



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

June 24, 2016

EA-16-037

Mr. Thomas A. Vehec
Vice President
NextEra Energy Duane Arnold, LLC
3277 DAEC Road
Palo, IA 52324-9785

SUBJECT: DUANE ARNOLD ENERGY CENTER - NRC SECURITY INSPECTION
REPORT (05000331/2016407; 07200032/2016401), INVESTIGATION
REPORT (3-2015-010), AND NOTICE OF VIOLATION

Dear Mr. Vehec:

This letter refers to the investigation completed on February 11, 2016, and to the inspection completed on May 11, 2016, at the Duane Arnold Energy Center. On May 25, 2016, the U.S. Nuclear Regulatory Commission (NRC) discussed the results of this investigation and inspection with Mr. Mark Fencil and members of your staff. The purpose of the investigation and inspection was to determine whether members of the security force deliberately failed to perform actions in accordance with the Physical Security Plan (PSP), implementing procedures, and NRC regulations. The enclosed report presents the results of this investigation and inspection.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements likely occurred. This violation was licensee-identified.

The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. The violation is being cited in the Notice because the violation is a result of deliberate actions of your security staff.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC will review your response to the Notice and will determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Enclosures 1 and 2 contain Sensitive
Unclassified Non-Safeguards Information.
When separated from the Enclosures, this
transmittal letter is decontrolled.

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T. Vehec

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The material enclosed herewith contains Security-Related Information in accordance with Title 10 of the *Code of Federal Regulations* (CFR) Section 2.390(d)(1) and its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the material in the enclosure will not be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). If Security-Related Information is necessary to provide an acceptable response, please mark your entire response Security-Related Information in accordance with 10 CFR 2.390(d)(1) and follow the instructions for withholding in 10 CFR § 2.390(b)(1). In accordance with 10 CFR § 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

We will gladly discuss any questions you have concerning the inspection.

Sincerely,

/RA/

Michael A. Kunowski, Chief
Materials Control, ISFSI, and
Decommissioning Branch
Division of Nuclear Materials Safety

Docket No. 50-331; 72-032
License No. DPR-49

Enclosures:

1. Notice of Violation (nonpublic)
2. IR Nos. 05000331/2016407;
07200032/2016401 (nonpublic)

cc w/encl: J. Schwertfeger, Security Manager
A. Leek, State Liaison Officer, State
of Iowa
M. Davis, Licensing Manager
M. Nazar, Executive Vice President,
Nuclear Division and Chief Nuclear Officer

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Letter to Thomas Vehec from Michael Kunowski dated June 24, 2016

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