



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 26, 1996

Mr. David Merritt, Executive Director
Citizens' Utility Board
Suite 300
16 North Carroll Street
Madison, Wisconsin 53703

SUBJECT: YOUR LETTER TO THE U.S. NUCLEAR REGULATORY COMMISSION DATED
DECEMBER 14, 1995, REGARDING SECURITY CONCERNS AT THE POINT BEACH
NUCLEAR PLANT, LOCATED IN TWO CREEKS, WISCONSIN

Dear Mr. Merritt:

This letter responds to your request of December 14, 1995, that the U.S. Nuclear Regulatory Commission (NRC) reinvestigate two security incidents at the Point Beach Nuclear Plant, issue enforcement action including a civil penalty for security deficiencies, and ensure that the security plan is successfully implemented. As noted herein, a thorough review of the issues you raised indicates that the events were properly classified and the appropriate regulatory actions were taken. On the basis of NRC inspections and assessments, we have concluded that the Point Beach security program is adequate to protect the public health and safety.

On July 5, 1995, a security supervisor identified that he had not adequately protected safeguards information (SGI) outside the protected area of the plant. The SGI was left in his unattended and unlocked vehicle for approximately 5 hours in a plant parking lot that was accessible to the public. No compromise of the SGI was evident. Personnel error was the root cause of the security supervisor's failure to secure the material, and the large workload assigned to this supervisor was a contributing factor. The incident was categorized in accordance with the NRC Enforcement Policy as a Severity Level III violation without a civil penalty. Corrective action was taken by the licensee to prevent recurrence of the incident. A civil penalty was not assessed in this case because Point Beach did not have a prior history of similar significant security violations, the problem was self-identified, and the licensee's corrective actions were prompt and comprehensive.

During September 1995, an NRC inspector observed aggressive and successful security searches of a variety of packages carried into the plant. However, on September 12, 1995, the NRC inspector observed that three x-ray operators on four occasions appeared to conduct less than comprehensive searches of hand-carried personal computers. When this observation was discussed with the licensee's security management, the inspector suggested that a drill be conducted, and the licensee agreed. The drill involved concealing a non-operating small caliber pistol in the area adjacent to the power pack of a personal computer. The drill confirmed the inspector's findings regarding the deficiency in the search program.

C-8

D. Merritt


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The root cause of the search deficiency was poor work practice relating to search techniques for hand-carried computers. These deficiencies were considered to be more than minor and were categorized in accordance with the NRC Enforcement Policy as a Severity Level IV violation. Corrective action was implemented to prevent recurrence of the incident. The inspector reexamined search activities on September 15, 1995, and verified that corrective action taken by the licensee was successful and that other searches continued to be effective. As is our practice, we will again verify the adequacy of the search program during a routine scheduled security inspection in February 1996.

The NRC Enforcement Policy provides that "[i]f significant new information is received or obtained by NRC which indicates that an enforcement sanction was incorrectly applied, consideration will be given to reopening a closed enforcement action" From the NRC staff's review of the issues you raised, the staff has concluded that significant new information has not been identified that indicates that enforcement sanctions were incorrectly applied in these cases.

I trust this information will assist you in understanding the basis for the decisions made by the NRC. We do not intend to issue fines as a result of the two unrelated violations.

Sincerely,


for William T. Russell, Director
Office of Nuclear Reactor Regulation

cc: See next page

D. Merritt

- 2 -

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Sincerely,

Frank J. Miraglia/for

William T. Russell, Director
Office of Nuclear Reactor Regulation

cc: See next page

Distribution: See attached

*See Previous Concurrences

DOCUMENT NAME: G:\PTBEACH\GREEN912.LTR

To receive a copy of this document, indicate in the box: "C" = Copy without enclosures "E" = Copy with enclosures
"N" = No copy

* See previous concurrence

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|--------|-----------------|----------|---|---------------------|---------|---------|----------------|---|----------|
| OFFICE | PD33:LA* | PD33:PM* | E | PSG8:BC* | E | TechEd* | REGION 3* | E | PD33:PD* |
| NAME | DFoster-Curseen | AHansen | | LCunningham (EMail) | BCalure | | JGrobe (EMail) | | GMarcus |
| DATE | 1/18/96 | 1/18/96 | | 1/18/96 | 1/18/96 | | 1/18/96 | | / / |

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|--------|---------|---------|---------|------|----------|
| OFFICE | OE:D* | DRPW:D* | NRR:* | EDO* | Chairmen |
| NAME | JGray | JRoe | JTaylor | | SJackson |
| DATE | 1/18/96 | 1/19/96 | 1/23/96 | | / / |

OFFICIAL RECORD COPY

#3
1/26

cc:

Mr. Robert E. Link, Vice President
Nuclear Power Department
Wisconsin Electric Power Company
231 West Michigan Street, Room P379
Milwaukee, WI 53201

Ernest L. Blake, Jr.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N.W.
Washington, DC 20037

Mr. Gregory J. Maxfield, Manager
Point Beach Nuclear Plant
Wisconsin Electric Power Company
6610 Nuclear Road
Two Rivers, Wisconsin 54241

Mr. Ken Duveneck
Town Chairman
Town of Two Creeks
13017 State Highway 42
Mishicot, Wisconsin 54228

Chairman
Public Service Commission
of Wisconsin
P.O. Box 7854
Madison, Wisconsin 53707-7854

Regional Administrator
U.S. NRC, Region III
801 Warrenville Road
Lisle, Illinois 60532-4531

Resident Inspector's Office
U.S. Nuclear Regulatory Commission
6612 Nuclear Road
Two Rivers, Wisconsin 54241

Ms. Sarah Jenkins
Electric Division
Public Service Commission of Wisconsin
P.O. Box 7854
Madison, Wisconsin 53707-7854

MILCON

ACTION

EDO Principal Correspondence Control

FROM:

DUE: 01/10/96 ¹⁷

EDO CONTROL: 0000912

DOC DT: 12/14/95

FINAL REPLY:

David Merritt
Citizens' Utility Board

TO:

Chairman Jackson

Received 12/27/95

FOR SIGNATURE OF :

** PRI **

CRC NO: 95-1123

Chairman

DESC:

ROUTING:

NUCLEAR SECURITY PLAN AT THE POINT BEACH NUCLEAR
PLANT AND THE POINT BEACH INDEPENDENT SPENT FUEL
STORAGE INSTALLATION

Taylor
Milhoan
Thompson
Blaha
Miller, RIII
Lieberman, OE
Paperiello, NMSS

DATE: 12/26/95

ASSIGNED TO:

CONTACT:

NRR

Russell

SPECIAL INSTRUCTIONS OR REMARKS:

*Rec'd DAPW
12/28/95*

NRR RECEIVED:

DECEMBER 27, 1995

NRR ACTION:

BRPH-CRUTCHFIELD DAPW: ROE

NRR ROUTING:

RUSSELL
GILLESPIE
THADANI
ZIMMERMAN
~~CRUTCHFIELD~~
BOHRER

| |
|---|
| <p>ACTION</p> <p>DUE TO NRR DIRECTOR'S OFFICE</p> <p>19 ¹² '96</p> <p>BY <i>[Signature]</i></p> |
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*Phase Coordinate with
OE*

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-95-1123 LOGGING DATE: Dec 26 95
ACTION OFFICE: EDO
AUTHOR: DAVID MERRITT
AFFILIATION: WISCONSIN
ADDRESSEE: CHAIRMAN
LETTER DATE: Dec 14 95 FILE CODE: IDR-5 POINT BEACH
SUBJECT: SUGGEST THE NRC INVESTIGATE SECURITY FAILURES AT
POINT BEACH INDEPENDENT SPENT FUEL STORAGE
INSTALLATION
ACTION: *Signature of Chairman P. Reply*
DISTRIBUTION: RF, CHAIRMAN
SPECIAL HANDLING: SECY TO ACK
CONSTITUENT:
NOTES:
DATE DUE: Jan 10 96
SIGNATURE: . DATE SIGNED:
AFFILIATION:

EDO --- 000912