

U. S. NUCLEAR REGULATORY COMMISSION

REGION II

Docket Nos: 50-424, 50-425

License Nos: NPF-68, NPF-81

Report Nos: 50-424/97-03, 50-425/97-03

Licensee: Southern Nuclear Operating Company

Facility: Alvin W. Vogtle Nuclear Plant Units 1 and 2

Location: P. O. Box 1295
Birmingham, AL 35201

Dates: March 3 - 7, 1997

Inspector: L. Stratton, Safeguards Inspector

Other NRC
Personnel: B. Manili, Licensing Reviewer, Nuclear Reactor Regulation

Approved by: P. Fredrickson, Chief
Special Inspection Branch
Division of Reactor Safety

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EXECUTIVE SUMMARY

Alvin W. Vogtle Nuclear Plant Units 1 and 2
NRC Inspection Report 50-424/97-03, 50-425/97-03

This routine announced inspection was conducted in the area of plant support by a regional safeguards specialist. The specific areas evaluated were Fitness for Duty and the Physical Security Program for Power Reactors.

- Two Unresolved Items of 10 CFR 26 were identified for failure to maintain confidentiality of an individual's preliminary positive chemical test result and discussion of personal information with individuals other than those specified in 10 CFR 26.29(b).
- The licensee's deployment strategy documented in the Vogtle Security Response Plan directly conflicted with the current PSP and was identified as a violation of regulatory requirements.

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S1 Conduct of Security and Safeguards Activities

S1.3 Fitness for Duty

a. Inspection Scope (81502)

The inspector reviewed the licensee's process and procedures which implemented 10 CFR 26.

b. Observations and Findings

On March 3, 1997, the inspector reviewed randomly selected Fitness for Duty (FFD) records for individuals that the licensee had for-cause tested for drugs and alcohol for the period of June 1, 1996 to March 3, 1997, at the licensee's corporate office located in Birmingham, Alabama. During review of the FFD records, the inspector noted the following circumstances with respect to an individual's records:

- On September 13, 1996, the individual, due to aberrant behavior, was referred by his supervisor to be given a for-cause chemical test. The test results were negative for drugs and alcohol. The individual was placed on administrative leave based on the supervisor's identification of aberrant behavior.
- On October 2, 1996, the individual was referred to the licensee's Employee Assistance Program (EAP) facility for a FFD evaluation. Based on the interview and other associated tests, the recommended action plan by the EAP facility was that the individual participate in an outpatient program. The individual continued to be on administrative leave.
- The individual's record documented that on two occasions, followup drug and alcohol tests were conducted on January 13, 1997 and February 17, 1997.
- The first followup specimen performed on January 13, 1997, resulted in a presumptive positive for amphetamines. As a result of the presumptive positive results, the split sample was forwarded to the Health and Human Services (HHS) certified laboratory for confirmatory testing. On January 20, 1997, the Medical Review Officer (MRO), based on the confirmatory test, certified the results of the split sample as negative.
- The second followup test, which was performed on February 19, 1997, also resulted in a presumptive positive for amphetamines. The split sample was forwarded to the HHS certified laboratory for confirmatory testing. On February 25, 1997, the MRO certified the results of the split sample as negative.

During further review, the inspector interviewed licensee representatives and determined that on February 27, 1997, the licensee conducted a teleconference meeting to include selected staff members of the Georgia Power Company/Southern Nuclear legal staff, in addition to two Labor Relation employees. The meeting

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discussed, among other topics, the status of the individual's February 17, 1997 preliminary positive test results.

10 CFR 26.24(d)(1) states in part, access to the results of preliminary tests must be limited to the licensee's testing staff, the Medical Review Officer (MRO), the Fitness-For-Duty Program Manager, and the employee assistance program staff, when appropriate.

The licensee's failure to limit access to the employee's preliminary positive test results of February 17, 1997 to those individuals specified in 10 CFR 26.24(d)(1) is identified as an Unresolved Item (URI) and is being further reviewed by the NRC (50-424, 50-425/97-03-01).

Additionally, during discussions with licensee representatives at the February 27, 1997 meeting, the inspector determined that on December 30, 1996, a Labor Relations employee had conveyed to a union representative that the individual in question had "a positive drug test." The inspector determined, during review of FFD records, that the individual's drug and alcohol tests had been negative. The Labor Relations employee stated "they had corrected the mistake on December 31, 1996." Upon further discussion, the Labor Relations employee informed the inspector that the Health Services Coordinator, a FFD staff member, had informed Labor Relations that the individual had been positive for drugs.

Licensee procedure SH-FFD-003, "Standard Operating Procedure," Revision 6, dated June 22, 1996, Section 3.4 states in part that management and or supervisors shall not be informed of any drug test results not reviewed and confirmed as positive by the MRO as required by NRC Rule 10 CFR 26.

10 CFR 26.29(b) specifically requires that the licensee shall not disclose personal information collected and maintained to persons other than assigned MROs, other licensees or their authorized representatives legitimately seeking the information as required by this part for unescorted access decisions.

The licensee's discussion of personal information collected and maintained to persons other than assigned MROs, other licensees or their authorized representatives legitimately seeking the information as required by this part for unescorted access decisions is identified as an URI and is being further reviewed by the NRC (50-424, 50-425/97-03-02).

c. Conclusion

The inspector identified two URIs of 10 CFR 26, in that the licensee failed to maintain confidentiality of an individual's preliminary positive chemical test result and additionally discussed personal information with individuals other than those specified in 10 CFR 26.29(b).

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S3 Security and Safeguards Procedures and Documentation

S3.1 Security Program Plans

a. Inspection Scope (81700)

The inspector reviewed the circumstances and documentation of a licensee 10 CFR 50.90 proposal submitted on May 15, 1996.

b. Observations and Findings

During the period of February 5 - 8, 1996, the NRC conducted an Operational Safeguards Response Evaluation (OSRE) at the Vogtle facility. During the OSRE, as part of the deployment strategy, the licensee deployed two officers from the Central Alarm Station (CAS) to respond, which resulted in the CAS being left unmanned. A shadow force was in place at the time this deployment strategy was utilized. The OSRE report documented the licensee's response strategy planning and execution as a strength; however, the report noted that abandoning the CAS during a contingency may not be in strict compliance with the licensee's current Physical Security Plan (PSP). During further discussion between the NRC and licensee representatives, it was determined that in order for the licensee to continue to leave the CAS unmanned during a contingency, a 10 CFR 50.90 change to the current PSP would have to be submitted.

During this inspection period, the inspector identified that the licensee currently had the above deployment strategy in effect; however, the 10 CFR 50.90 submittal had not been approved by the NRC.

Section 6.6 A, of the licensee's PSP, Revision 33, dated September 12, 1996, states that the Central Alarm Station (CAS) and Secondary Alarm Station (SAS) are continuously manned by at least one authorized person.

From January 1996 to March 1997, the Vogtle Security Response Plan, Revision 3, Phase 2, defined a deployment strategy that allowed the CAS to be left unmanned. This is noted as a violation of regulatory requirements (50-424, 50-425/97-03-03).

c. Conclusion

The licensee's deployment strategy documented in the Vogtle Security Response Plan directly conflicted with the current PSP and was identified as a violation of regulatory requirements.

V. Management Meetings

X1 Exit Meeting Summary

The inspector presented the inspection results to members of licensee management at the conclusion of the inspection on March 7, 1997. The licensee acknowledged the findings and presented the following additional information for Unresolved Item 50-424, 50-425/97-03-01 and dissenting comments for Violation 50-424, 50-425/97-03-03:

Unresolved Item 50-424, 50-425/97-03-01

The discussion was, in my opinion [legal staff], consistent with the spirit of the FFD Rule because it was directed at preventing abuse of over-the-counter drugs; and consistent with the letter of the Rule because the discussion consisted of permissible disclosure under 26.29(b) to those licensee representatives who have a need to have access to the information in performing assigned duties. Meaningful analysis of the issues presented (including possible allegations of retaliation as well as FFD issues) required an understanding of the evidence that the subject employee was violating his commitment not to use specific medication. The human resources personnel, as well as counsel, needed access to that personnel information to perform assigned duties. The information did not result in adverse action against the employee, and the information regarding the screening test was not used inappropriately.

Violation 50-424, 50-425/97-03-03

During the OSRE, the VEGP security system and tactical response force demonstrated the ability to successfully protect against the design basis threat and the NRC documented this result in official NRC correspondence. Both the system and response measures have been maintained to that level of performance since then. Although VEGP personnel believe we were in compliance with the subject security regulatory requirements as demonstrated during the OSRE, once the NRC clearly communicated their position on this subject earlier this week, immediate compensatory actions were taken and are continuing to be followed. The licensee has clearly shown a good faith effort to work with the NRC to resolve this issue and will continue to pursue implementation of this strategy as originally demonstrated during the OSRE and as submitted to NRR in May and November 1996.

The Security Department maintains a Deployment Plan for use in contingency training and provides guidelines for use in actual security emergencies. (No deployment plan can cover all scenarios or emergencies. Training security officers to respond to preplanned activities increase the effectiveness of their response.) Contingency training provides a method of expanding security response officer's knowledge base, and adds confidence for success; therefore increasing the possibility of a successful interdiction. We believe the Deployment Plan as written demonstrated during the OSRE is the best possible plan and fully meeting the requirements to protect against the design basis threat for radiological sabotage.

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PARTIAL LIST OF PERSONS CONTACTED

Licensee

J. Beasley, Jr., General Manager, Vogtle Electric Generating Plant (VEGP)
P. Bizjak, Manager, Fitness for Duty (FFD) Program, Southern Nuclear
Company (SNC)
A. Brockston, Health Services Coordinator, SNC
D. Huyak, Manager, Nuclear Security, VEGP
B. Rooks, Health Services Specialist, VEGP
C. Steinspring, Manager, Plant Administration, VEGP

NRC

M. Widmann, Resident Inspector

INSPECTION PROCEDURES USED

IP 81700 Physical Security Program for Power Reactors.
IP 81502 Fitness for Duty

ITEMS OPEN, CLOSED, DISCUSSED

Opened

50-424, 50-425/97-03-01	URI	Failure to protect confidentiality of a preliminary drug test
50-424, 50-425/97-03-02	URI	Failure to protect personal information
50-424, 50-425/97-03-03	VIO	Failure to have the CAS manned continuously