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the southern electric system

July 8, 1988

Docket No. 50-348
Docket No. 50-364

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

SUBJECT: Reply to a Notice of Violation
J. M. Farley Nuclear Plant NRC Inspection of
March 21 - 24, 1988

RE: Report Number 50-348/88-09-01
50-364/88-09-01

Dear Sir:

This letter refers to the violation cited in the subject inspection reports which states:

"On April 19, 1988, a Notice of Violation was issued for a violation of Nuclear Regulatory Commission (NRC) requirements. Alabama Power Company's (APC) response to the Notice of Violation was provided in a letter dated May 18, 1988. A restatement of the violation, a summary of the licensee's response, and a summary of the NRC evaluation and conclusion are set forth below.

Restatement of Violation

10 CFR 73.21(a) requires protection of safeguards information against unauthorized disclosure. Information to be protected includes: (b)(1)(vii) documents and other matters that contain lists or location of certain safety-related equipment explicitly identified in a document as vital for the purposes of physical protection, as contained in physical security plans; (b)(3)(1) portions of safeguards inspection reports, evaluations, audits, or investigations that contain details of the licensee's physical security system or that disclose uncorrected defects, weaknesses, or vulnerabilities in the system.

10 CFR 73.21(d)(2) requires that safeguards information shall be stored in a locked security container while unattended.

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Farley Nuclear Plant (FNP) Procedure AP-4, dated February 19, 1987, Revision 12, states in paragraph 6.1.1, safeguards information will be stored in a locked security storage container when unattended. The procedure additionally states in paragraph 6.2.1 that safeguards information is required to be under control of an authorized individual while it is in use to preclude unauthorized disclosure to persons who do not have a need to know.

Contrary to the above, on February 25, 1988, a Region II Nuclear Regulatory Commission inspector found a cabinet containing safeguards information unsecured and unattended.

Summary of Licensee's Response

The licensee denied that the violation occurred because, the document control area was attended by authorized personnel at the time in question; there were no unescorted visitors in the document control area during the time in question; that the inspector entering the document control area unchallenged and unescorted (sic., see note below) was irrelevant and that there was no procedural or regulatory requirement to keep the door leading into the saferoom locked.

NRC Evaluation of the Licensee's Response

We do not take exception with the licensee's statement that there were no unescorted visitors in the document control area during the time in question; that the inspector entered the document control area unchallenged and was escorted by a Safety Audit Engineering Review (SAER) individual who was authorized in writing to have special access to the area; or that there is no procedural or regulatory requirement to keep the door leading to the room in question in a locked condition. However, the inspector who identified the violation stated that the document control area was unattended, (other than a supervisor who was in his enclosed office with the door shut) and that there were no other document control personnel in the immediate area. Additionally, the inspector who reviewed the event was told that although visitor personnel were signed in at the owner-controlled area, they were not continuously escorted while in the service building, and that all

NOTE: Alabama Power Company's response stated that the inspector entering the document control area unchallenged was irrelevant because "he was being escorted by an SAER individual who is authorized in writing to have special access to the area."

cleared Farley Nuclear Plant personnel did not have a need for access to Safeguards Information, nor have a need to know. Therefore, the safeguards safe having been left unattended and unlocked, for a specific period, could have afforded a person without the need to know access to safeguards material.

While reviewing your response, we also noted that you state in FNP-0-AP-72, Protection of Safeguards Information, implementing procedure in paragraph 6.2.1, that, "access to the document control area is administratively controlled." Based on information from the inspector who identified the violation, there was not a Farley Nuclear Plant employee controlling access to the document control area; therefore, please address in your response to the violation: what administrative controls are used within the document control area.

Conclusion

The licensee has not provided any information which was not previously considered; therefore, the violation occurred as stated in the Notice of Violation."

The original Alabama Power Company response stated, in part,

"FNP-0-AP-72, Protection of Safeguards Information, Alabama Power Company's implementing procedure, states in paragraph 6.2.1 that 'SGI is required to be under the control of an authorized individual while it is in use to preclude unauthorized disclosure to persons who do not have a need to know. The requirement for control of SGI is met if the matter is attended by an authorized individual even though the information is not constantly being used.' Paragraph 6.2.3 states that, 'SGI also need not be maintained in locked storage containers while in use if located in protected or controlled access where visitors are escorted. This includes the following FNP site locations: (1) control rooms, (2) document control offices.'

The room containing the safeguards information in question is located within the document control area which is located in the Service Building within the confines of the FNP controlled area. Access to the Service Building is controlled by (1) security personnel at the owner controlled area gate and (2) security personnel at Central Security Control, where visitors are logged and issued a visitor's badge. Visitors must be authorized to enter the controlled area by an FNP supervisor or above. Access to the document control area is administratively controlled. Special access is authorized for supervisors and above and certain other personnel where routine work functions require frequent access to the area. All other personnel must obtain permission to enter the area behind the document issue counter. Safeguards material is secured when document control is unattended."

The administrative controls used to restrict access to document control include:

- (1) posting a list of personnel who have unrestricted access,
- (2) requiring personnel who do not have unrestricted access to obtain permission prior to entering the area, and
- (3) escorting visitors within the document control area.

FNP does not have any indication that visitors have been allowed access without an escort or that access to safeguards information has been granted to persons who do not have a need to know.

To resolve the concerns expressed by the NRC, the following steps were taken:

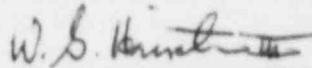
1. Document control personnel have been instructed to maintain safeguards containers in a locked condition except when in use.
2. Document control personnel have been instructed on the importance of limiting access to safeguards information to only those individuals who have a need to know.

In addition, FNP-0-AP-72 will be revised to provide guidance for implementing the above corrective actions. This will be completed by October 1, 1988.

Affirmation

I affirm that this response is true and complete to the best of my knowledge, information, and belief. The information contained in this letter is not considered to be of a proprietary nature.

Yours very truly,


W. G. Hairston, III

WGH/emb

cc: Mr. L. B. Long
Dr. J. N. Grace
Mr. E. A. Reeves
Mr. W. H. Bradford