



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30303

JI 41 ✓
11/13/83
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HANDLE THIS DOCUMENT AS DECONTROLLED.

NOV 15 1983

Carolina Power and Light Company
ATTN: Mr. E. E. Utley
Executive Vice President
Power Supply and Engineering
and Construction
411 Fayetteville Street
Raleigh, NC 27602

RECEIVED
USNRC

NLU-83-754

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Gentlemen:

SUBJECT: PROPOSED CIVIL PENALTY ACTION: EA 83-94 (REFERENCE INSPECTION
REPORT NO. 50-261/83-22)

This refers to the special safeguards inspection conducted by Mr. B. L. Hall of this office on July 29, 1983, of activities authorized by NRC License No. DPR-23 at H. B. Robinson Steam and Electric Plant and to the discussions of our findings held with Mr. R. Connolly, Assistant to the Plant General Manager, at the conclusion of the inspection.

The purpose of this inspection was to evaluate the significance of the licensee's failure to control access to a vital area and corrective actions taken in response to a security event reported to the NRC on July 28, 1983. The findings revealed that, on July 27, 1983, access to a vital area was not controlled in that an individual gained undetected access to it. Following notification of the contract security service of this event, the contract security service supervisor failed to immediately notify Carolina Power and Light Company (CP&L) of the event as specified in procedures implementing the facility physical security plan. This resulted in two apparent violations of regulatory requirements. The security service contractor failed to demonstrate its ability to fully implement required procedures. The violations and related NRC concerns were further discussed during an Enforcement Conference conducted telephonically on August 16, 1983.

The violations identified in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty have been categorized in accordance with NRC Enforcement Policy, 10 CFR Part 2, Appendix C. The failure to control personnel access into a vital area from inside the protected area has been categorized as a Severity Level III violation (Supplement III). The failure of the contract security service supervisor to notify CP&L of the event has been categorized as a Severity Level IV violation (Supplement III). Collectively, these violations are evidence of a security weakness, specifically the failure to communicate to your contract security service force the importance of maintaining an adequate level of security. After consultation with the Director of the Office of Inspection and Enforcement, I have been authorized to issue the enclosed Notice of Violation and Proposed Imposition of a Civil Penalty in the amount of Twenty Thousand Dollars. The base Civil Penalty amount for a Severity Level III violation of this type is \$40,000. Because CP&L, when informed of the event, initiated prompt, responsive, and extensive corrective action consisting of disciplinary action

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GUARDS INFORMATION

50-400 02

I-JI-41
9/13/85

Report: WRS
 Date: 9-13-85
 Witness: _____
 Date: _____
 Name: _____
 Title: _____
 Signature: _____
 In the matter of 50-400
 NUCLEAR REGULATORY COMMISSION
 Official File No. 50-400
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SAFEGUARDS INFORMATION

Carolina Power and Light Company

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against responsible personnel, revision of procedures and "post instructions", and awareness training of contract service personnel on procedural requirements, this base penalty has been reduced 50% as permitted by the Enforcement Policy. We propose to impose this civil penalty in the amount of \$20,000 to emphasize the need for Carolina Power and Light Company to ensure that its security program is adequately managed to prevent violations of this nature from occurring in the future.

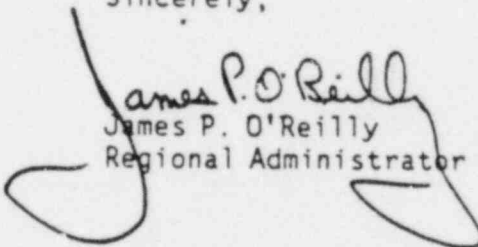
You are required to respond to the Notice of Violation. You should include in your response a specific discussion as to how CP&L will monitor the activities of the security service contractor to ensure compliance with security procedures. You should follow the instructions specified in preparing your response and, in doing so, you should place all Safeguards Information as defined in 10 CFR 73.21 only in enclosures, so as to allow your letter to be placed in the Public Document Room. In your reply you should give particular attention to those actions designed to increase the effectiveness of the management of your security program, particularly with regard to delineation of responsibilities of contract security service officers in order to ensure continuing compliance with NRC requirements in this area. Your reply to the Notice and the results of future inspections will be considered in determining whether further enforcement action is appropriate.

The material enclosed herewith contains Safeguards Information as defined by 10 CFR 73.21 and its disclosure to unauthorized individuals is prohibited by Section 147 of the Atomic Energy Act of 1954, as amended. Therefore, the material, with the exception of the Inspection Report cover page which is an inspection summary, will not be placed in the Public Document Room.

The responses directed by the Notice of Violation are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Should you have any questions concerning this letter, we will be glad to discuss them with you.

Sincerely,


James P. O'Reilly
Regional Administrator

Enclosures:

1. Notice of Violation
(Safeguards Information)
2. Inspection Report No. 50-261/83-22
(Safeguards Information)

cc w/encl:

- R. E. Morgan, Plant
General Manager
- G. T. Beatty, Jr., Manager
Robinson Nuclear Project Dept.

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ENCLOSURE CONTAINS
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DEC 14 1983

CP&L

Carolina Power & Light Company

P. O. Box 1551 • Raleigh, N. C. 27602

COPY

SERIAL: LAP-83-545

DEC 12 1983

E. E. UTLEY
Executive Vice President
Power Supply and Engineering & Construction

Mr. Richard C. DeYoung, Director
Office of Inspection and Enforcement
United States Nuclear Regulatory Commission
Washington, DC 20555

H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT NO. 2
DOCKET NO. 50-261
LICENSE NO. DPR-23
I. E. INSPECTION REPORT NO. 50-261/83-22
RESPONSE TO NOTICE OF VIOLATION

Dear Mr. DeYoung:

In accordance with the Code of Federal Regulations, Title 10, Section 2.201, Carolina Power & Light Company (CP&L) provides the enclosed response to the November 15, 1983 transmittal of IE Inspection Report 50-261/83-22 for the H. B. Robinson Steam Electric Plant, Unit No. 2. The response to the violation identified is enclosed as Attachment A.

Since the contents of Attachment A deal with matters pertaining to plant security, CP&L requests that this information be protected as Safeguards Information in accordance with the provisions of 10 CFR 73.21, and if redesignated as not protected, we request that this information be withheld from public disclosure as provided in 10 CFR 2.790(d)(1).

In as much as CP&L does not protest the imposition of the civil penalty, please find enclosed a check in the amount of Twenty Thousand Dollars (\$20,000) in payment of this penalty.

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DEC 14 1983

Richard C. DeYoung

- 2 -

If you have any questions concerning this response, please contact our staff.

Yours very truly,

Original Signed By

E. E. UTLEY

E. E. Utley

JBW/tda (85510NH)

Attachments

cc: Mr. J. P. O'Reilly (NRC-RII) W/A*
Mr. G. Requa (NRC)
Mr. Steve Weise (NRC-HBR)

E. E. Utley, having been first duly sworn, did depose and say that the information contained herein is true and correct to the best of his information, knowledge and belief; and the sources of his information are officers, employees, contractors, and agents of Carolina Power & Light Company.

Margaret L. Spinks
Notary (Seal)

My commission expires: June 5, 1984

bcc: Mr. G. P. Beatty, Jr.
Mr. D. L. Bensinger
Mr. G. S. Cashell
Mr. R. M. Coats
Mr. A. B. Cutter
Dr. T. S. Elleman
Ms. S. F. Flynn
Mr. B. J. Furr
Mr. F. M. Gilman (HBR)
Mr. J. L. Harness
Mr. P. C. Hopkins
Dr. J. D. E. Jeffries
Mr. I. A. Johnson
Mr. A. H. McDaniel

Mr. L. H. Martin
Mr. R. L. Mayton, Jr.
Mr. S. McManus
Mr. R. E. Morgan (HBR) W/A
Mr. C. H. Moseley, Jr.
Mr. D. L. Nordstrom (LIS)
Mr. D. C. Stadler
Mr. J. J. Sheppard
Mr. A. C. Tollison
Mr. J. B. Walker, Jr. W/A
Mr. A. R. Wallace
Mr. J. L. Willis
Mr. H. J. Young
File: RC/A-2
File: R-2-0700
File: 13510.2

*Only those individuals with W/A (with Attachment) following their names are to receive copies of the letter and Attachment. All other individuals and files to receive the letter only.