



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

September 27, 1996

IA 96-061

Richard Fentiman
[HOME ADDRESS DELETED]
PURSUANT TO 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION
(NRC INVESTIGATION REPORT NO. 4-95-059)

Dear Mr. Fentiman:

This is in reference to the matter discussed with you at a predecisional enforcement conference on August 12, 1996, in Kansas City, Missouri. As indicated in our July 25, 1996 letter to you, the purpose of the conference was to discuss an apparent violation of the NRC's rule prohibiting deliberate misconduct and to provide the NRC with information it needed to make an enforcement decision in this case.

Specifically, an investigation was conducted by the NRC's Office of Investigations (OI) into access authorization issues at Cooper Nuclear Station. The investigation confirmed the results of an investigation conducted by your former employer, the Nebraska Public Power District (NPPD), which found that while employed as an access authorization technician at Cooper Nuclear Station, you directed contract personnel to not follow an NPPD procedure. The procedure that was violated, NPPD Procedure AAPP 3.3, "Background Investigations," required access authorization personnel to "develop" two references independent of the references "listed" by the applicant on the request for unescorted access to the facility. The OI investigation determined that you had willfully directed the access authorization workers to use applicant provided "listed" references as access authorization program "developed" references.

At the conference, you acknowledged that you had instructed contract personnel to use "listed" references as "developed" references on limited occasions, particularly when the contract technicians were having difficulty establishing the required developed references. You also acknowledged having instructed them to dispose of the original records submitted by applicants so that you wouldn't have two sets of records in the files. These actions were clearly contrary to NPPD procedures at Cooper Nuclear Station, and contrary to the purpose of conducting background investigations prior to granting unescorted access to the facility. Furthermore, your actions had the potential to result in granting unescorted access to individuals who would not be given access on the basis of a proper background investigation.

Based on our review of the investigation report and the information you provided at the August 12 conference, the NRC has determined that a violation of the NRC's rule on deliberate misconduct, 10 CFR 50.5, did occur. This violation is cited in the enclosed Notice of Violation. In accordance with

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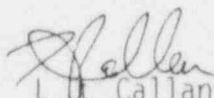
the "General Statement of Policy and Procedures for Enforcement Actions," NUREG-1600 (Enforcement Policy), this violation is categorized at Severity Level III.

The NRC notes that you were disciplined by NPPD after this was discovered, and that you voluntarily resigned from NPPD in November 1995. The enclosed Notice of Violation carries with it no additional sanctions, i.e., the NRC is placing no restrictions on your ability to seek employment in NRC-licensed activities in the future. However, you should be aware that this letter and Notice of Violation will be a matter of public record and will be published in NUREG-0940, a public compilation of significant agency enforcement actions which is made available to licensees of the NRC and the public. In addition, we expect that if you are re-employed in NRC-licensed activities in the future, that you understand the importance of strict compliance with all requirements and will assure that all procedures are followed.

You are required to respond to this letter and Notice of Violation and should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter with your home address removed, its enclosure, and your response will be placed in the NRC's Public Document Room (PDR). Please contact Gary Sanborn at 817-860-8222 or 800-952-9677 if you have any questions about this matter.

Sincerely,


L. J. Callan
Regional Administrator

Enclosure: Notice of Violation

Docket No. 50-298
License No. DPR-46

cc w/Enclosure:
Guy R. Horn, Vice President - Nuclear
Nebraska Public Power District
1414 15th Street
Columbus, Nebraska 68601

State of Nebraska

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