

SAFEGUARDS INFORMATION

SEP 13 1988

Docket No. 50-400
License No. NPF-63
EA 88-205

Carolina Power and Light Company
ATTN: Mr. E. E. Utley
Senior Executive Vice President
Power Supply and Engineering
and Construction
P. O. Box 1551
Raleigh, NC 27602

Gentlemen:

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NO. 50-400/88-21)

This refers to the Nuclear Regulatory Commission (NRC) inspection conducted at the Shearon Harris Nuclear Plant on July 18-22, 1988. The inspection included a review of the circumstances surrounding the introduction of contraband into the site protected area. The report documenting this inspection was sent to you by letter dated August 10, 1988. As a result of this inspection, a significant failure to comply with NRC regulatory requirements was identified, and accordingly, NRC concerns relative to the inspection findings were discussed in an Enforcement Conference held on August 16, 1988. The letter summarizing this Conference was sent to you on August 26, 1988.

The violation described in the enclosed Notice of Violation (Notice) involved a failure by your site security staff on July 13, 1988, to identify and detect a loaded .38 caliber revolver which was passed through a security X-ray screening console undetected by the console operators and subsequently carried into the protected area. The unusual facts and circumstances disclosed during your investigation of the event serve to emphasize strengths and weaknesses in your site security program. This event occurred at the end of a twelve-hour shift being worked by the security staff which coincided with the beginning of the site work day, the period of heaviest personnel traffic into the site. It is evident that this combination of circumstances contributed to the event's occurrence. It was fortunate, however, that the employee who unknowingly carried the revolver into the protected area had the integrity, honesty, and presence of mind to immediately and properly report the incident when she discovered the revolver in her purse. Her awareness of security requirements and her subsequent actions reflect favorably on your general security training. Nevertheless, the fact that this significant event occurred points out that diligence and attention to detail by the security staff can never be permitted to lapse, even momentarily.

In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1988), the violation described in the enclosed Notice has been classified as a Severity Level III violation.

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Normally, a civil penalty is considered for a Severity Level III violation. However, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Regional Operations, I have decided that a civil penalty will not be proposed in this case because this event was identified and immediately reported by your staff, prompt corrective action was initiated, and because of your good past performance in the area of physical security. I also noted that you have initiated long term corrective action to improve the working conditions for the security staff, particularly their return to eight hour shifts.

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 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,

J. Nelson Grace
Regional Administrator

Enclosure:
Notice of Violation

cc w/encl:
R. A. Watson, Vice President
Harris Nuclear Project
D. L. Tibbitts, Director of Regulatory
Compliance
C. S. Hinnant, Plant General Manager

bcc w/encl: (See page 3)

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