allowed to retain that access authorization. Specifically, the licensee received information on February 8 that an individual had been denied access at a nuclear power plant in spite of his statements to the contrary, but the licensee failed to properly consider that information with respect to the individual's continued access authorization. The licensee received written information in May 1994 of that same past denied access (for drug use) which it then evaluated improperly in that the licensee upgraded the individual's temporary access authorization to full access authorization on June 13-14, 1994.

This a Severity Level III violation (Supplement III)."



Response to Violation

1. Admission or Denial of the Alleged Violation

Indiana Michigan Power Company admits to the violation as cited in the NRC Notice of Violation.

2. Reasons for the Violation

The reason for the violation was human error. Although information on the individual's denial of unescorted access was available as a result of the background investigation that was performed, the individuals tasked with adjudicating the information failed to act upon the information.

A contributing cause was the incomplete information supplied by another nuclear plant. Specifically, on January 13, 1994, another nuclear plant provided information to our investigative background agency indicating a "no" response to suitable inquiry questions despite the plant being previously advised of a positive drug test at another facility. As stated in the inspection report, this occurred because, upon receiving the suitable inquiry request, the access authorization clerk checked the access authorization data base file which did not show that the individual had tested positive for drugs at Turkey Point. The information concerning the positive drug test was in the individual's personnel file which would be reviewed should the individual return to the plant.

3. Corrective Actions Taken and Results Achieved

On November 18, 1994, we received information from another plant confirming that the individual had tested positive for drugs at Turkey Point in 1991. On that date, we began an aggressive, in-depth investigation. Also on that date, we permanently denied unescorted access for the individual and updated the INDEX database with this information.

On November 22, 1994, we completed a review of the individual's work activities while at the Cook Nuclear Plant. No concerns were identified as a result of this review. On January 18, 1995, we completed a review of all contractor background investigation files received since March 1993 to assure that all derogatory information in the files had been



evaluated properly. In addition, a separate sampling of 80 files was performed by our Quality Assurance Department. No concerns were identified as a result of either of these reviews.

4. Corrective Actions Taken to Avoid Further Violations

On December 21, 1994, the background screening guideline was improved. The process for review and signoff was enhanced, the review form was enhanced, and a communications log was added. On January 19, 1995, the guideline was issued as a plant procedure. Access control personnel were trained on the revised guideline and the lessons learned from the subject event by January 6, 1995. Additionally, the individuals involved with the errors were counseled and letters written to their personnel files on January 12, 1995.

5. Date When Full Compliance will be Achieved

Full compliance was achieved on November 18, 1994, when the individual's unescorted access was permanently denied.

PRIORITY 1

(ACCELERATED RIDS PROCESSING)

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 50-316 Donald C. Cook Nuclear Power Plant, Unit 2, Indiana M 05000316
 AUTH. NAME AUTHOR AFFILIATION
 FITZPATRICK, E. Indiana Michigan Power Co. (formerly Indiana & Michigan Ele
 RECIP. NAME RECIPIENT AFFILIATION
 Document Control Branch (Document Control Desk)

SUBJECT: Responds to NRC 950228 ltr re violations noted in insp repts
 50-315/94-23 & 50-316/94-23. Corrective actions: review of
 work activities of individual testing positive for drugs
 performed.

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Notary Public

My Commission Expires: 6-28-99

eh

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PDR

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U. S. Nuclear Regulatory Commission
Page 2

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