



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005**

April 22, 2003

EA-03-071

R. T. Ridenoure
Division Manager - Nuclear Operations
Omaha Public Power District
Fort Calhoun Station FC-2-4 Adm.
P.O. Box 550
Fort Calhoun, Nebraska 68023-0550

**SUBJECT: FORT CALHOUN STATION NRC RADIATION PROTECTION INSPECTION
AND NOTICE OF VIOLATION (INSPECTION REPORT 50-285/03-09 AND
INVESTIGATION REPORT 4-2002-060)**

Dear Mr. Ridenoure:

On March 27, 2003, the NRC completed an in-office review and inspection of your investigation involving the events documented in Condition Report CR-200203574. In addition, the NRC's Office of Investigations (OI) reviewed your investigation report and agreed with your conclusion that security officers deliberately violated certain radiation protection program requirements. The enclosed report documents the inspection findings, which were discussed during a telephonic exit on March 27, 2003, with Mr. J. Sefick, Security Manager, and other members of your staff on the results of the inspection.

The inspection examined activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. Within this area, the inspection involved a review of your investigation, root-cause analysis, and selected radiation protection program procedures.

Based on the results of the inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation was determined to have very low safety significance because the radiation levels encountered at the Alpha 1 security post located in the remote radiologically controlled area were typically very low during the period investigated (April 27 through October 8, 2002). As described in Section 2OS1 of this report, the failure to follow radiation protection procedure and radiation work permit (RWP) requirements is a violation of Technical Specification 5.8.1. The violation was evaluated in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy) NUREG-1600. The current Enforcement Policy is included on the NRC's website at www.nrc.gov. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. The violation is being cited in the Notice because numerous security officers deliberately disregarded radiation protection procedure and radiation work permit (RWP) requirements over an extended period of time, and this was not discovered by management oversight activities.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice of Violation when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements. It is our understanding that your staff took immediate corrective actions, pending the completion of an investigation and root cause analysis, to ensure that security officers assigned to the Alpha 1 security post followed radiation protection procedures and complied with RWP requirements. After considering the information developed during the inspection, the NRC has concluded that the inspection finding is appropriately characterized as a Severity Level IV violation.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Should you have any questions concerning this inspection, we will be pleased to discuss them with you.

Sincerely,

//RA//

Troy W. Pruett, Chief
Plant Support Branch
Division of Reactor Safety

Docket: 50-285
License: DPR-40

Enclosures:

1. Notice of Violation
2. NRC Inspection Report
50-285/03-09

cc w/enclosures:

John B. Herman, Manager
Nuclear Licensing
Omaha Public Power District
Fort Calhoun Station FC-2-4 Adm.
P.O. Box 550
Fort Calhoun, Nebraska 68023-0550

Omaha Public Power District

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Richard P. Clemons, Division Manager
Nuclear Assessments
Fort Calhoun Station
P.O. Box 550
Fort Calhoun, Nebraska 68023-0550

David J. Bannister, Manager - Fort Calhoun Station
Omaha Public Power District
Fort Calhoun Station FC-1-1 Plant
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Fort Calhoun, Nebraska 68023-0550

James R. Curtiss
Winston & Strawn
1400 L. Street, N.W.
Washington, D.C. 20005-3502

Chairman
Washington County Board of Supervisors
Washington County Courthouse
P.O. Box 466
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Sue Semerena, Section Administrator
Nebraska Health and Human Services System
Division of Public Health Assurance
Consumer Services Section
301 Centennial Mall, South
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Lincoln, Nebraska 68509-5007

Daniel K. McGhee
Bureau of Radiological Health
Iowa Department of Public Health
401 SW 7th Street, Suite D
Des Moines, Iowa 50309

Electronic distribution from ADAMS by RIV:

Regional Administrator (**EWM**)

DRP Director (**ATH**)

DRS Director (**DDC**)

Sanborn (**GFS**)

DRS STA (**DAP**)

Senior Resident Inspector (**JGK**)

Branch Chief, DRP/C (**CEJ1**)

Plant Support Chief (**TWP**)

Senior Project Engineer, DRP/C (**WCW**)

Staff Chief, DRP/TSS (**PHH**)

RITS Coordinator (**NBH**)

Jim Isom, Pilot Plant Program (**JA1**)

RidsNrrDipmLipb

B. McDermott (**BJM**)

FCS Site Secretary (**NJC**)

ADAMS: Yes No Initials: _____

Publicly Available Non-Publicly Available Sensitive Non-Sensitive

DOCUMENT NAME: S:\DRS\REPORTS\FC2003-09-rp-jbn.wpd

RIV:DRS:SHP	C:PSB	DRP/C	ACES	DD:DRS
JBNicholas*	TWPruett*	CEJohnson*	GFSanborn*	DDChamberlain*
/RA	/RA	/RA/	/RA/ w/comments	/RA/
4 / 9 /03	4 /14 /03	4 /15 /03	4 /15 /03	4 /21 /03
C:PSB				
TWPruett				
/RA/				
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OFFICIAL RECORD COPY

T=Telephone

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*previously concurred

ENCLOSURE 1

NOTICE OF VIOLATION

Omaha Public Power District
Fort Calhoun Station

Docket No. 50-285
License No. DPR-40
EA-03-071

During a review of Condition Report CR-200203574 between March 5 and March 27, 2003, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

Technical Specification 5.8.1.a states, in part, that written procedures shall be established, implemented, and maintained covering the applicable procedures recommended in Regulatory Guide 1.33, Revision 2, February 1978, Appendix A.

Regulatory Guide 1.33, Appendix A, Section 7.e.(1), recommends procedures for a radiation work permit (RWP) system.

Section 2.3.10 of Procedure RPP, "Radiation Protection Plan," Revision 20, states, in part, that each station individual is responsible for obeying the requirements in Standing Order SO-G-101, "Radiation Worker Practices." Section 5.7.1 of SO-G-101, Revision 20, states, in part, that RWPs are required for entry into any posted Radiologically Controlled Area (RCA). In addition, Section 5.8.2 of SO-G-101 states, in part, that persons entering a RCA shall read and understand the information provided and follow the requirements of the appropriate RWP, obtain an electronic alarming dosimeter (EAD), and proceed to the EAD reader and log in to the access computer (electronic sign in).

Contrary to the above, between April 27 and October 8, 2002, 30 security officers on 62 occasions deliberately did not read and understand the information provided and follow the requirements of RWP 02-004, did not obtain the EAD required when assigned to the Alpha 1 security post which was posted as a RCA, and did not electronically sign in on the required RWP.

This is a Severity Level IV violation. (Supplement IV)

Pursuant to the provisions of 10 CFR 2.201, Omaha Public Power District is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region IV, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice of Violation (Notice), within 30 days of the date of the letter transmitting this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (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 made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room). If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

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

Dated this 22nd day of April 2003

ENCLOSURE 2

U.S. NUCLEAR REGULATORY COMMISSION
REGION IV

Docket: 50-285
License: DPR-40
EA No. EA-03-071
Report No: 50-285/03-09
Licensee: Omaha Public Power District
Facility: Fort Calhoun Station
Location: Fort Calhoun Station FC-2-4 Adm
P.O. Box 399, Hwy. 75 - North of Fort Calhoun
Fort Calhoun, Nebraska
Dates: March 5-27, 2003
Inspector: J. Blair Nicholas, Ph.D., Senior Health Physicist, Plant Support Branch
Approved By: Troy W. Pruett, Chief, Plant Support Branch
Division of Reactor Safety
Attachment: Supplemental Information

SUMMARY OF FINDINGS

Fort Calhoun Station
NRC Inspection Report No. 50-285/03-09

IR 05000285/2003-009; Omaha Public Power District; March 5-27, 2003; Fort Calhoun Station;
Review and inspection of Condition Report CR-200203574

A regional senior health physics inspector conducted the review and inspection of the licensee's investigation involving the events documented in Condition Report CR-200203574. Based on the results of the inspection and an investigation conducted by the NRC's Office of Investigation, the inspector identified the following significant finding. This finding was evaluated under the NRC Enforcement Policy because it involved a willful violation of NRC requirements.

Cornerstone: Occupational Radiation Safety

- Severity Level IV. Several examples of a violation of Technical Specification 5.8.1.a for the failure to follow radiation protection procedure requirements were identified. Thirty different security officers deliberately violated applicable radiation protection procedural requirements on 62 occasions by not signing in on the required radiation work permit (RWP) 02-004 and not obtaining an electronic alarming dosimeter when assigned to the Alpha 1 security post during the period of April 27 through October 8, 2002. This violation is being treated as a Severity Level IV violation consistent with the NRC Enforcement Policy. This violation is in the licensee's corrective action program as CR-200203574.

Report Details

2 RADIATION SAFETY

Cornerstone: Occupational Radiation Safety [OS]

2OS1 Access Control to Radiologically Significant Areas (71121.01)

a. Inspection Scope

An inspector performed an in-office review of the licensee's investigation of several security officers who entered a remote radiologically controlled area (RCA) to determine if there were any issues contrary to regulatory requirements.

b. Findings

Introduction

Thirty different security officers violated station procedures on 62 occasions by not signing in on the required radiation work permit (RWP) 02-004 and by not obtaining the required electronic alarming dosimeter (EAD) needed when assigned to the Alpha 1 security post. The failure to comply with station procedures is a violation of Technical Specification 5.8.1.a.

Description

On December 3, 2002, the licensee provided the results of their investigation of a series of events involving security officers which occurred between April 27 and October 8, 2002. Based on the results of the investigation, the licensee determined that 30 different security officers had willfully violated radiation protection procedural requirements on 62 occasions by not signing in on the required RWP 02-004 and by not obtaining the required EAD needed when assigned to the Alpha 1 security post. The Alpha 1 security post was located in a posted remote RCA in accordance with Procedure RP-204, "Radiation Area Controls." The area was barricaded with a magenta and yellow rope and was posted as an RCA with a sign stating "CAUTION, RWP REQUIRED FOR ENTRY, TLD and DOSIMETRY REQUIRED FOR ENTRY." The posting was hung across the entry to the area where the Alpha 1 security post was located and would be difficult to miss by anyone passing through the door.

On January 13, 2003, the Office of Investigations, Region IV, reviewed your investigation report and agreed with your conclusion that several security officers had deliberately violated radiation protection procedures as described above.

Analysis

It was determined this failure to comply with the RCA posting and RWP requirements was willful. The finding was more than minor because it involved a deliberate violation of NRC requirements.

Enforcement

Technical Specification 5.8.1.a states, in part, that written procedures shall be established, implemented, and maintained covering the applicable procedures recommended in Regulatory Guide 1.33, Revision 2, February 1978, Appendix A. Regulatory Guide 1.33, Appendix A, Section 7.e.(1), recommends procedures for a radiation work permit system. Section 2.3.10 of Procedure RPP, "Radiation Protection Plan," Revision 20, states, in part, that each station individual is responsible for obeying the requirements of Standing Order SO-G-101, "Radiation Work Practices." Section 5.7.1 of SO-G-101, Revision 20, states, in part, that RWPs are required for entry into any posted RCA. In addition, Section 5.8.2 of SO-G-101 states, in part, that persons entering a RCA shall obtain an understanding of the information provided and the requirements of the appropriate RWP and obtain an electronic alarming dosimeter (EAD).

Contrary to the above, between April 27 and October 8, 2002, 30 security officers on 62 occasions deliberately did not read and understand the information provided and follow the requirements of RWP 02-004, did not obtain an EAD required when assigned to the Alpha 1 security post which was posted as a RCA, and did not electronically sign in on the required RWP. The finding was entered into the licensee's corrective action program as CR-200203574. This deliberate violation is being treated as a Severity Level IV violation, consistent with the NRC Enforcement Policy. (NOV 50-285/2003-09-01)

40A6 Management Meetings

Exit Meeting Summary

The inspector presented the inspection results to Mr. J. Sefick, Manager, Security, and other members of the licensee's staff during a telephonic exit meeting on March 27, 2003. The licensee acknowledged the findings presented.

The inspector asked the licensee whether any materials examined during the inspection should be considered proprietary. No proprietary information was identified.

ATTACHMENT

SUPPLEMENTAL INFORMATION

PARTIAL LIST OF PERSONS CONTACTED

Licensee

E. Matzke, Engineer, Station Licensing
M. Puckett, Manager, Radiation Protection
K. Steele, Supervisor, Radiation Protection
J. Sefick, Manager, Security

ITEMS OPENED, CLOSED, AND DISCUSSED

Opened During this Inspection

50-285/0309-01	NOV	Failure to follow radiation protection procedural and RWP requirements (Section 2OS1)
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