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50-270 Oconee Nuclear Station, Unit 2, Duke Power Co.			05000270
50-413 Catawba Nuclear Station, Unit 1, Duke Power Co.			05000413
50-414 Catawba Nuclear Station, Unit 2, Duke Power Co.			05000414
50-369 William B. McGuire Nuclear Station, Unit 1, Duke Powe			05000369
50-370 William B. McGuire Nuclear Station, Unit 2, Duke Powe			05000370
50-287 Oconee Nuclear Station, Unit 3, Duke Power Co.			05000287

AUTH. NAME	AUTHOR AFFILIATION
EBNETER, S.D.	Region 2, Ofc of the Director
RECIP. NAME	RECIPIENT AFFILIATION
TUCKER, H.B.	Duke Power Co.

SUBJECT: Discusses listed insps & forwards notice of violations & proposed imposition of civil penalty in amount of \$50,000.

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SAFEGUARDS INFORMATION

DEC 21 1989

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

EA 89-151

SAFEGUARDS INFORMATION

Duke Power Company
ATTN: Mr. H. B. Tucker, Vice President
Nuclear Production Department
422 South Church Street
Charlotte, North Carolina 28242

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY-\$50,000
(NRC INSPECTION REPORT NOS. 50-413/89-23, 50-414/89-23, 50-369/89-23,
50-370/89-23, 50-269/89-26, 50-270/89-26, 50-287/89-26, 50-413/89-28,
AND 50-414/89-28)

This refers to the Nuclear Regulatory Commission (NRC) inspections conducted by Ms. Orysia M. Masnyk at the Catawba, McGuire and Oconee facilities on July 24-28, 1989, August 7-11, 1989, and by Mr. Aubrey Tillman at the Catawba facility on September 11-15, 1989. These inspections included a review of the circumstances surrounding multiple and recurring violations in the implementation of the security program, primarily in the areas of access control and implementation of compensatory measures at the three facilities. The reports documenting these inspections were sent to you by letters dated September 12, 1989 and October 16, 1989. As a result of these inspections, significant failures to comply with NRC regulatory requirements were identified, and accordingly, NRC concerns relative to the inspection findings were discussed in an Enforcement Conference held on August 29, 1989. The report documenting this conference was sent to you on October 26, 1989.

The violations described in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) involved the failure to implement provisions of the physical security program which resulted in repetitive failures to assign the correct badges to individuals entering the site, entry of employees to vital areas by tailgating behind other employees authorized access to that area, failure to maintain proper escort of visitors, and failure to implement compensatory measures for degraded barriers and alarm systems. The violations were not only found to be repetitive at each station, but in some cases, were common to all three facilities. There was apparently no effort made to trend and evaluate security violations identified by you in the facility security event logs resulting in a lack of corrective actions to preclude recurrence. The lack of management oversight across the three facilities is of significant regulatory concern because at each facility the licensee was repeatedly identifying issues involving noncompliance without taking corrective actions.

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PDR ADDRES 05000269
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To emphasize the need for increased attention to the implementation of the security program at the Duke Power Company nuclear plants, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 for the violations described in the enclosed Notice. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1989) (Enforcement Policy), the violations described in the enclosed Notice have been categorized as a Severity Level III problem. The base value of a civil penalty for a Severity Level III violation or problem is \$50,000. The escalation and mitigation factors in the Enforcement Policy were considered. Mitigation of the base amount of the civil penalty was warranted by 50 percent due to your identification of the violations. However, escalation of the base amount was warranted by 50 percent due to the unusually large number of violations identified. Adjustment of the civil penalty was considered due to the fact that you have not had any escalated enforcement actions in the last two years; however, this was not warranted because, had the information in all the logs been known to the NRC, the enforcement history at Duke Power sites might have been different. On balance, no adjustment to the civil penalty was warranted.

You are required to respond to this letter and the enclosed Notice and should follow the instructions specified therein when preparing your response. In your response, you should document the specific actions taken to initiate trending and evaluation of security events and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790(d) and 10 CFR 73.21, safeguards activities and security measures are exempt from public disclosure. Therefore, the enclosure to this letter will not be placed in the NRC Public Document Room.

The responses directed by this letter and its enclosure are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Should you have any questions concerning this letter, please contact us.

Sincerely,

Original Signed By
J. L. Milhoan

Stewart D. Ebnetter
Regional Administrator

Enclosure:
Notice of Violation and Proposed
Imposition of Civil Penalty
(Safeguards Information.)

cc w/encl: (See page 3)

SAFEGUARD'S INFORMATION

Duke Power Company

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cc w/encl:
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cc w/o encl cont'd (See page 4)

SAFEGUARDS INFORMATION

Duke Power Company

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