

CATEGORY 1

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

ACCESSION NBR: 9702110328 DOC. DATE: 97/02/04 NOTARIZED: NO DOCKET #
FACIL: 50-305 Kewaunee Nuclear Power Plant, Wisconsin Public Service 05000305
AUTH. NAME AUTHOR AFFILIATION
ARCHI, M.L. Wisconsin Public Service Corp.
RECIP. NAME RECIPIENT AFFILIATION
Document Control Branch (Document Control Desk)

SUBJECT: Responds to NRC 970106 ltr re violations noted in insp rept
50-305/96-12. Corrective actions: personnel involved in
review & interpretation of requirements are aware of need to
conduct thorough reviews of rule changes.

DISTRIBUTION CODE: IE04D COPIES RECEIVED: LTR 1 ENCL 1 SIZE: 4
TITLE: Safeguards Inspection Rpt/NOV Response (50 DKT) - Publicly Available

NOTES:

	RECIPIENT ID CODE/NAME	COPIES LTTR ENCL	RECIPIENT ID CODE/NAME	COPIES LTTR ENCL
	PD3-3 PD	1 1	LAUFER, R	1 1
INTERNAL:	ACRS	1 1	<u>FILE CENTER</u>	1 1
	NRR/DISP/PIPB	1 0	NUDOCS-ABSTRACT	1 1
	OE DIR	1 1	RGN3 FILE 01	1 1
EXTERNAL:	NOAC	1 1	NRC PDR	1 1

NOTE TO ALL "RIDS" RECIPIENTS:
PLEASE HELP US TO REDUCE WASTE! CONTACT THE DOCUMENT CONTROL DESK,
ROOM OWFN 5D-5 (EXT. 415-2083) TO ELIMINATE YOUR NAME FROM
DISTRIBUTION LISTS FOR DOCUMENTS YOU DON'T NEED!

TOTAL NUMBER OF COPIES REQUIRED: LTTR 10 ENCL 9

C
A
T
E
G
O
R
Y
1
D
O
C
U
M
E
N
T



WISCONSIN PUBLIC SERVICE CORPORATION

600 North Adams • P.O. Box 19002 • Green Bay, WI 54307-9002

February 4, 1997

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

Gentleman/Ladies:

Docket 50-305
Operating License DPR-43
Kewaunee Nuclear Power Plant
Reply to Notice of Violation, Inspection Report 96-012


Reference: Letter from G.E. Grant (NRC) to M.L. Marchi (WPSC), dated January 6, 1997
(NRC Physical Security Inspection Report 50-305/96012)

In the reference, the Nuclear Regulatory Commission (NRC) provided Wisconsin Public Service Corporation (WPSC) with the results of the NRC inspection activities conducted November 18 through November 27, 1996.

During the inspection, NRC identified one Severity Level IV violation regarding the failure to amend the security plan to commit to the implementation and use of the vehicle barrier system (VBS). This was identified as being contrary to 10CFR73.55(a).

Attached is our response to the notice which does not contain proprietary or safeguards information. If you have any questions with regard to this response, please contact me or a member of my staff.

Sincerely,


Mark L. Marchi
Manager - Nuclear Business Group

RPP
Attach.
cc - US NRC Senior Resident Inspector
US NRC Region III

IE04
||

ATTACHMENT 1

Letter from M. L. Marchi (WPSC)

To

Document Control Desk (NRC)

Dated

February 4, 1997

Re: Reply to Notice of Violation, Inspection Report 96-012

NRC Notice of Violation 96-012

On August 1, 1994 the design basis threat (10CFR73.1(a)(1)) was revised to address the malevolent use of vehicles. Additionally, 10CFR73.55(c)(7) was revised to require vehicle control measures to protect against the use of a land vehicle to gain unauthorized proximity to vital areas. 10CFR73.55 required licensees to submit amended security plans describing how the licensee would comply with all of the requirements of this section.

Contrary to the above, the licensee failed to amend their security plan to commit to the implementation and use of the vehicle barrier system.

This is a Severity Level IV violation.

WPSC Response

WPSC does not contest this violation. Although a plan change was not submitted in a timely manner, all procedural and physical aspects of the VBS (summary description, implementation, maintenance and compensatory measures) were in-place and effective by February 29, 1996. In the conclusion of the VBS inspection, the inspector stated, "The VBS program was consistent with the summary description submitted to the NRC, and adequate procedures addressing VBS maintenance and compensatory procedures were developed and implemented" WPSC's interpretation was that our summary submittal of the as-built design and implementation of required procedures satisfied the rule and was fully inspectable.

Reason for Violation

It was determined that the root cause was a misinterpretation of the requirements; i.e., submitting a summary to the commission by February 28, 1995, fully implementing the vehicle control measures by February 29, 1996, and maintaining details of the as-built VBS on-site in lieu of submitting a plan change.

Upon notification that a potential violation existed, an internal inquiry was initiated on why the decision was made not to make a plan change. The WPSC Security Director in charge at the time and the Security Operations Supervisor provided the following information that led to their decision:

1. During a meeting in Atlanta, Georgia with the NRC, NEI, and Licensees on this subject, a discussion was held as to the need to submit a plan change versus maintaining the as-built designs and documents on site. The Security Director's interpretation was that a plan change was not required as long as the as-built design was maintained on site.

2. Federal Register Vol. 90, No. 146, dated Monday, August 1, 1994, © (9) states, "Licensees shall:

(i) by February 28, 1995 submit to the commission a summary description of the proposed vehicle control measures as required by 10CFR73.55 © (7) and the results of the vehicle bomb comparison as required by 10CFR73.55 © (8).

(ii) By February 29, 1996 fully implement the required vehicle control measures."

Section © (10) addresses requirements that **applicants** for a license must follow; i.e. "applicants for a license . . . shall incorporate the required vehicle control program into the site Physical Security Plan"

3. Reg. Guide 5.68, Protection Against Malevolent Use of Vehicles at Nuclear Power Plants, section C, 1.4 states, "The security plan **should** contain an attachment that describes the VBS."
4. NRC Inspection Manual TI 2515/132, Malevolent Use of Vehicles at Nuclear Power Plants, section 05.02 (b) states, ". . . verify the security plan contains an attachment that describes the VBS **or** that details of the as-built VBS are maintained on site."

Using the discussions and referenced documents noted above, WPSC's prior interpretation was that if we maintained the description of the as-built VBS system on site, we were in compliance with the rule. Upon reevaluation and further review of the rule, WPSC agrees that a plan change is required and the original decision not to submit a plan change was in error.

Corrective Action

Corrective action included a thorough review of the decision making process. All personnel involved in the review and interpretation of the requirements are aware of the need to conduct thorough reviews of rule changes and all regulatory requirements.

Compliance Schedule

It is anticipated that a change to the Kewaunee Nuclear Plant's Security Manual will be submitted in accordance with 10CFR50.54(p) by February 21, 1997.