UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

JAN 25 1994

Docket: 50-298
License: DPR-46

Nebraska Public Power District
ATTN: Guy R. Horn, Vice President - Nuclear
P.O. Box 98
Brownville, Nebraska 68321

SUBJECT: NRC INSPECTION REPORT 50-298/93-21

Thank you for your letter of August 12, 1993, in response to our letter and Notice of Violation both dated July 14, 1993. We have reviewed your reply and find it responsive to the concerns raised in our Notice of Violation. We will review the implementation of your corrective actions during a future inspection to determine that full compliance has been achieved and will be maintained.

Sincerely,

Dwight D. Chamberlain
Acting Director
Division of Radiation Safety
and Safeguards

cc:
Nebraska Public Power District
ATTN: G. D. Watson, General Counsel
P.O. Box 499
Columbus, Nebraska 68602-0499

Nebraska Public Power District
ATTN: Mr. David A. Whitman
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Nebraska Department of Environmental
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ATTN: Randolph Wood, Director
P.O. Box 98922
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Nemaha County Board of Commissioners
ATTN: Larry Bohlken, Chairman
Nemaha County Courthouse
1824 N Street
Auburn, Nebraska 68305

Nebraska Department of Health
ATTN: Harold Borchert, Director
Division of Radiological Health
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Department of Natural Resources
ATTN: Ronald A. Kucera, Department Director
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P.O. Box 176
Jefferson City, Missouri 65102

Kansas Radiation Control Program Director

bcc to DMB (IE04)

bcc w/copy of licensee's letter dated August 12, 1993:

L. J. Callan, RA
T. W. Dexter, DRSS/FIPS
Cooper Resident Inspecor
Senior Resident Inspector - Fort Calhoun
Senior Resident Inspector - River Bend
Section Chief (DRP/C)
Project Engineer (DRP/C)
Section Chief (DRP/TSS)
Lisa Shea, RM/ALF (MS MNBB 4503)
MIS System
DRSS/FIPS File
RIV File

RIV:FIPS	C:FIPS	ADD:DRSS	AD:DRSS	
TWDexter:nh	BMurray	JLWCamper	DDChamberlain	
1/24/94	1/24/94	1/24/94	1/24/94	

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bcc to DMB (IE04)

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Nebraska Public Power District

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August 12, 1993

Mr. James L. Milhoan
Regional Administrator
U.S. Nuclear Regulatory Commission
Region IV
611 Ryan Plaza Drive, Suite 1000
Arlington, TX 76011

Subject: Reply to a Notice of Violation
Cooper Nuclear Station
NRC Docket No. 50-298, DPR-46

Reference. NRC Inspection Report 50-298/93-21 dated July 14, 1993

Dear Mr. Milhoan:

This letter is written in response to Inspection Report 50-298/93-21 which transmitted a Notice of Violation concerning the Access Authorization Program for the Cooper Nuclear Station. The statement of violation and our response in accordance with 10 CFR 2.201 is given below.

The reference also identified a significant weakness regarding the District's audit program concerning Access Authorization. The reference requested that the District respond in writing with our evaluation of this weakness and to identify any actions taken or planned to address this weakness. The District's response to this concern is also being provided in this letter.

STATEMENT OF VIOLATION

10 CFR 73.56 requires that licensees must follow an access authorization plan incorporated into their site Physical Security Plan.

Paragraph 1.2.1 of the licensee's NRC-approved Physical Security Plan states, in part, "All elements of Regulatory Guide 5.66 will be implemented to satisfy the requirements of 10 CFR 73.56."

Paragraph 9.0 of Regulatory Guide 5.66 states, "Individuals with unescorted access authorization must be notified of his/her responsibility to report any arrest that may impact upon his/her trustworthiness."

Contrary to the above, the inspectors determined that the licensee only notified individuals that those arrests involving drugs and alcohol have to be reported (298/9321-01).

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

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REASON FOR VIOLATION

The District had instructed its employees and contractor personnel during Fitness for Duty and Continual Behavioral Observation Training of their responsibility to notify District management of any arrests made involving drugs and alcohol. In implementing its Access Authorization Program for Cooper Nuclear Station, the District defined too narrow a scope of arrests that may impact upon a person's trustworthiness, and therefore was not in full compliance with the criteria specified in Reg. Guide 5.66.

CORRECTIVE STEPS TAKEN AND RESULTS ACHIEVED

All personnel with unescorted access to the Cooper Nuclear Station were formally notified in a letter on June 17, 1993, from the Nuclear Power Group Manager, of their responsibilities to notify District management of any arrest they may experience. In addition, the in-processing questionnaire used for all future District employees and contractors toward granting unescorted access has been revised to incorporate statements informing applicants of their responsibility in this area and signatures certifying their understanding of this requirement.

CORRECTIVE STEPS WHICH WILL BE TAKEN TO AVOID FURTHER VIOLATIONS

The District's Fitness for Duty training lesson plan procedures and directives will be reviewed and revised, as necessary, to provide the proper instruction on this matter. This will be accomplished by December 1993.

DATE WHEN FULL COMPLIANCE WILL BE ACHIEVED

With the issuance of the letter from the Nuclear Power Group Manager on June 17, 1993, discussed above, the District is presently in full compliance. The review and, as necessary, revision of the District's lesson plan for periodic training for Fitness for Duty procedures and directives discussed above will be completed by December 1993.

WEAKNESS NOTED IN THE AUDIT PROGRAM FOR ACCESS AUTHORIZATION

Section 1.8 of NRC Inspection Report 93-21 identified a significant program weakness in the area of access authorization audits. Specifically, it was noted that access authorization audit checklists did not list Regulatory Guide 5.66 as a primary reference document, and therefore, the audits did not review the access authorization program against all regulatory requirements. In addition, the access authorization program procedures and training lesson plans were not a part of the audit.

REASON FOR THE IDENTIFIED WEAKNESS

The primary cause of the identified program weakness was determined to be the lack of a formal review of Regulatory Guide 5.66 by the Quality Assurance Division. As a result, the clarification and exceptions to the NUMARC Guidelines by the NRC were not fully recognized. Initially, Quality Assurance Audit and Surveillance Checklists were revised to address NUMARC 89-01, Guidelines for Nuclear Plant Access Authorization Programs. When Regulatory Guide 5.66 was subsequently received by the Quality Assurance Division in June 1991, a cursory review of this document was performed and it was determined that no checklist revisions were necessary. This was an inaccurate determination.

CORRECTIVE STEPS BEING TAKEN

The corrective actions being taken regarding this concern include a thorough review of Regulatory Guide 5.66, and the subsequent upgrading of applicable access authorization

audit and surveillance checklists. These revisions will address (at a minimum) those items identified in IR 93-21 as not being included in the audit program. These actions will be completed by September 30, 1993. Additionally, beginning in the fourth quarter of 1993, quarterly Quality Assurance Surveillances will be conducted to review the access authorization records of individuals granted unescorted access at CNS to ensure the requirements of Regulatory Guide 5.66 and the appropriate sections of NUMARC 89-01 Guidelines are being met. The results of these surveillances will be periodically evaluated and the frequency of future surveillance performance will be determined accordingly.

CORRECTIVE STEPS TO PREVENT RECURRENCE

To further ensure that documents such as Regulatory Guides are formally reviewed and evaluated for Quality Assurance Program applicability in the future, an administrative process is being developed to provide guidance to the NPPD QA Staff for their review and evaluation of Regulatory Guides to determine their effect upon the QA audit and surveillance functions. The process will be formally approved and in use by September 30, 1993.

DATE WHEN CORRECTIVE ACTION WILL BE COMPLETED

September 30, 1993.

Should you have any questions concerning this information, please call.

Sincerely,

G. R. Horn
Nuclear Power Group Manager

/dls

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

NRC Resident Inspector
Cooper Nuclear Station