

NOTICE OF VIOLATION

Carolina Power and Light Company
Shearon Harris Nuclear Plant, Unit 1
H.B. Robinson Nuclear Plant, Unit 2

Docket Nos. 50-400 and 50-261
License Nos. NPF-63 and DPR-23
EA 99-272 and EA 99-273

During an NRC inspection conducted on March 10, 18-19 and 25, 1999, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," *64 Federal Register* 61142, issued on November 9, 1999, the violation is listed below:

10 CFR 73.56 requires the licensee to establish and maintain an access authorization (AA) program that complies with the performance objectives in 73.56(b)(1) through (3) and (h)(1). These objectives include, in part, granting of unescorted access to protected and vital areas to individuals with the objective of providing high assurance that individuals granted unescorted access are trustworthy and reliable, and do not constitute an unreasonable risk to the health and safety of the public including a potential to commit radiological sabotage; that the licensee base its decision to grant, deny, revoke, or continue an unescorted AA on review and evaluation of all pertinent information developed; and the retention of the records on which the authorization is based for the duration of the unescorted AA and for a five-year period following its termination.

10 CFR 73.71(c) requires each licensee to maintain a current log and to record the safeguards events described in paragraphs II(a) and (b) of Appendix G of Part 73 within 24 hours of discovery by a licensee employee or member of the licensee's contract security organization.

10 CFR 50.9(a) requires, in part, that information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the licensee shall be complete and accurate in all material respects.

Facility Operating Licenses for the Harris and Robinson facilities (i.e., 50-400, NPF-63, Amendment 84, dated December 31, 1998, and 50-261, DPR-23, Amendment 15, dated October 21, 1998), require the licensee to fully implement and maintain in effect all provisions of the Commission-approved physical security, guard training and qualification, and safeguards contingency plans.

The Harris Physical Security Plan (PSP), Revision 0, dated March 15, 1996, Paragraph 2.0, and the Robinson PSP, Revision 0, dated July 17, 1998, Paragraph 2.0 require the licensee to establish procedures to provide detailed information to the security force for implementation of the plan including, all elements of Regulatory Guide 5.66, "Access Authorization Program for Nuclear Power Plants".

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Carolina Power & Light Company's (CP&L) Procedure SEC-NGGC-2101, "Nuclear Worker Screening Program for Unescorted Access," Paragraph 1.0, Revision 10, dated July 2, 1998, requires the licensee to implement an unescorted AA program which satisfies the requirements of 10 CFR 73.56.

CP&L's Procedure SEC-NGGC-2101, "Nuclear Worker Screening Program for Unescorted Access," Paragraph 9.3, Revision 10, dated July 2, 1998, requires CP&L to make a best effort to obtain required information and to document such attempts to address the applicant's employment history, education history, credit history, criminal history, military service, motor vehicle history, and character and reputation using the criteria set forth in the procedure.

Robinson Nuclear Plant, Security Procedure-16, Notification of Significant Events, Revision 22, Paragraph 5.2.2, and Harris Nuclear Plant, Security Procedure-17, Reporting of Safeguards and Fitness for Duty Events, Revision 9, dated September 22, 1997, Paragraph 6.0, state a partial failure of an otherwise satisfactory access control program in which malevolent intent is not established may be logged rather than reported if properly compensated or mitigated.

Contrary to the above, the licensee failed to comply with the regulations in 10 CFR Part 73 and the provisions of the Harris and Robinson PSPs related to the Access Authorization (AA) Program in four examples. Example A also resulted in the failure to comply with 10 CFR 50.9.

- A. The licensee willfully failed to review and evaluate background information for three individuals, one at Harris and two at Robinson, prior to granting temporary access authorization to the individuals on January 27, 28, and 29, 1999. Nevertheless, the background investigation reports for these individuals were drafted to indicate that prior employment had been verified when it had not. Accurate background information including prior employment history information is material in that confirmation of prior employment is necessary to determine that individuals have the requisite trustworthiness and reliability for gaining unescorted access to protected and vital areas of the plant.
- B. During the period January 29 through February 5, 1999, the licensee failed to discontinue the temporary unescorted AA for three individuals, one at Harris and two at Robinson, even though information had been obtained on January 29, 1999, which indicated that the background investigations, upon which access was partially based, were inaccurate and/or incomplete.
- C. The licensee failed to maintain original data upon which the licensee granted unescorted access authorization to three individuals, one at Harris and two at

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Robinson, for a period of five years as required by 10 CFR 73.56(h)(1). Specifically, on February 3, 1999, the licensee destroyed three Unescorted Access Authorization Certification Letters at the CP&L corporate office which had documented the certification of unescorted access authorization for two individuals at Robinson and one at Harris.

- D. The licensee failed to appropriately resolve and document safeguards events in the security event logs in accordance with 10 CFR 73.71(c) within 24 hours of discovery. Specifically, on January 29, 1999, the licensee became aware of incomplete background investigations for individuals who had been granted temporary AA; however, the licensee did not log the event at the Robinson plant until February 8, 1999, and did not log the event at the Harris plant until February 9, 1999. Both periods exceeded 24 hours (01014).

This is a Severity Level IV violation for the Robinson facility (Supplement III). This is a violation associated with a Green issue for the Harris facility.

Pursuant to the provisions of 10 CFR 2.201, Carolina Power and Light Company is required to submit a written statement of explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region II, and a copy to the NRC Resident Inspectors at the facilities that are the subject of this Notice, within 30 days from the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for the violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific

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information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 23rd day of November 1999

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