



444 South 16th Street Mall
Omaha NE 68102-2247

January 16, 2002
LIC-02-0006

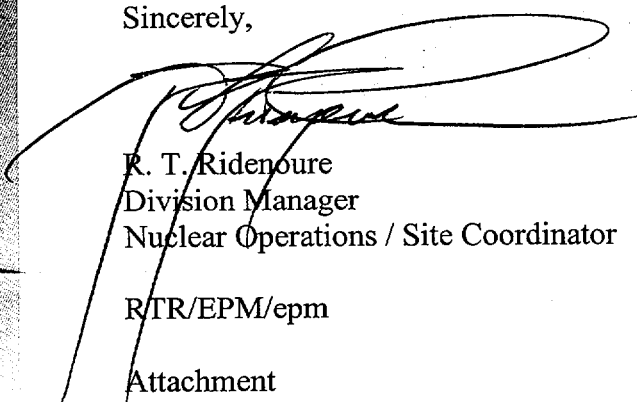
U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Reference: Docket No. 50-285

Subject: Licensee Event Report 2002-001 Revision 0 for the Fort Calhoun Station

Please find attached Licensee Event Report 2002-001, Revision 0, dated January 16, 2002. This report is being submitted pursuant to 10 CFR 73.71(b)(1), specifically, paragraph I(d) of Appendix G to 10 CFR 73. If you should have any questions, please contact me.

Sincerely,



R. T. Ridenoure
Division Manager
Nuclear Operations / Site Coordinator

R/TR/EPM/epm

Attachment

c: E. W. Merschoff, NRC Regional Administrator, Region IV
A. B. Wang, NRC Project Manager
W. C. Walker, NRC Senior Resident Inspector
INPO Records Center
Winston and Strawn

IE22

NRC FORM 366 (7-2001)	U.S. NUCLEAR REGULATORY COMMISSION	APPROVED BY OMB NO. 3150-0104	EXPIRES 7-31-2004
LICENSEE EVENT REPORT (LER) (See reverse for required number of digits/characters for each block)		Estimated burden per response to comply with this mandatory information collection request: 50 hours. Reported lessons learned are incorporated into the licensing process and fed back to industry. Send comments regarding burden estimate to the Records Management Branch (T-6 E6), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to bjs1@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0104), Office of Management and Budget, Washington, DC 20503. If a means used to impose information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.	
1. FACILITY NAME Fort Calhoun Nuclear Station Unit Number 1		2. DOCKET NUMBER 05000285	3. PAGE 1 OF 5
4. TITLE Contraband Found in a Vehicle During Entrance Search to the Site Protected Area			
5. EVENT DATE			8. OTHER FACILITIES INVOLVED
MO	DAY	YEAR	FACILITY NAME DOCKET NUMBER 05000
12	17	2001	FACILITY NAME DOCKET NUMBER 05000
6. LER NUMBER		7. REPORT DATE	
YEAR	SEQUENTIAL NUMBER	REV NO	
2002	- 001 - 0	01 16 2002	
11. THIS REPORT IS SUBMITTED PURSUANT TO THE REQUIREMENTS OF 10 CFR §: (Check all that apply).			
9. OPERATING MODE 1	20.2201(b)	20.2203(a)(3)(ii)	50.73(a)(2)(ii)(B)
10. POWER LEVEL 100	20.2201(d)	20.2203(a)(4)	50.73(a)(2)(iii)
	20.2203(a)(1)	50.36(c)(1)(i)(A)	50.73(a)(2)(iv)(A)
	20.2203(a)(2)(i)	50.36(c)(1)(ii)(A)	50.73(a)(2)(v)(A)
	20.2203(a)(2)(ii)	50.36(c)(2)	50.73(a)(2)(v)(B)
	20.2203(a)(2)(iii)	50.46(a)(3)(ii)	50.73(a)(2)(v)(C)
	20.2203(a)(2)(iv)	50.73(a)(2)(i)(A)	50.73(a)(2)(v)(D)
	20.2203(a)(2)(v)	50.73(a)(2)(i)(B)	50.73(a)(2)(vii)
	20.2203(a)(2)(vi)	50.73(a)(2)(i)(C)	50.73(a)(2)(viii)(A)
20.2203(a)(3)(i)	50.73(a)(2)(ii)(A)	50.73(a)(2)(viii)(B)	OTHER Specify in Abstract below or in NRC Form 366A
12. LICENSEE CONTACT FOR THIS LER			
NAME Ron Undajon Senior Nuclear Security Coordinator		TELEPHONE NUMBER (Include Area Code) 402-533-6584	
13. COMPLETE ONE LINE FOR EACH COMPONENT FAILURE DESCRIBED IN THIS REPORT			
CAUSE	SYSTEM	COMPONENT	MANU-FACTURER
REPORTABLE TO EPIX	CAUSE	SYSTEM	COMPONENT
REPORTABLE TO EPIX	MANU-FACTURER	REPORTABLE TO EPIX	REPORTABLE TO EPIX
14. SUPPLEMENTAL REPORT EXPECTED		15. EXPECTED SUBMISSION DATE	MONTH DAY YEAR
YES (If yes, complete EXPECTED SUBMISSION DATE)	X NO	DATE	
16. ABSTRACT (Limit to 1400 spaces, i.e., approximately 15 single-spaced typewritten lines)			
<p>On December 17, 2001, a handgun was found when a vehicle was searched during processing into the protected area. A shipment had arrived that day at the Fort Calhoun Station (FCS) access control point to the owner controlled area. The driver and shipment were verified, and the driver was asked about declaring prohibited items. The driver was informed of FCS's prior knowledge of his declaration of a handgun at another plant. The driver stated that he had nothing to declare. The driver was escorted with the load to the protected area access point. Prior to entering the protected area, the driver was again asked about declaring prohibited items. Security officers named specific items (including handguns) listed on the access checklist. The driver stated that he had nothing to declare and gave consent to search the tractor-trailer. A security officer searched the cab of the tractor and discovered a handgun between a closet panel and the cab wall of the tractor. The handgun was confiscated. The driver, the tractor, and the handgun never entered the protected area.</p> <p>The cause of this incident was a lack of understanding on the part of the driver of the truck of the seriousness of carrying prohibited items into the protected area at FCS.</p> <p>The driver of the truck was not allowed to enter the protected area. The driver was escorted off the owner controlled area, and the handgun was returned to the driver at that time.</p>			

LICENSEE EVENT REPORT (LER)

1. FACILITY NAME	2. DOCKET	6. LER NUMBER			3. PAGE
		YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	
Fort Calhoun Nuclear Station Unit Number 1	05000285	2002	- 001	- 0	2 OF 5

17. NARRATIVE (If more space is required, use additional copies of NRC Form 366A)

EVENT DESCRIPTION

On December 17, 2001, a handgun was found during a vehicle search during processing into the protected area. A shipment had arrived that day at the Fort Calhoun Station (FCS) access control point to the owner controlled area. The driver and shipment were verified, and the driver was asked if he had any prohibited items to declare. The driver was informed of FCS's prior knowledge of his declaration of a handgun at the Kewaunee Nuclear Power Plant (KNPP). The driver stated that he had nothing to declare. The driver and the load were then escorted to the entrance to the protected area (sally port) for processing into the protected area. The driver was asked again about declaring prohibited items. The security officer named the specific items listed on the access checklist. The list included handguns. The driver again stated that he had nothing to declare and gave consent to search the tractor-trailer. A security officer searched the cab of the tractor and discovered a handgun between a closet panel and the cab wall of the tractor. The handgun was confiscated and given to the on-duty shift security supervisor. The driver was denied access to the protected area. The vehicle was removed from the access area. The handgun never entered the protected area. On December 17, 2001, at about 1040 hours Central Standard Time (CST), the incident was reported to the NRC Incident Response Operations Center under current security protocol for reporting unusual security-related occurrences. On January 11, 2002, FCS determined that the incident was reportable under 10 CFR 73.71(b)(1) Appendix G (I)(d), and notification was made of this finding at 1117 hours CST. This report is being written in accordance with 10 CFR 73.71(d). A chronology of the events leading up to this incident follows.

CHRONOLOGY

During 2001 FCS had contracted with KNPP to procure a large electrical transformer for FCS.

On December 13, 2001, FCS security personnel contacted KNPP security personnel to coordinate shipping the transformer from KNPP to FCS.

On December 14, 2001, the KNPP supervisor of security operations forwarded information on the particulars of the shipment to FCS security personnel. In addition, the KNPP supervisor informed FCS that the driver of the transport truck had declared a handgun prior to entering the KNPP facility to pick up the transformer. The transformer was being moved by the Tag Transport Trucking company for FCS.

On December 17, 2001, at approximately 0850 hours CST, the shipment arrived at the FCS access control point to the owner controlled area. FCS security personnel verified the identity of the driver of the truck and the payload of the truck (the transformer) prior to allowing the driver and shipment to proceed (under escort) to the entrance to the protected area. The driver was asked to declare any prohibited items. The driver was informed that FCS security personnel knew of the handgun he had declared at KNPP. The driver stated that he had nothing to declare.

At approximately 0900 hours the driver and tractor-trailer were escorted to the sally port in preparation for processing into the protected area. During processing into the protected area the driver was again asked if he had any prohibited items to declare. This questioning is standard procedure at FCS. The security officer named the specific prohibited items listed on the sally port checklist, as required by FCS security procedures. The driver again stated that he had nothing to declare and gave his consent to search the tractor-trailer.

At approximately 0925 hours the security officer searching the cab of the tractor discovered a handgun between a closet panel and the cab wall of the tractor. The handgun was confiscated and given to the shift security supervisor. The driver was denied access to the protected area. The vehicle was removed from the sally port.

LICENSEE EVENT REPORT (LER)

1. FACILITY NAME	2. DOCKET	6. LER NUMBER			3. PAGE		
		YEAR	SEQUENTIAL NUMBER	REVISION NUMBER		OF	
Fort Calhoun Nuclear Station Unit Number 1	05000285	2002	- 001	- 0	3	OF	5

NARRATIVE (If more space is required, use additional copies of NRC Form 366A) (17)

A senior nuclear security coordinator responded to the sally port and interviewed the driver. The driver was upset that he did not declare the handgun. He stated that he thought it would not be an important issue since the weapon had fallen into a space between a closet panel and the cab wall of the tractor, and he could not retrieve the handgun. The driver was a large man, and it did not appear that he could have reached the handgun. He stated that he could not get to the gun without removing the closet. The gun was not readily accessible to the driver. The driver appeared upset at himself for not declaring the weapon. Based on the interview of the driver, FCS security personnel surmised that the driver did not want to deal with the administrative paperwork involved with declaring the gun and that thought that station personnel would have to disassemble the closet panel to get to the gun.

The local law enforcement office (Washington County Sheriff's Office) was contacted and determined that there were no outstanding warrants in affect for the driver, the tractor, or the trailer. Local law enforcement personnel also determined that the driver was properly licensed and registered for the confiscated handgun. FCS security personnel determined from the interview that the driver had no malevolent intent to deliver prohibited items into the FCS protected area. At no time was there a threat to the safety of the station.

The load was separated from the driver's tractor, and an FCS tractor and driver were used to move the transformer into the FCS protected area. After unloading the transformer, the trailer was removed from the protected area and reconnected to the driver's tractor. The handgun was returned to the driver upon his departure from the FCS owner controlled area.

In determining the reportability of this issue to the NRC, FCS personnel carefully reviewed not only the applicable regulations but also the applicable regulatory guidance. The simplest of those are the security protocols made since the September 11, 2001, terrorist events. Under these guidelines this incident was clearly reportable. As such, a report to the NRC Incident Response Operations Center was made at about 1040 hours CST on December 17, 2001. FCS determined that the most applicable of the security reporting regulations is in 10 CFR 73.71(b)(1):

"Each licensee subject to the provisions of §§ 73.20, 73.37, 73.50, 73.51, 73.55, 73.60, or 73.67 shall notify the NRC Operations Center within 1 hour of discovery of the safeguards events described in paragraph I(a)(1) of appendix G to this part. Licensees subject to the provisions of §§ 73.20, 73.37, 73.50, 73.51, 73.55, 73.60, or each licensee possessing strategic special nuclear material and subject to § 73.67(d) shall notify the NRC Operations Center within 1 hour after discovery of the safeguards events described in paragraphs I(a)(2), (a)(3), (b), and (c) of appendix G to this part. Licensees subject to the provisions of §§ 73.20, 73.37, 73.50, 73.51, 73.55, or 73.60 shall notify the NRC Operations Center within 1 hour after discovery of the safeguards events described in paragraph I(d) of appendix G to this part."

Paragraph I(d) of Appendix G to 10 CFR 73 requires reporting of security events within one (1) hour that meet the following criteria:

"The actual or attempted introduction of contraband into a protected area, material access area, vital area, or transport."

LICENSEE EVENT REPORT (LER)

1. FACILITY NAME	2. DOCKET	6. LER NUMBER			3. PAGE	
Fort Calhoun Nuclear Station Unit Number 1	05000285	YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	4	OF 5
		2002	- 001	- 0		

NARRATIVE (If more space is required, use additional copies of NRC Form 366A) (17)

The regulation does not describe what an attempt consists of, and FCS looked for clarification in the regulatory guide endorsed by this regulation, Regulatory Guide 5.62, Revision 1, dated November 1987. Regulatory Guide 5.62, Revision 1, Section C.2.2, "Examples of Safeguards Events To Be Reported Within 1 Hour," item 23 adds the following clarification of Appendix G I(d) as follows:

"Discovery of the actual or attempted introduction into or possession within the protected area, material access area, or vital area of unauthorized weapons, explosives, or incendiary devices. (Paragraph I(d) of Appendix G) There are no compensatory measures that would preclude reporting this event within 1 hour. If an actual introduction of contraband is made, steps should be taken to correct the vulnerability that allowed the introduction. The discovery of vehicular emergency equipment such as safety flares during entrance searches need not be reported or logged."

This still leaves the issue of what is an "attempted introduction." NUREG 1304, dated February 1988, documents the licensee questions and NRC staff answers provided during a September 14, 1987 public workshop. The answers were revised as needed prior to publishing the NUREG. (See NUREG 1304 abstract and introduction) The following questions and answers were used as guidance by FCS staff in attempting to determine reportability.

"Q. 2.2.23.c. If a vehicle operator fails to turn in a weapon stored in the vehicle prior to search and the weapon is not found during the search, but is found later should the event be reported within one hour?

A. Yes. Contraband has entered the protected area."

In the December 17 incident, however, the weapon was not declared, and the weapon was found prior to it entering the protected area.

"Q. 2.2.23.d. If a weapon is found in a vehicle located in a parking lot outside the protected area, should it be reported within one hour?

A. Generally, the discovery of a weapon in a vehicle parked in a lot outside the protected area need not be reported or logged."

In the December 17 incident, the vehicle was being processed for entry into the protected area and was not parked in a parking lot.

"Q. 2.2.23.e. If a weapon is found on a vehicle during an entrance search should it be reported or logged?

A. Logged, unless malevolent intent is established."

In the December 17 incident, the driver was interviewed and no malevolent intent was established. It appeared from the interview that the driver had convinced himself that since he could not get to the weapon, it was not an issue. In the opinion of the FCS security personnel interviewer, the driver had no intention to attempt harm to the facility, i.e., no malevolent intent. At no time was there a threat to the safety of the facility.

LICENSEE EVENT REPORT (LER)

1. FACILITY NAME	2. DOCKET	6. LER NUMBER			3. PAGE	
Fort Calhoun Nuclear Station Unit Number 1	05000285	YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	5	OF 5
		2002	- 001	- 0		

NARRATIVE (If more space is required, use additional copies of NRC Form 366A) (17)

“Q. 2.2.23.g. If a driver turns in a weapon upon request prior to search, should it be reported?

A. No.”

Although the driver had declared the weapon at KNPP, it had fallen into an area of the tractor cab that was inaccessible to him, and he inappropriately chose not to declare the weapon at FCS. From the context of these questions, especially ‘g’ and ‘e,’ FCS staff determined that in this case, although the driver did not declare the weapon on two occasions, since FCS security personnel found the weapon prior to it entering the protected area and no malevolent intent was established, the event was not reportable under 10 CFR 73.71.

Following the event, NRC Region IV personnel contacted FCS personnel about the incident. NRC Region IV personnel explained that the guidance of NUREG 1304 notwithstanding, the NRC considers this type of event to be reportable. Therefore, an update to the December 17, 2001, telephone notification was made on January 11, 2002, notifying the NRC that FCS now considered this event reportable under 10 CFR 73.71. This written report is also being made under 10 CFR 73.71 as noted above.

The cause of this incident was a lack of understanding on the part of the driver of the truck of the seriousness of carrying prohibited items into the protected area at FCS.

CORRECTIVE ACTIONS

The driver of the truck was not allowed to enter the protected area. Local law enforcement personnel conducted a routine check of the gun, which was properly registered to the driver of the truck. There were no outstanding warrants on the driver. The driver was escorted off the owner controlled area, and the handgun was returned to the driver at that time.

Corrective actions for this event are documented in the station’s corrective action program.

SAFETY SYSTEM FUNCTIONAL FAILURE

This event did not result in a safety system functional failure in accordance with NEI 99-02.

PREVIOUS SIMILAR EVENTS

FCS has not had any similar events to this incident.