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 Office of Nuclear Reactor Regulation, Director (Post 870411)

SUBJECT: Responds to violations noted in insp repts 50-269/94-27,  
 50-270/94-27 & 50-287/94-27. Corrective actions: unescorted  
 access process reviewed.

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**DUKE POWER**

November 14, 1994

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

Subject: Oconee Nuclear Station  
NRC Inspection Report Nos. 50-269/94-27,  
270/94-27 and 287/94-27

Gentlemen:

As requested by letter from Douglas M. Collins, Chief Nuclear Materials Safety and Safeguards Branch dated October 14, 1994, please find attached a response to the Duke Power Company Unresolved Item.

This Unresolved Item was identified by the NRC and investigated by Ms. Orysia Masnyk of the U.S. NRC Region II during an inspection conducted on August 29 - September 1, and September 14-15, 1994.

The attached material is a response to the five specific questions for which response is requested in the Unresolved Item URI 94-27-01.

Very truly yours

*M. S. Tuckman*

M. S. Tuckman

Attachment

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PDR

*JEQ*

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November 14, 1994

cc: w/attachment

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November 14, 1994

Unresolved Item

Oconee Nuclear Station 50-269,270 and 287/94-27-01 (URI 94-27-01). URI 94-27-01 was opened to determine why and how a contractor's access authorization was denied. 10 CFR 73.56(e) requires the licensee to advise the individual of the reason for denial and give them an opportunity to appeal the denial. To resolve this, URI 94-27-01 asked for answers to five specific questions.

The response to the five specific questions asked for in response to URI 94-27-01 are provided as follows.

Was the contractor's access authorization denied?

No. The individual withdrew consent prior to a decision being made concerning unescorted access.

After reviewing the Record of Interview dated May 11, 1994 by B&W Nuclear Technologies (BWNT), there was internal discussion concerning whether the individual falsified the nuclear screening application with B&W Technologies. The standard form "Denial of Unescorted Access Authorization" was completed incorrectly and prior to a final decision being made.

The internal Duke Power Company (DPC) Memo to File dated June 9, 1994 indicates "I stated to him that technically, he had been" (denied unescorted access), "but officially he had not." A representative of DPC had not talked with the individual concerning any of the information documented in the May 11, 1994 Record of Interview. Therefore, officially he had not been denied. (This is the DPC practice with any derogatory information brought to our attention). The objective evidence and supporting documentation provided by BWNT still needs to be reviewed with the individual prior to making a decision concerning unescorted access.

The individual's name was added to the Denied Access List as "see File". "See File" means there is information from the nuclear screening which needs to be reviewed prior to the individual being granted unescorted access authorization.

WHY

Not Applicable.

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Was the reason for denial given to the contractor?

Since the unescorted access authorization review process was never completed, the individual was not informed of a decision to grant or deny unescorted access.

Was the contractor given an opportunity to appeal the denial?

Since there was no decision communicated to the individual to grant or deny unescorted access, an opportunity to appeal a decision does not apply.

Was any other licensee or licensee's contract company told that the contractor's access authorization had been denied?

Our records indicate there has not been any communication (suitable inquiry requests) with another licensee or licensee's contract company concerning the individual other than BWNT.

The DPC Access Coordinator can not recall a discussion with personnel from another contractor company concerning the individual. However, the coordinator states there is a possibility something could have been mentioned during casual conversation with another contractor company. Or, the contractor company could have made an assumption based on information from the casual conversation.