



South Texas Project Electric Generating Station P.O. Box 289 Wadsworth, Texas 77483

December 13, 2001
NOC-AE-01001230
File No.: G25
10CFR50.73

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, DC 20555-0001

South Texas Project
Unit 1
Docket No. STN 50-498
Safeguards Event Report 01-S01
Classification and Control of Safeguards Information

Pursuant to 10CFR73.71, the South Texas Project submits the attached Safeguards Event Report 01-S01 regarding Classification and Control of Safeguards Information. This event did not have an adverse effect on the health and safety of the public. The only commitments in this letter are contained in the Corrective Action section of the attachment.

If there are any questions, please contact either R. D. Piggott at (361) 972-7438 or me at (361) 972-8053.

A handwritten signature in black ink, appearing to read "P. L. Serra".

P. L. Serra
Manager,
Plant Protection

RDP
Attachment: SER 01-S01 (South Texas, Unit 1)

IE22

Ric'd
01/17/02

cc:

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U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555-0001

NRC FORM 366 U.S. NUCLEAR REGULATORY COMMISSION (1-2001) COMMISSION <div style="text-align: center;">LICENSEE EVENT REPORT (LER)</div> <div style="text-align: center; font-size: small;">(See reverse for required number of digits/characters for each block)</div>						APPROVED BY OMB NO. 3150-0104 EXPIRES 6-30-2001 <small>Estimated burden per response to comply with this mandatory information collection request: 50 hours. Reported lessons learned are incorporated into the licensing process and fed back to industry. Send comments regarding burden estimate to the Records Management Branch (T-6 E6), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to bjs1@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0104), Office of Management and Budget, Washington, DC 20503. If a means used to impose information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.</small>					
FACILITY NAME (1) South Texas Unit 1						DOCKET NUMBER (2) 05000 498			PAGE (3) 1 OF 4		
TITLE (4) Classification and Control of Safeguards Information											
EVENT DATE (5)			LER NUMBER (6)			REPORT DATE (7)			OTHER FACILITIES INVOLVED (8)		
MO	DAY	YEAR	YEAR	SEQUENTIAL NUMBER	REV NO	MO	DAY	YEAR	FACILITY NAME	DOCKET NUMBER	
11	16	2001	01	S01	00	12	13	2001	FACILITY NAME	DOCKET NUMBER	
										05000	
										05000	
OPERATING MODE (9)		1	THIS REPORT IS SUBMITTED PURSUANT TO THE REQUIREMENTS OF 10 CFR §: (Check all that apply) (11)								
			20.2201(b)			20.2203(a)(3)(ii)			50.73(a)(2)(ii)(B)	50.73(a)(2)(ix)(A)	
POWER LEVEL (10)		100%	20.2201(d)			20.2203(a)(4)			50.73(a)(2)(iii)	50.73(a)(2)(x)	
			20.2203(a)(1)			50.36(c)(1)(i)(A)			50.73(a)(2)(iv)(A)	73.71(a)(4)	
			20.2203(a)(2)(i)			50.36(c)(1)(ii)(A)			50.73(a)(2)(v)(A)	73.71(a)(5)	
			20.2203(a)(2)(ii)			50.36(c)(2)			50.73(a)(2)(v)(B)	<input checked="" type="checkbox"/> OTHER Specify in Abstract below or in NRC Form 366A	
			20.2203(a)(2)(iii)			50.46(a)(3)(ii)			50.73(a)(2)(v)(C)		
			20.2203(a)(2)(iv)			50.73(a)(2)(i)(A)			50.73(a)(2)(v)(D)		
			20.2203(a)(2)(v)			50.73(a)(2)(i)(B)			50.73(a)(2)(vii)		
			20.2203(a)(2)(vi)			50.73(a)(2)(i)(C)			50.73(a)(2)(viii)(A)		
			20.2203(a)(3)(i)			50.73(a)(2)(ii)(A)			50.73(a)(2)(viii)(B)		
LICENSEE CONTACT FOR THIS LER (12)											
NAME R. D. Piggott						TELEPHONE NUMBER (Include Area Code) 361-972-7438					
COMPLETE ONE LINE FOR EACH COMPONENT FAILURE DESCRIBED IN THIS REPORT (13)											
CAUSE	SYSTEM	COMPONENT	MANUFACTURER	REPORTABLE TO EPIX	CAUSE	SYSTEM	COMPONENT	MANUFACTURER	REPORTABLE TO EPIX		
SUPPLEMENTAL REPORT EXPECTED (14)						EXPECTED SUBMISSION DATE (15)		MONTH	DAY	YEAR	
YES (If yes, complete EXPECTED SUBMISSION DATE).				x NO							
ABSTRACT (Limit to 1400 spaces, i.e., approximately 15 single-spaced typewritten lines) (16)											
<p>On November 16, 2001 Unit 1 and Unit 2 were in Mode 1 at 100% power when the Superintendent, Security received a telephone call from the Nuclear Regulatory Commission, Region IV Senior Security Inspector. The Inspector stated that the recently submitted Safeguards Contingency Plan, Revision 3A and Security Personnel Training and Qualification Plan, Revision 5A were not controlled as Safeguards Information resulting in a loss of control of Safeguards Information that required a one hour notification. A notification to the Nuclear Regulatory Commission was made at 1209 EST. In subsequent discussions with the Nuclear Regulatory Commission, it was determined that the Security Personnel Training and Qualification Plan, Revision 5A did not contain Safeguards Information. The cause of this event was determined to be a lack of a consistent interpretation of the Code of Federal Regulations. The South Texas Project Nuclear Operating Company does not agree that the information contained in Safeguards Contingency Plan is Safeguards Information. However, due to the unprecedented world security situation, STPNOC agrees to treat the Safeguards Contingency Plan as Safeguards Information. Actions have been taken to recover copies of Safeguards Contingency Plan, Revision 3A, now being controlled as Safeguards Information. A best effort attempt is being made to recover previous revisions of the Safeguards Contingency Plan. Also, the lessons learned from this event will be discussed with station Safeguards Information Classification Officers.</p>											

LICENSEE EVENT REPORT (LER)

FACILITY NAME (1)	DOCKET (2)	LER NUMBER (6)			PAGE (3)
South Texas Unit 1	05000-498	YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	2 OF 4
		2001	-- S01 --	00	

NARRATIVE (If more space is required, use additional copies of NRC Form 366A) (17)

DESCRIPTION OF EVENT:

On November 16, 2001 Unit 1 and Unit 2 were in Mode 1 at 100% power when the Superintendent, Security received a telephone call from the Nuclear Regulatory Commission, Region IV Senior Security Inspector. The Inspector stated he was reviewing the recently submitted Safeguards Contingency Plan, Revision 3A and the Security Personnel Training and Qualification Plan, Revision 5A and neither Plan were marked as Safeguards Information, nor were they transmitted as Safeguards Information. The Inspector further stated that this represented a loss of control of Safeguards Information. The Superintendent noted that both Plans had been declassified. The Inspector indicated that he still believed the Plans were Safeguards Information and that loss of Safeguards Information was a One-Hour Reportable Event. Based on this statement from the Inspector, a notification was made at the request of the Superintendent, Security by the Unit 1 Shift Supervisor, at 1209 EST.

In subsequent discussions with the Nuclear Regulatory Commission, the Nuclear Regulatory Commission determined that the Security Personnel Training and Qualification Plan, Revision 5A did not contain Safeguards Information.

CAUSE OF EVENT

The cause of this event is the lack of a consistent interpretation of the Code of Federal Regulations. The South Texas Project Nuclear Operating Company (STPNOC) does not agree that the information contained in the Safeguards Contingency Plan is Safeguards Information. However, due to the unprecedented world security situation, STPNOC agrees to treat the Plan as Safeguards Information.

REMEDIAL ACTIONS

1. Copies of the Safeguards Contingency Plan, Revision 3A that were distributed have been recovered and are being controlled as Safeguards Information. Note: Discussion with the Nuclear Regulatory Commission, Region IV staff indicated that appropriate actions were being taken by the Nuclear Regulatory Commission to control copies of the Plan that were in the NRC possession (both current and superceded revisions).
2. A best effort attempt is being made to recover copies of the previous revisions of the Safeguards Contingency Plan and handle the documents as Safeguards Information. This action will be completed by December 31, 2001.
3. The Safeguards Contingency Plan, Revision 4A will be issued as a Safeguards Document. This action will be completed by January 31, 2002.

CORRECTIVE ACTIONS

1. The lessons learned from this event will be discussed with station Safeguards Information Classification Officers. This action will be completed by January 15, 2002.

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FACILITY NAME (1)	DOCKET (2)	LER NUMBER (6)			PAGE (3)
South Texas Unit 1	05000-498	YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	3 OF 4
		2001	-- S01 --	00	

NARRATIVE (If more space is required, use additional copies of NRC Form 366A) (17)**ANALYSIS OF EVENT:**

In December 1995, the Safeguards Contingency Plan was revised and all Safeguards Information was removed from the document in Revision 1A. By referencing and not repeating information contained in the South Texas Physical Security Plan, Revision 1A, the Safeguards Contingency Plan was made a non-Safeguards Information document. The Safeguards Contingency Plan and a List of Changes were transmitted to the Nuclear Regulatory Commission explaining that the title was changed from 'Safeguards Contingency Plan' to "Safeguards Contingency Plan, Part One". The description of the change stated that this change was "To indicate that the submitted document (Chapter 1-4) is partial. Part Two of the plan consists of the contingency procedures, which are Safeguards Information." The description of changes also explained that the Safeguards Contingency Plan is Divided into two (2) parts. Part One provides the 'generic' framework for the development of procedures and instructions by identifying the objectives to be achieved, the decisions to be made and the actions to be taken by designated personnel in response to security threats. Part Two consists of the detailed procedures and instructions for contingency response, developed from the guidance provided in Part One."

These statements are consistent with two sections of 10CFR. 10CFR73.21(b), provides the requirements for the protection of safeguards information where the types of information that shall be protected are listed. 10CFR73.21(b)(viii) includes 'The composite safeguards contingency plan for the facility or site.' 10CFR73, Appendix C, Licensee Safeguards Contingency Plans, Contents of the Plan states that "Each licensee safeguards contingency plan shall include five categories of information: 1) Background, 2) Generic Planning Base, 3) Licensee Planning Base, 4) Responsibility Matrix, 5) Procedures. Although the implementing procedures (the fifth category of Plan information) are the culmination of the planning process, and are an integral and important part of the Safeguards Contingency Plan, they entail operating details subject to frequent changes. They need not be submitted to the Commission for approval, but will be inspected by NRC staff on a periodic basis." Thus, by separating the Plan into two parts consistent with the regulations, STPNOC was able to handle the portion of the plan that must be submitted to NRC as non-Safeguards Information.

The Safeguards Contingency Plan 1A was prepared at the direction of the Security Department Manager, by a contract Plan and Procedure writer. Both individuals had numerous years of Nuclear Security Experience. The classification of the Safeguards Contingency Plan 1A was reviewed and approved in accordance with station procedures as were Revision 2A and 3A. The changes in Revision 2A and 3A were comparatively minor and not germane to this investigation.

In conclusion, the Safeguards Contingency Plan was not classified as safeguards information because:

- (1) The Plan (Part One) only references and does not repeat information contained in the South Texas Physical Security Plan (i.e., discussion of safeguards systems such as communications, alarms, armaments; local law enforcement response capabilities and their criteria for response), a Safeguards Information document.
- (2) The Plan (Part One) only includes the generic framework for the development of procedures and instructions.
- (3) The detailed contingency actions and decisions to be made are included in station procedures and instructions, all of which are classified as Safeguards Information.

LICENSEE EVENT REPORT (LER)

FACILITY NAME (1)	DOCKET (2)	LER NUMBER (6)			PAGE (3)
South Texas Unit 1	05000-498	YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	4 OF 4
		2001	-- S01 --	00	

NARRATIVE (If more space is required, use additional copies of NRC Form 366A) (17)

In addition, STPNOC does not agree that the information contained in the Safeguards Contingency Plan could significantly assist an individual in an act of radiological sabotage or theft of special nuclear material. Generic Letter 91-03, Reporting Of Safeguards Events, in the section entitled Examples Of Safeguards Events That Do Not Need To Be Reported To The NRC Within 1 Hour Of Discovery states:

'Compromise (including loss or theft) of safeguards information that could not significantly assist an individual in gaining unauthorized or undetected access to a facility or would not significantly assist an individual in an act of radiological sabotage or theft of SNM.'

If the Safeguards Contingency Plan had been classified as Safeguards Information and had been lost then the loss of Safeguards Information would not be a Safeguards Event to be reported within one hour.

This event was reported in accordance with 10CFR73.71(b) for loss of Safeguards Information as described in Regulatory Guide 5.62 paragraph 2.2 (item 4). This event did not have an adverse effect on the health and safety of the public. This event did not result in damage to safety-related equipment, acts of sabotage, personnel injury, radiological concerns or environmental impacts. This report is being submitted as required by 10CFR73.71(d).