

DCS

JUL 24 1989

Docket No. 50-219
License No. DPR-16
EA 89-108

DESIGNATED ORIGINAL

Certified By

Marie Gressett

GPU Nuclear Corporation
ATTN: Mr. Eugene E. Fitzpatrick
Vice President and Director
Oyster Creek Nuclear Generating Station
P. O. Box 388
Forked River, New Jersey 08731

Gentlemen:

Subject: NOTICE OF VIOLATION
(Inspection No. 50-219/88-38)

This refers to the routine safety inspection conducted between December 4, 1988 and January 14, 1989 at the Oyster Creek Nuclear Generating Station, Forked River, New Jersey. During the inspection, the NRC reviewed the circumstances surrounding an unauthorized entry into a vital area which occurred on January 3, 1989 and which was identified by your staff and reported to the NRC. The inspection report, which was sent to you on February 28, 1989, indicated that this unauthorized entry was classified as an unresolved item.

The unauthorized entry occurred when a contract radiological controls technician entered a vital area, undetected, after his vital area access authorization had been terminated. Although it was subsequently determined that the technician's access had been erroneously terminated because of an administrative error, this entry represents a failure to maintain positive access control to a vital area and constitutes a violation of NRC physical security requirements. The violation is described in the enclosed Notice of Violation.

Although this violation could be classified at Severity Level III in accordance with Section C.2 of Supplement III of the "General Statement of Policy and Procedure for NRC Enforcement Action," 10 CFR Part 2, Appendix C, 53 Fed. Reg. 40019 (October 13, 1988) (Enforcement Policy), the violation has been classified at Severity Level IV because: (1) the unauthorized entry occurred as a result of an isolated lapse in vigilance by a security officer, concurrent with a plant worker's inadvertent failure to follow a security procedure; (2) the security officer identified the unauthorized entry when the technician exited from the area, and promptly reported it to security management, thereby demonstrating his integrity; and (3) the technician was previously authorized to enter the area, had entered the area on numerous occasions, and his authorization would have been continued except for an administrative oversight. The NRC recognizes that your corrective actions, upon notification of the entry, were prompt and comprehensive. Nonetheless, we are concerned that sufficient measures were not established to preclude such an event from occurring. Therefore, any similar violation in the future may result in escalated enforcement action.

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You are required to respond to this letter and the enclosed Notice, and in preparing your response, you should follow the instructions specified in the enclosed Notice. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. These actions should include strengthening your General Employee Training program by emphasizing the importance of all workers to follow security procedures. Further, you should place all Safeguards Information (as defined in 10 CFR 73.21) in an enclosure, so as to allow your letter, without the Safeguards Information, to be placed in the Public Document Room. After reviewing your response to this Notice, including your proposed corrective actions, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

The enclosed Notice contains details of your security program that have been determined to be exempt from public disclosure in accordance with 10 CFR 73.21 (Safeguards Information). Therefore, those portions will not be placed in the NRC Public Document Room and will receive limited distribution. This letter will be placed in the Public Document Room in accordance with 2.790(a).

The response directed by this letter and the enclosed Notice is 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.

Sincerely,

William F. Kane, Director
Division of Reactor Projects

Enclosure:

Notice of Violation [Contains Safeguards Information (SGI)]*

cc w/encl (w/o SGI):

M. Laggart, BWR Licensing Manager

Public Document Room (PDR)

Local Public Document Room (LPDR)

Nuclear Safety Information Center (NSIC)

NRC Resident Inspector (w/SGI) *

State of New Jersey

*Contains Safeguards Information

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bcc w/encl (w/c SGI):
 Region I Docket Room (with concurrences)
 Management Assistant, DRMA
 Section Chief, DRP
 A. Dromerick, Project Manager, NRR
 Robert J. Bores, DRSS
 J. Lieberman, OE (w/SGI)*
 D. Holody, RT (2) (w/SGI)*
 B. Manili, NRR/ASGB

*Contains Safeguards Information

RI:EO *dr*
 Christopher

5/5 /89

RI:EO *dr*
 Holody

5/2 /89

RI:DRSS
 Kermig

6/5 /89

RI:DRP
for

6/20/89

RI:DRP
 Durr

6/20 /89

RI:DRP
 Kane

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RI:RC
 Gutierrez

6/22 /89

RI:DRA
 Allen Martin

5/ /89

RI:RA
 Russell

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HQ:OE
 Lieberman

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