

NOTICE OF VIOLATION

Nebraska Public Power District
Cooper Nuclear Station

Docket No. 50-298
License No. DPR-46
EA 96-307

During an NRC inspection conducted from July 29, 1996 to August 2, 1996, 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:

NRC License DPR-46 states, in part, that NPPD will fully implement and maintain in effect all provisions of the Commission-approved Security Plan for the Cooper Nuclear Station, including amendments and changes made pursuant to the authority of 10 CFR 50.54(p).

Paragraph 1.2.1 of the Cooper Nuclear Station Physical Security Plan states, "Effective April 27, 1992, Nebraska Public Power District will adhere to the provisions of 10 CFR 73.56, "Personnel Access Authorization Requirements For Nuclear Power Plants." All elements of Regulatory Guide 5.66 will be implemented to satisfy the requirements of 10 CFR 73.56."

- A. Paragraph 6.2.3 of Regulatory Guide 5.66 states, in part, that the utility shall perform a criminal history record check that includes the entire criminal history record of the individual as an adult. Paragraph 7.1 states, in part, that in making a determination of trustworthiness or reliability, that a criminal history without adequate evidence of rehabilitation must be considered. It further requires consideration of willful omission or falsification of material information submitted in support of employment or request for unescorted access.

Contrary to the above, during the latter part of 1995 or early 1996, the licensee identified approximately 10 individuals who had been granted unescorted access without a criminal history being completed. Further, approximately another 10 files contained criminal history that was not reported in the personal history questionnaires and the licensee staff did not review the information to determine if the information was willfully omitted or falsified in the criminal history portion of the personnel history questionnaire. (01013)

- B. Paragraph 6.2.5 of Regulatory Guide 5.66 states, in part, that the applicant's reputation for emotional stability, reliability and trustworthiness must be examined through contact with two references supplied by the applicant and at least two additional references (not related to the applicant) developed during the background investigation.

Paragraph 6.4.8 of the licensee's Procedure AAPP 3.3, "Background Investigations", states, "A total of four character and reputation references shall be contacted during the conduction of the BI. Two of the references shall be developed (not provided by the SUBJECT)."

Contrary to the above, during an outage conducted in late 1995, a licensee Access Authorization Program Technician wilfully directed two contractor Access Authorization Program Technicians to use references provided by applicants as developed references. (01023)

- C. Paragraph 6.2.4 of Regulatory Guide 5.66 states, in part, that military period of service within five years of an applicant requesting unescorted access must be verified by receipt of a Department of Defense (DD) Form 214 or other National Personnel Records Center (NPRC) records. The utility may grant unescorted access for 180 days or less prior to receipt of such records if all other applicable elements of the guidelines are met and a record is maintained which documents that the request for military history was submitted within 10 working days of granting the unescorted access.

Contrary to the above, during the latter part of 1995 or early 1996, the licensee identified approximately 5 persons who had been granted unescorted access without verifying the applicable military history of the individuals. In one case, the request for military records was not submitted within 10 days after temporary access was granted. (01033)

- D. Paragraph 6.6.1, of Cooper Nuclear Station Procedure AAAP3.3, Revision 1, requires, in part, that the results of the investigation be documented in a formal report of investigation. Paragraph 6.5.1 of Procedure AAAP3.3, Revision 1, states, in part, that if derogatory information is developed, a non-accusatory interview will be conducted.

Contrary to the above, during the latter part of 1995 or early 1996, the licensee identified that between 1993 and 1995: 1) numerous background investigation files did not contain a formal report of investigation; and 2) in several cases, no interviews had been conducted even when derogatory information was discovered during the background investigation. (01043)

- E. Paragraph 6.2.1 of Regulatory Guide 5.66 states, in part, that activities during interruptions of employment in excess of 30 days must be verified.

Paragraph 6.4.5 of the licensee's procedure AAPP 3.3, "Background Investigations", requires that employment interruptions in excess of 30 days will be verified and activities during that period will be determined.

Contrary to the above, during the latter part of 1995 or early 1996, the licensee identified numerous files in which activities during periods of unemployment in excess of 30 days were not verified. (01053)

- F. Paragraph 8.3 of Regulatory Guide 5.66 states, in part, that a utility shall not authorize unescorted access where the individual's unescorted access has been interrupted for more than 365 calendar days unless the psychological evaluation and the background investigation is updated to cover the individual's activities from the

date of the previous background investigation, not to exceed retrospective periods in Section 6.2 or to the period when unescorted access last held, whichever is less.

Paragraph 6.2.3 of Regulatory Guide 5.66 states, in part, that the utility shall perform a criminal history record check that includes the entire criminal history record of the individual as an adult. Paragraph 6.2.5 of Regulatory Guide 5.66 states, in part, that the applicant's reputation for emotional stability, reliability and trustworthiness must be examined through contact with two references supplied by the applicant and at least two additional references (not related to the applicant) developed during the background investigation.

Contrary to the above, during the latter part of 1995 or early 1996, the licensee identified that update background investigations included only one listed reference and one developed reference. In addition, the updated background investigations did not include a review of criminal history information. (01063)

- G. Regulatory Guide 5.66, Clarification to the Guidelines, paragraph 2, states that the NUMARC Guidelines provide for temporary access authorization for 180 uninterrupted days. Any longer access authorization is not temporary. Using this provision to allow back-to-back temporary access authorizations for an individual by the licensee would be a misuse of this provision.

Paragraph 6.2.2 of Cooper Nuclear Station Procedure AAAP3.3, Revision 1, states, in part, that "once a temporary background clearance has been completed, the expanded background clearance must be completed within 180 days."

Contrary to the above, during a 1995 outage, the licensee granted back-to-back temporary unescorted access to two individuals without completing the full background investigations. (01073)

- H. Section 10.2 of the licensee's physical security plan states, in part, that the security program meets the general performance requirements of 10 CFR 73.55(a).

10 CFR 73.55(a) requires, in part, that the licensee's physical protection system be designed to protect against the design basis threat of radiological sabotage as stated in 10 CFR 73.1(a).

10 CFR 73.1(a) states, in part, that the design basis threat of radiological sabotage at plants is 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, as of July 30, 1996, the licensee's physical protection system was not adequately designed to protect against the single insider in the design basis threat of radiological sabotage. Specifically, the licensee's system afforded each of two supervisors (insiders) the opportunity to actively facilitate entrance and exit to the plant to unauthorized persons, by allowing these supervisors (insiders) the opportunity to fabricate unauthorized photo identification

Notice of Violation

- 4 -

security badges and the opportunity to approve bogus unverified access authorization data for entry into the security computer. (01083)

These violations represent a Severity Level III problem (Supplement III).

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report No. 50-298/96-18 and NPPD's letter dated October 25, 1996. 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. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it 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 Cooper Nuclear Station, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

Dated at Arlington, Texas
this 20th day of November 1996