

ENCLOSURE 1

NOTICE OF VIOLATION

Omaha Public Power District
Fort Calhoun Station

Docket No.: 50-285
License No.: DPR-40

During an NRC inspection conducted August 19-26, and September 6, 1996, two violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

License Condition 2.C of the licensee's facility operating license requires, in part, that the licensee maintain in effect and fully implement all provisions of the commission-approved physical security plan, including amendments and changes made pursuant to the authority of 10 CFR 50.54(p).

A. Physical Protection System Design

Section 2.0 of the licensee's physical security plan states, in part, "The physical security program for the FCS has been designed to protect against the design basis threat contained in 10 CFR 73.1(a)(1).

10 CFR 73.1(a)(1), in part, defines the design basis threat of radiological sabotage at plants as a determined violent external assault on the plant by several well trained persons, with inside assistance from a knowledgeable individual (insider), participating in an active role (e.g., facilitating entrance and exit).

Contrary to the above, on August 20, 1996, the inspectors determined that a portion of the licensee's physical security program was not adequately designed to protect against the knowledgeable individual (insider) in the design basis threat of radiological sabotage. Specifically, the licensee's system afforded each of two individuals (insider) the opportunity to actively facilitate entrance and exit to the plant to unauthorized persons, by allowing these individuals (insider) the opportunity to fabricate unauthorized photo identification security badges and the opportunity to approved bogus unverified access authorization data for entry into the security computer.

This is a Severity Level IV violation (Supplement III) (50-285/9607-01)

B. Background Investigations

10 CFR 73.56 (b)(2)(i) requires, in part, that the licensee provide high assurance that individuals granted unescorted access to protected and vital areas are trustworthy and reliable. In this regard, the licensee's program for granting unescorted access authorization to the plants' protected and vital areas must include a background investigation, including information concerning an individual's criminal history.

Section 6.0 of the licensee's physical security plan states, in part, that, "Individuals requiring unescorted access to the protected and vital areas of Fort Calhoun Station shall be authorized such access in accordance with Regulatory Guide 5.66, June 1991, and its appendix, which satisfies the requirements of 10 CFR 73.56."

Paragraph 7.1 of the Appendix to Regulatory Guide 5.66 dated June 1991 (NUMARC 89-01) requires, in part, that a licensee review and consider all information obtained during a background investigation and base its decision to grant unescorted access authorization upon the results of this review.

Paragraph 7.1a of the Appendix to Regulatory Guide 5.66 dated June 1991 (NUMARC 89-01) requires, in part, that in making a determination of trustworthiness and reliability, that the licensee consider the willful omission or falsification of material information submitted in support of a request for unescorted access authorization.

Contrary to the above, on September 6, 1996, the inspectors determined that the licensee had failed to review and consider all information obtained during a background investigation. Specifically, on July 20, 1993, the licensee made a favorable determination of trustworthiness and reliability and granted an individual final unescorted access to the protected and vital areas without determining if criminal history information reported by the FBI, had been willfully omitted by the individual from his personnel security questionnaire. The licensee accepted without challenge, the individual's omission and denial of a criminal conviction.

This is a Severity Level IV violation (Supplement III) (50-285/9607-03).

The NRC has concluded that information regarding the reason for Violation A and the corrective actions taken to correct the violation and prevent recurrence is already adequately addressed in the enclosed report. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position.

With respect to Violation B, 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, D.C. 20555 with a copy to the Regional Administrator, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of 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 Violation B: (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 previous 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.

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 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.

Dated at Arlington, Texas
this 18th day of September 1996