



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-4005

May 16, 2007

EA-07-056

R. T. Ridenoure  
Vice President  
Omaha Public Power District  
Fort Calhoun Station FC-2-4 Adm.  
P.O. Box 550  
Fort Calhoun, NE 68023-0550

SUBJECT: FORT CALHOUN STATION - NRC INSPECTION REPORT 05000285/2007009  
AND INVESTIGATION REPORT 4-2006-036 AND NOTICE OF VIOLATION

Dear Mr. Ridenoure:

This refers to the subject investigation and in-office inspection concluded on February 8, 2007. The investigation, by the Nuclear Regulatory Commission's (NRC) Office of Investigation, and this in-office inspection examined the events documented in your Condition Report CR-200601359 regarding the failure of a security officer to follow radiation work permit (RWP) requirements at your Fort Calhoun Station. The findings were discussed with members of your staff during a telephonic exit meeting on May 16, 2007.

Based on the results of this inspection, the NRC has determined that a violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy included on the NRC's Web site at [www.nrc.gov/about-nrc/regulatory/enforcement.html](http://www.nrc.gov/about-nrc/regulatory/enforcement.html).

The violation involved the failure to follow radiation protection procedure and RWP requirements. Specifically, one security officer, on at least three occasions between November 26, 2005, and March 27, 2006, failed to log in on the required RWP and did not activate his electronic alarming dosimeter (EAD) as required prior to entering the Alpha 1 security post. The Alpha 1 security post is inside a posted radiation controlled area (RCA), and as such, security officers are required by station procedure and RWP to log in on the appropriate RWP, activate their EAD, and confirm that it is on and reading zero.

On April 04, 2006, the licensee informed the NRC of this matter. Based on the NRC's subsequent investigation and inspection, the NRC concluded that the security officer's failure to follow RWP requirements was deliberate. In addition, on two of the three occasions, the security officer enlisted the aid of two other security officers to return his unactivated EAD to access control at the end of the shift so that he could leave the site more quickly. The licensee's investigation confirmed that the three security officers involved had received training regarding the RWP requirements and understood radiation worker and security procedures,

practices, and requirements. Furthermore, the Alpha 1 security post was located in a posted remote RCA in accordance with Procedure RP-204, "Radiation Area Controls." The area was barricaded with a magenta and yellow rope and was posted as an RCA with a sign stating "CAUTION, RWP REQUIRED FOR ENTRY, TLD and DOSIMETRY REQUIRED FOR ENTRY." The posting was hung across the entry to the area where the Alpha 1 security post was located and would be difficult to miss by anyone passing through the door.

The deliberate misconduct of a security officer, as well as the failure of two other security officers to report this misconduct under the behavior observation program, is of significant concern to the NRC. This is particularly significant because security officers are charged with the safety and security of licensed activities at your facility. In this light, the NRC considered whether this violation should be treated as a Severity Level III violation. However, the NRC also recognizes the very low underlying safety significance of the violation in that, although the Alpha 1 security post was designated by your staff as an RCA, requiring an EAD to enter the area, the actual radiation levels at the post on most occasions, including the dates of the incidents in question, are so low that they do not indicate the regulatory need for RCA posting and EAD monitoring. In addition, the NRC acknowledges the significant disciplinary actions taken by your staff in terminating the security officer who violated the RWP and in the counseling and administrative leave given to the two security officers who failed to report him. Therefore, in light of the very low underlying radiological safety significance of the violation and your significant disciplinary actions, and in accordance with the NRC's Enforcement Policy, the NRC is treating this violation as a Severity Level IV violation.

Notwithstanding the low significance of this violation, several aspects of this violation concern the NRC. Specifically, we note that a similar series of events involving security officers failing to obtain EAD's prior to assuming the Alpha 1 security post occurred in 2002 (EA-03-071). This current violation raises questions as to the effectiveness of your corrective actions in response to the 2002 event, and we are most interested in evaluating your corrective actions to ensure this violation is not repeated in the future. In addition, the NRC is equally concerned that your behavior observation program, as part of the Insider Mitigation Program, was ineffective given the failure of the two security officers to bring deliberate procedure violations and uncharacteristic personnel behavior forward for management attention. Your response to this violation should thoroughly address both concerns.

The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it have been described in this letter, which serves as NRC Inspection Report 05000285/2007009. The violation is being cited in the Notice because it involved deliberate wrongdoing and because of the history of similar acts regarding the Alpha 1 security post and the ineffective corrective actions taken for the previous violation.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Omaha Public Power District,  
EA-07-056

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In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

/RA/

Dwight Chamberlain, Director  
Division of Reactor Safety

Docket: 50-285  
License: DPR-40

Enclosure: Notice of Violation

cc w/enclosure:

Joe I. McManis, Manager - Licensing  
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Fort Calhoun Station FC-2-4 Adm.  
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Manager - Fort Calhoun Station  
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Omaha Public Power District,  
EA-07-056

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 D. Cullison, OEDO RIV Coordinator (**DGC**)  
**ROPreports**  
 FCS Site Secretary (**BMM**)

SUNSI Review Completed: **MSH** ADAMS: ☒ Yes ☐ No Initials: **MSH**  
☒ Publicly Available ☐ Non-Publicly Available ☐ Sensitive ☒ Non-Sensitive

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RIV:ORA:ACES	DRS:PSB	C:PSB	D:DRS	TL:RC/ACES
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## NOTICE OF VIOLATION

Omaha Public Power District  
Fort Calhoun Station

Docket No. 50-285  
License No. DPR-40  
EA-07-056

During an NRC inspection and investigation, which were concluded on February 8, 2007, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Technical Specification 5.8.1.a states, in part, that written procedures shall be established, implemented, and maintained covering the applicable procedures recommended in Regulatory Guide 1.33, Revision 2, February 1978, Appendix A.

Regulatory Guide 1.33, Appendix A, Section 7.e.(1), recommends procedures for access control to radiation areas including a radiation work permit system.

Section 2.3.10 of Procedure RPP, "Radiation Protection Plan," Revision 22, states, in part, that each station individual is responsible for obeying the requirements of Standing Order SO-G-101, "Radiation Work Practices." Section 5.4.1 of SO-G-101, Revision 30, states, in part, that radiation work permits are required for entry into any posted radiation controlled area. In addition, Section 5.5.2 of SO-G-101 states, in part, that persons wishing to enter the radiation controlled area shall proceed to the electronic alarming dosimeter (EAD) reader and log in following the instructions on the keypad (5.5.2.E) and confirm that the electronic alarming dosimeter is on and reading zero (5.5.2.J).

Contrary to the above, on at least three occasions between November 26, 2005, and March 27, 2006, a security officer deliberately failed to proceed to the radiation controlled area reader and log in following the instructions on the keypad, and confirm that the electronic alarming dosimeter is on and reading zero prior to assuming his post on the roof of the radioactive waste building which was posted as a radiation area inside the radiation controlled area. In addition, the individual enlisted the aid of two other security officers to return his radiation controlled area to access control in order to expedite his departure at the end of the shift.

This is a Severity Level IV violation (Supplement IV).

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, DC 20555-0001 with a copy to the Regional Administrator, Region IV, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice of Violation (Notice), within 30 days of the date of the letter transmitting this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation, EA-07-056," and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (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

previously 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.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your 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 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you are required to post this Notice within 2 working days.

Dated this 16th day of May 2007