

NOTICE OF VIOLATION

Mr. Richard Fentiman

IA 96-061

Based on an investigation conducted by the NRC's Office of Investigations, and a report of investigation completed on May 29, 1996 (Case No. 4-95-059), a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600, the violation is set forth below:

10 CFR 50.5(a)(1) states, in part, that any employee of a licensee may not engage in deliberate misconduct that causes or, but for detection, would have caused, a licensee to be in violation of any rule, regulation, or order, or any term, condition, or limitation of any license, issued by the Commission.

10 CFR 50.5(c) states, in part, that for purposes of paragraph (a)(1) of this section, deliberate misconduct by a person means an intentional act or omission that the person knows would cause a licensee to be in violation of any rule, regulation, or order, or any term, condition, or limitation, of any license issued by the Commission, or constitutes a violation of a requirement, procedure or policy of a licensee.

Contrary to the above, in October 1995, Richard Fentiman, an employee of Nebraska Public Power District, a licensee, intentionally instructed contract access authorization employees to use references listed by applicants for unescorted access as "developed" references, an instruction which Mr. Fentiman knew was in violation of NPPD policy and procedures for conducting background investigations of applicants. NPPD procedure AAPP 3.3 required that access authorization personnel independently develop two references in addition to those listed by an applicant for unescorted access to the facility. (01013)

This is a Severity Level III Violation (Supplement VII).

Pursuant to the provisions of 10 CFR 2.201, Mr. Fentiman is required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission within 30 days of the date of this Notice of Violation. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (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. Mr. Fentiman's response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Because the 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. If personal privacy or proprietary information that is not already in the public record is necessary to provide an acceptable response, then please provide a bracketed copy of the response that identifies the information that should be protected and a redacted copy of the response that deletes such information. If Mr. Fentiman requests withholding of such material, the request must specifically identify the portions of the response that is requested to be withheld and provide in detail the bases for the 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).

Dated at Arlington, Texas
this 27th day of September 1996