

NOTICE OF VIOLATION

Duke Power Company
Catawba, McGuire and Oconee

Docket Nos: 50-413, 50-414, 50-369
50-370, 50-269, 50-270,
and 50-287

License Nos: NPF-35, NPF-52, NPF-9,
NPF-17, DPR-38, DPR-47,
and DPR-55

During an NRC inspection conducted on November 13 - 17, 1995, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (60 FR 34381; June 30, 1995), the violation is listed below:

10 CFR 73.56, "Personnel Access Authorization Requirements for Nuclear Power Plants," requires licensees to establish and implement a program for granting unescorted access to protected and vital areas, with a program objective of providing high assurance that individuals granted unescorted access are trustworthy and reliable.

Section 6.1, "Personnel Reliability," of the Duke Power Company Physical Security Plan states, "A program entitled Duke Power Company Nuclear Access Program has been established which satisfies the requirements of 10 CFR 73.56 and implements all elements of Regulatory Guide 5.66, Access Authorization Program for Nuclear Power Reactors."

Regulatory Guide 5.66, Appendix NUMARC 89-01, Attachment A, establishes the guidelines for auditors to use to meet the minimum audit criteria to provide a high assurance that individuals granted unescorted access are trustworthy and reliable.

Contrary to the above, for approximately 11 months, the licensee had allowed a vendor to continue to implement the access authorization program after determining that the vendors failed to assure that individuals who were granted unescorted access were trustworthy and reliable.

This is a Severity Level IV Violation (Supplement III).

Pursuant to the provisions of 10 CFR 2.201, Duke Power Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region II, and a copy to the NRC Resident Inspector at the facilities that are the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or Demand for Information may be

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Enclosure

issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at Atlanta, Georgia
this 22nd day of December 1995