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DUKE POWER

April 12, 1994

Mr. James Lieberman, Director
Office of Inspection and Enforcement
U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555

SUBJECT: Duke Power Company
Oconee Nuclear Station Units 1, 2, and 3
Docket Nos. 50-269, 50-270, 50-287
McGuire Nuclear Station Units 1 and 2
Docket Nos. 50-369, 50-370
Catawba Nuclear Station Units 1 and 2
Docket Nos. 50-413, 50-414
Response to a Notice of Violation and Proposed
Imposition of Civil Penalties, EA 93-311

Gentlemen:

In accordance with 10 CFR 2.201, Duke Power Company hereby submits its "Reply to a Notice of Violation and Proposed Imposition of Civil Penalties" issued by the NRC (Region II) on March 16, 1994. A check for \$75,000 is enclosed as full payment for the imposed civil penalties. The Duke Power Company response to the cited violations is also included in the Enclosure to this letter.

The March 16, 1994, NRC letter accompanying the Notice of Violation, indicated concerns that Duke Power Company had only addressed the cited violations as isolated incidents. While the enclosed response does address the individual incidents on a plant specific basis, when appropriate, the corrective actions are being applied to all Duke Power Company locations. As a corrective action to the most significant of the cited violations, Duke Power Company has completed an extensive self assessment of the overall effectiveness of its nuclear safeguards information program. The self assessment recommendations will be reviewed in light of all the cited violations in order to provide a broad perspective of the problems. Duke Power Company will evaluate the self assessment items, implement appropriate actions, and complete all other corrective actions outlined in the enclosed response by May 31, 1994.

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Document Control Desk
April 12, 1994
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I declare under penalty of perjury that the statements contained herein are true and accurate to the best of my knowledge.

Very truly yours,

M. S. Tuckman

M. S. Tuckman
Senior Vice President
Nuclear Generation Department

MST/JSW

Enclosure: Response to a Notice of Violation and Proposed
Imposition of Civil Penalties, EA 93-311

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Mr. R. J. Freudenberger
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Catawba Nuclear Station

REPLY TO A NOTICE OF VIOLATION
AND PROPOSED IMPOSITION OF CIVIL PENALTIES;
NRC INSPECTION REPORT NOS. 50-269, 270 AND 287/93-32,
50-369 AND 370/93-31, AND 50-413 AND 414/93-35; NRC EA 93-311

Part I. Violations Assessed a Civil Penalty

Part I.A., Severity Level III Violation (Supplement III)
Civil Penalty - \$50,000

10 CFR 73.21(c)(1) requires, in part, that access to Safeguards Information be limited to persons with a "need to know" that information.

10 CFR 73.21(d)(2) requires, in part, that Safeguards Information be stored in a locked security storage container when unattended.

10 CFR 73.21(g)(3) requires Safeguards Information to be transmitted only by protected telecommunications circuits approved by the NRC except under emergency or extraordinary conditions.

10 CFR 73.21(h) permits Safeguards Information to be processed or produced on an automatic data processing (ADP) system, provided that the system is self-contained within the licensee's facility and requires the use of an entry code for access to stored information.

Contrary to the above, on March 24, 1993, approximately 96 drawings relating to the Oconee, McGuire, and Catawba plants which contained Safeguards Information were not protected. Specifically: (1) Safeguards Information had been stored on computer tapes at the Duke Power General Office since approximately 1978, and these computer tapes were not stored in locked security storage containers when unattended nor were controls in place to limit access to the tapes to persons with a "need to know" that information; (2) in some cases since approximately 1987, Safeguards Information was processed on an ADP system that was not self-contained in the licensee's facility and Safeguards Information could have been accessed and removed from the ADP system by unauthorized users; and (3) between November 1992 and March 1993, Safeguards Information could be transmitted by unprotected telecommunication circuits, and was in fact transmitted on an unprotected circuit on March 24, 1993.

RESPONSE TO PART I.A. VIOLATION:

1. Admission or denial of the alleged violation:

The occurrence of this violation is admitted; however, there are no indications that the safety of Duke Power Company nuclear stations was compromised by the incidents described above.

RESPONSE TO NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTIES; NRC INSPECTION REPORT NOS. 50-269, 270 AND 287/93-32, 50-369 AND 370/93-31, 50-413 AND 414/93-35; NRC EA 93-311

2. The reasons for the violation if admitted, and if denied, the reasons why:

The root cause for this violation was inadequate workplace procedures for handling drawings containing Safeguards Information. There were inadequate procedural controls for assigning priority codes for security jobs and for archiving of electronic drawing files.

3. The corrective steps that have been taken and the results achieved:

All uncontrolled Safeguards Information electronic files have been destroyed or secured in an approved security storage container.

Duke Power Company has completed a self assessment, conducted by its internal regulatory audit organization, which thoroughly reviewed the work processes of all groups handling electronic Safeguards Information files. The assessment also reviewed all aspects of the Safeguards Information program at Duke Power Company, with emphasis being placed on the expectations of, and guidance provided to individuals administering the program. During this review other problems were found and immediately corrected.

There have been no similar violations since the implementation of this corrective action.

4. The corrective steps that will be taken to avoid further violations:

A report was generated by the security program self assessment mentioned in above. The self assessment report contains over forty observations and recommendations. All of these forty items will be evaluated and appropriate action taken for each item. The evaluation of all self assessment items will be completed by May 31, 1994, and appropriate actions established for items selected for implementation.

5. The date when full compliance will be achieved:

Duke Power Company is currently in full compliance with the Safeguards Information requirements of 10 CFR 73.21 and the corrective actions outlined in Section 3 of this response have been completed.

Part I.B., Severity Level III Violation (Supplement III)
Civil Penalty - \$25,000

10 CFR 73.21(c)(1) requires, in part, that access to Safeguards Information be limited to persons with a "need to know" that information.

10 CFR 73.21(d)(2) requires, in part, that Safeguards Information be stored in a locked security storage container when unattended, and that knowledge of lock combinations be limited to persons with a "need to know" and who are otherwise authorized access to Safeguards Information in accordance with 10 CFR 73.21.

Contrary to the above, the licensee failed to control significant Safeguards Information on the following three occasions:

1. On August 16, 1993, at the Catawba plant, Safeguards Information was in a file in an unattended desk that was received from the General Office. The desk was not a locked security storage container and access to it was not limited to those with a "need to know" Safeguards Information. The file contained three pages of a Physical Security Plan (PSP) dated March 10, 1988. Although this version of the PSP was outdated, the information contained on the pages was still currently valid and was significant.
2. On November 22, 1993, a list of combinations for all Safeguards Information containers for the McGuire plant was on an unattended desk in an office located outside of the protected area, an area to which access was not limited to those with a "need to know" Safeguards Information. These combinations were Safeguards Information and the desk was not a locked security storage container. This list had apparently been unsecured since November 19, 1993.
3. On December 6, 1993, an unattended Safeguards Container containing safeguards information and located outside of the protected area at the Oconee site, an area to which access was not limited to those with a "need to know" Safeguards Information, was unlocked. This container had apparently remained opened for approximately one month.

RESPONSE TO PART I.B. VIOLATION, AUGUST 16, 1993, INCIDENT:

1. Admission or denial of the alleged violation:

The occurrence of this violation is admitted; however, there are no indications that the security of McGuire Nuclear Station was compromised by the August 16, 1993, incident described above. NOTE: The event occurred at Catawba Nuclear Station; the documents were from a McGuire Nuclear Station Physical Security Plan (PSP).

RESPONSE TO NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTIES; NRC INSPECTION REPORT NOS. 50-269, 270 AND 287/93-32, 50-369 AND 370/93-31, 50-413 AND 414/93-35; NRC EA 93-311

2. The reasons for the violation if admitted, and if denied, the reasons why:

The root cause for this violation was Personnel Error/Lack of Attention to Detail of an employee in the Duke Power General Office while handling Physical Security Plan (PSP) revisions for McGuire Nuclear Station. The file containing the Safeguards Information (PSP revision pages) was inappropriately stored in a desk by a trained and knowledgeable individual at the Duke Power Company General Office. This file was subsequently moved to Catawba Nuclear Station with other non-Safeguards Information files.

3. The corrective steps that have been taken and results achieved:

- a. The unattended Safeguards Information was immediately retrieved and properly stored in an approved security storage container.
- b. An inventory of the other non-safeguards information files that were moved with the file containing the PSP revision pages was conducted at Catawba Nuclear Station and no additional Safeguards Information was found.
- c. For those personnel affected by the recent reorganization that routinely handled Safeguards Information, an inventory of non-safeguards files was conducted and no additional Safeguards Information was found.

There have been no similar violations since the implementation of these corrective actions.

4. The corrective steps that will be taken to avoid further violations:

No additional corrective actions are deemed necessary in response to this violation.

5. The date when full compliance will be achieved:

Catawba Nuclear Station is currently in full compliance with the Safeguards Information requirements of 10 CFR 73.21 and the corrective actions outlined in Section 3 of this response have been completed.

RESPONSE TO PART I.B. VIOLATION, NOVEMBER 22, 1993, INCIDENT:

1. Admission or denial of the alleged violation:

The occurrence of this violation as described above is admitted; however, for clarification, note that the lock combinations on the list were only for the security storage container locks in the building where the unattended desk was located and not for all the security storage container locks at McGuire Nuclear Station. There are no indications that the security of McGuire Nuclear Station was compromised by the November 22, 1993, incident described above.

2. The reasons for the violation if admitted, and if denied, the reasons why:

The root cause for this violation was Personnel Error/Lack of Attention to Detail. The list of lock combinations was inadvertently mixed with non-safeguards information documents and left outside the security storage container.

3. The corrective steps that have been taken and the results achieved:

- a. The list of lock combinations was immediately secured.
- b. Lock combinations on all affected security storage containers were changed.
- c. The three Class 6 security storage containers located outside the Control Access Area (CAA) in the building were inventoried and no discrepancies or indications of tampering were found.
- d. The CAA barriers and a CAA access control hardware printout were examined and there was no indication of an abnormal entry into the CAA.
- e. Security storage container lock combination lists are now kept in red folders which are clearly marked "Safeguards Information".

There have been no similar violations since the implementation of these corrective actions.

4. The corrective steps that will be taken to avoid further violations:

No additional corrective actions are deemed necessary in response to this violation.

RESPONSE TO NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTIES; NRC INSPECTION REPORT NOS. 50-269, 270 AND 287/93-32, 50-369 AND 370/93-31, 50-413 AND 414/93-35; NRC EA 93-311

5. The date when full compliance will be achieved:

McGuire Nuclear Station is currently in full compliance with the Safeguards Information requirements of 10 CFR 73.21 and the corrective actions outlined in Section 3 of this response have been completed.

RESPONSE TO PART I.B. VIOLATION, DECEMBER 6, 1993, INCIDENT:

1. Admission or denial of the alleged violation:

The occurrence of this violation as described above is admitted; however, there are no indications that the security of Oconee Nuclear Station was compromised by the December 6, 1993, incident described above.

2. The reasons for the violation if admitted, and if denied, the reasons why:

The root cause for this violation was Personnel Error/Lack of Attention to Detail. The last individual to enter the security storage container failed to ensure that it was locked. The individual closed the drawers, but failed to turn the combination dial to engage the locking mechanism.

3. The corrective steps that have been taken and results achieved:

- a. Upon discovery, the unlocked security storage container was immediately secured and a detailed inventory conducted. The inventory accounted for all the Safeguards Information that should have been in the container.
- b. Personnel in this area now physically check the security storage container to ensure that it is locked at the end of each work day.
- c. All personnel with access to security storage containers with an internal combination lock have been retrained in regards to the locking process of the container (i.e., spin the dial to actually engage the locking mechanism). This corrective action also applies to McGuire and Catawba Nuclear Stations and the Duke Power Company General Office.

RESPONSE TO NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTIES; NRC INSPECTION REPORT NOS. 50-269, 270 AND 287/93-32, 50-369 AND 370/93-31, 50-413 AND 414/93-35; NRC EA 93-311

- d. Magnetic signs to indicate "LOCKED/UNLOCKED" or "OPEN/CLOSED" status have been placed on all security storage containers having an internal combination lock and no other outside indication of locked/unlocked status. This corrective action also applies to McGuire and Catawba Nuclear Stations and the Duke Power Company General Office.
- e. An "ACCESS LOG" is now used on all multi-user security storage containers to allow for better identification of when the container was last opened, and correspondingly secured. This corrective action also applies to McGuire and Catawba Nuclear Stations and the Duke Power Company General Office.

There have been no similar violations since the implementation of these corrective actions.

4. The corrective steps that will be taken to avoid further violations:

No additional corrective actions are deemed necessary in response to this violation.

As an additional step, the feasibility of moving all Class 6 security storage containers inside a CAA or Protected Area (PA) will be evaluated for all Duke Power Company locations. This evaluation will be completed by May 31, 1994.

5. The date when full compliance will be achieved:

Oconee Nuclear Station is currently in full compliance with the Safeguards Information requirements of 10 CFR 73.21 and the corrective actions outlined in Section 3 of this response have been completed.

Part II, Violations Not Assessed a Civil Penalty

Part II.A., Severity Level IV Violation (Supplement III)

10 CFR 73.21(d)(2) requires, in part, that Safeguards Information be stored in a locked security storage container when unattended.

Contrary to the above, at the Oconee facility, Safeguards Information containers were found unlocked and unattended on July 9, 1992, January 18, 1993, and April 26, 1993; Safeguards Information was found outside a locked security storage container and unattended on January 20, 1993; and, Safeguards Information was found to be missing on February 23, 1993.

RESPONSE TO PART II.A. VIOLATION:

1. Admission or denial of the alleged violation:

The occurrence of this violation as described above is admitted; however, there are no indications that the security of Oconee Nuclear Station was compromised by the incidents described above.

2. The reasons for the violation if admitted, and if denied, the reasons why:

The root cause for this violation was Personnel Error/Lack of Attention to Detail. The individuals involved with this violation had been previously trained, but failed to effectively implement Safeguards Information control measures.

3. The corrective steps that have been taken and results achieved:

a. For the July 9, 1992, January 18, 1993, and April 26, 1993, incidents:

- (1) Upon discovery, the security storage containers were immediately secured and an inventory of the contents was conducted. The inventory accounted for all the Safeguards Information that should have been in the containers.
- (2) Personnel in these areas now physically check the security storage container at the end of each work day to ensure that it is locked.
- (3) All personnel who have access to these security storage containers have been retrained in the proper control of Safeguards Information.

RESPONSE TO NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTIES; NRC INSPECTION REPORT NOS. 50-269, 270 AND 287/93-32, 50-369 AND 370/93-31, 50-413 AND 414/93-35; NRC EA 93-311

- (4) An "ACCESS LOG" is now used on this security storage container for better identification of when the container was last opened, and correspondingly secured.

b. For the January 20, 1993, incident:

- (1) The Safeguards Information was immediately controlled upon discovery and the information was reviewed. The review accounted for all the Safeguards Information.
- (2) Safeguards Information control requirements were reviewed with the involved individuals.

c. For the February 23, 1993, incident:

Upon discovery of the missing information, a search was conducted of all potential storage repositories where the information may have been located. Although the information was not found, it was determined that the information could not lead to undetected unauthorized entry into the protected area of the station.

There have been no similar violations since the implementation of these corrective actions.

4. The corrective steps that will be taken to avoid further violations:

- a. For the July 9, 1992, January 18, 1993, and April 26, 1993, incidents:

No additional corrective actions are deemed necessary in response to this violation.

- b. For the January 20, 1993, incident:

A review of Safeguards Information control requirements will be conducted with members of future Quality Verification (QV) Audit Teams prior to allowing actual access to Safeguards Information.

- c. For the February 23, 1993, incident:

All procedures maintained by Instrument and Electrical (I&E) personnel that contain Safeguards Information will be reviewed for potential declassification as non-Safeguards Information. Additionally, a review of work practices associated with routing completed I&E test procedures containing Safeguards Information will be conducted. These corrective actions will be completed by May 31, 1994.

RESPONSE TO NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTIES; NRC INSPECTION REPORT NOS. 50-269, 270 AND 287/93-32, 50-369 AND 370/93-31, 50-413 AND 414/93-35; NRC EA 93-311

5. The date when full compliance will be achieved:

Oconee Nuclear Station is currently in full compliance with the Safeguards Information requirements of 10 CFR 73.21 and the corrective actions outlined in Section 3 of this response have been completed.

Part II.B., Severity Level IV Violation (Supplement III)

10 CFR 73.21(d)(2) requires, in part, that Safeguards Information be stored in a locked security storage container when unattended.

Contrary to the above, at the Catawba facility, Safeguards Information was left outside a locked security storage container and unattended on August 8, 1992 and December 22, 1992; and Safeguards Information was found to be missing on January 27, 1993 and April 27, 1993.

RESPONSE TO PART II.B. VIOLATION:

1. Admission or denial of the alleged violation:

The occurrence of this violation is admitted, except that the date of August 8, 1992, stated in the Notice of Violation was incorrect. The violation occurred on August 20, 1992. Notwithstanding the admission of this violation, there are no indications that the security of Catawba Nuclear Station was compromised by the incidents described above.

2. The reasons for the violation if admitted, and if denied, the reasons why:

The root cause for all the incidents referenced in this violation was Personnel Error/Lack Of Attention To Detail.

a. For the August 20, 1992, incident:

While making copies of Safeguards Information, the copy machine jammed and the employee did not clear all copies from the machine. Upon subsequent use of the machine by other personnel, the "stored" copies of Safeguards Information were output by the copier.

b. For the December 22, 1992, incident:

After making copies of the security journal, a security officer inadvertently left a copy of the journal on or around the copy machine.

c. For the January 27, 1993, and April 27, 1993, incidents:

While removing superseded pages and inserting revised pages in PSPs, errors were made. It is most probable that these errors resulted in the missing effective pages being inadvertently shredded along with the superseded pages. A search for the missing pages was also conducted in all potential storage locations and manuals to ensure inadvertent misfiling had not occurred.

RESPONSE TO NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTIES; NRC INSPECTION REPORT NOS. 50-269, 270 AND 287/93-32, 50-369 AND 370/93-31, 50-413 AND 414/93-35; NRC EA 93-311

3. The corrective steps that have been taken and results achieved:

a. For the August 20, 1992, incident:

- (1) The unattended Safeguards Information was immediately retrieved and properly stored in an approved security storage container.
- (2) Safeguards Information program administrators and document controllers throughout Duke Power Company were advised of the August 20, 1992, incident and instructed on the proper copier clearing methods and actions.

b. For the December 22, 1992, incident:

- (1) The Catawba Nuclear Station security journal was declassified such that it no longer contains Safeguards Information other than an attachment which may be added if necessary.
- (2) The storage location for the Catawba Nuclear Station security journals was changed to the Central Alarm Station. The ready availability of the journals now permits the appropriate reviews to be performed without making copies of the journal.

c. For the January 27, 1993, and April 27, 1993, incidents:

- (1) The proper way to insert a plan revision has been reiterated to appropriate personnel.
- (2) A formal independent verification process has been implemented for use when inserting revisions into affected security documents. A second individual now verifies that all effective pages remain in the document and the proper superseded pages are being destroyed.
- (3) A security guideline has been developed which outlines workplace handling of Safeguards Information and incorporates the independent verification process. The guideline utilizes a newly developed change record form. The guideline was completed on September 23, 1993.

RESPONSE TO NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTIES; NRC INSPECTION REPORT NOS. 50-269, 270 AND 287/93-32, 50-369 AND 370/93-31, 50-413 AND 414/93-35; NRC EA 93-311

- (4) Security staff personnel were trained on the new Safeguards Information handling guideline. The Catawba Nuclear Station training was completed on December 6, 1993.

There have been no similar violations since the implementation of these corrective actions.

4. The corrective steps that will be taken to avoid further violations:

No additional corrective actions are deemed necessary for Catawba Nuclear Station in response to this violation. The Independent Verification process mentioned in Section 3.c(2) and 3.c(3) above will be implemented as guidelines at McGuire and Oconee Nuclear Stations by May 31, 1994.

5. The date when full compliance will be achieved:

Catawba Nuclear Station is currently in compliance with the Safeguards Information requirements of 10 CFR 73.21 and the corrective actions outlined in Section 3 of this response have been completed.

Part II.C., Severity Level IV Violation (Supplement III)

10 CFR 73.21(g)(1) requires that Safeguards Information, when transmitted outside an authorized place of use or storage, be packaged to preclude disclosure of the presence of Safeguards Information.

Contrary to the above, Safeguards Information was not packaged to preclude disclosure of the presence of Safeguards Information when it was transmitted in inter-office mail, which is outside an authorized place of use or storage, at the Oconee plant on February 9, 1993, and in inter-office mail, which is outside an authorized place of use or storage, at the Catawba plant on December 21, 1992.

RESPONSE TO PART II.C VIOLATION, FEBRUARY 9, 1993, INCIDENT:

1. Admission or denial of the alleged violation:

The occurrence of this violation as described above is admitted; however, there are no indications that the security of Oconee Nuclear Station was compromised by the February 9, 1993, incident described above.

The Safeguards Information was packaged in one sealed envelope that was inside an inter-office mailing envelope. The inner sealed envelope was stamped to indicate that it contained Safeguards Information.

2. The reasons for the violation if admitted, and if denied, the reasons why:

The root cause for this violation was Lack of Training of the individual responsible for opening mail addressed to the site vice president. The individual had not been identified as needing Safeguards Information training.

3. The corrective steps that have been taken and results achieved:

- a. The process used to handle Safeguards Information transmittals from the NRC to the site has been reviewed. The individuals responsible for opening this mail have been trained in the control requirements of Safeguards Information.

* RESPONSE TO NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTIES; NRC INSPECTION REPORT NOS. 50-269, 270 AND 287/93-32, 50-369 AND 370/93-31, 50-413 AND 414/93-35; NRC EA 93-311

- b. Safeguards Information transmittals received at the station in the manner described above are being routinely hand carried to Security rather than using inter-office mail.

There have been no similar violations since the implementation of these corrective actions.

4. The corrective steps that will be taken to avoid further violations:

No additional corrective actions are deemed necessary in response to this violation.

5. The date when full compliance will be achieved:

Oconee Nuclear Station is currently in full compliance with the Safeguards Information requirements of 10 CFR 73.21 and the corrective actions outlined in Section 3 of this response have been completed.

RESPONSE TO PART II.C VIOLATION, DECEMBER 21, 1992, INCIDENT:

1. Admission or denial of the alleged violation:

The occurrence of this violation as described above is admitted; however, there are no indications that the security of Catawba Nuclear Station was compromised by the December 21, 1992, incident described above.

The Safeguards Information was packaged in a single sealed manila envelope. There were no markings on the outside of the envelope that would indicate there was Safeguards Information inside the envelope.

2. The reasons for the violation if admitted, and if denied, the reasons why:

The root cause for this violation was Ineffective Training of the employee that transmitted the improperly packaged Safeguards Information. The individual had been previously trained on the proper way to transmit Safeguards Information, but failed to adhere to the policy requirements. The individual was unaware of the requirement for double packaging and also failed to consult the established procedure which provided the established packaging guidance.

* RESPONSE TO NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTIES; NRC INSPECTION REPORT NOS. 50-269, 270 AND 287/93-32, 50-369 AND 370/93-31, 50-413 AND 414/93-35; NRC EA 93-311

3. The corrective steps that have been taken and the results achieved:

The proper technique to transmit Safeguards Information was reiterated to the individual.

4. The corrective steps that will be taken to avoid further violations:

No additional corrective actions are deemed necessary in response to this violation.

5. The date when full compliance will be achieved:

Catawba Nuclear Station is currently in compliance with the Safeguards Information requirements of 10 CFR 73.21 and the corrective actions outlined in Section 3 of this response have been completed.