

CASE No. 4-90-003



United States
Nuclear Regulatory Commission

Report of Investigation

FORT CALHOUN STATION:

ALLEGED VIOLATION OF NUCLEAR REGULATORY COMMISSION
REQUIREMENTS BY SECURITY DEPARTMENT



Office of Investigations

Reported by OI: RIV

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Title: FORT CALHOUN STATION:

ALLEGED VIOLATION OF NUCLEAR REGULATORY COMMISSION REQUIREMENTS
BY SECURITY DEPARTMENT

Licensee:

Fort Calhoun Station
P. O. Box 309
Fort Calhoun, NE 68023

Docket No.: 50-285

Case No.: 4-90-003

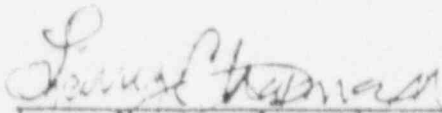
Report Date: November 6, 1990

Control Office: OI:RIV

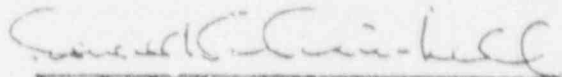
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SYNOPSIS

On March 6, 1990, the Regional Administrator, Nuclear Regulatory Commission (NRC) Region IV (NRC:RIV), requested the Office of Investigations (OI) conduct an investigation pertaining to allegations regarding potential violations of NRC security regulations and requirements at Omaha Public Power District (OPPD) Fort Calhoun Station (FCS) Security Division (FCSSD). The allegations investigated by OI were: intimidation of nuclear security officers (NSOs), falsification of required records and logs, destruction of records and reports, failure to report significant security incidents, inadequate weapons and ammunition controls, sleeping or inattentive NSOs, and conspiracy by FCSSD management to deceive the NRC.

During the course of the investigation, additional possible violations involving failure to conduct onsite security checks, failure to search the food service van, and onsite gambling by the security force were investigated.

The OI investigation did not substantiate that there was any intimidation of NSOs by FCSSD management, no intentional falsification of security division logs and/or records, no destruction of records, no intentional failure to report significant security events, sleeping or inattentive NSOs, failure to conduct post checks, guard tours or radio checks, or any planned conspiracy by FCSSD management to deceive the NRC.

The investigation did prove that there was one instance of failure by FCSSD to investigate and report missing ammunition, one incident of an OPPD sergeant (SGT) failing to apprise his management of a 1-hour reportable event regarding leaving a weapons safe open, one OPPD SGT admitted failure to complete FCSSD post check records in accordance with internal FCSSD procedures, one instance where a vital area (VA) door was propped open without proper compensatory measures being taken, and onsite gambling activities involving certain OPPD and The Wackenhut Corporation (TWC) NSOs.

Based on the evidence developed during this investigation, it is concluded that an OPPD SGT failed to prepare an incident report (IR) concerning leaving the weapons safe open, and that this same OPPD SGT and two security shift supervisors (SSSs) failed to prepare an IR concerning the missing ammunition. Also, an SSS failed to comply with NRC regulations and FCS Site Security Plan procedures by allowing a VA door to be propped open without appropriate compensatory measures. However, there was insufficient evidence developed during the investigation to conclude that these were deliberate violations of NRC regulations and FCS Site Security Plan Procedures.

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ACCOUNTABILITY

The following portions of this Report of Investigation (Case No. 4-90-003) will not be included in the material placed in the PDR. They consist of pages 3 through 48.

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APPLICABLE REGULATIONS

Allegation No. 1: Failure to Perform Required Security Checks

10 CFR 73.55(b)(3)(4)(ii): Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage.
[1989 Edition]

(b) Physical Security Organization.

(3) The licensee shall have a management system to provide for the development, revision, implementation, and enforcement of security procedures. The system shall include:

(4) Written security procedures that document the structure of the security organization and detail the duties of guards, watchmen, and other individuals responsible for security. The licensee shall maintain a copy of the current procedures as a record until the Commission terminates each license for which the procedures were developed and, if any portion of the procedure is superseded, retain the superseded material for three years after each change.

(ii) Provisions for written approval of these procedures and any revisions to the procedures by the individual with the overall responsibility for the security functions. The licensee shall retain each written approval as a record for three years from the date of the approval.

(c) Testing and maintenance. Each licensee shall test and maintain intrusion alarms, emergency alarms, communications equipment, physical barriers, and other security related devices or equipment utilized pursuant to this section as follows:

(3) Communications equipment required for communications onsite shall be tested for performance not less frequently than once at the beginning of each security personnel workshift. Communications equipment required for communications offsite shall be tested for performance no less than once a day.

10 CFR 73.70(e): Records. [1989 Edition]

Each record required by this part must be legible throughout the retention period specified by each Commission regulation. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, specification, must include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records. Each licensee

subject to the provisions of §§ 73.20, 73.25, 73.26, 73.27, 73.45, 73.46, 73.55, or 73.60 shall keep the following records:

(e) Documentation of all routine security tours and inspections, and of all tests, inspections and maintenance performed on physical barriers, intrusion alarms, communications equipment, and other security related equipment used pursuant to the requirements of this part. The licensee shall retain the documentation for these events for three years from the date of documenting each event.

10 CFR 73 Appendix G, Section I, II: Reportable Safeguards Events.
[1989 Edition]

I. Events to be reported within one hour of discovery, followed by a written report within 30 days.

(b) An actual entry of an unauthorized person into a protected area, material access area, controlled access area, vital area (VA) or transport.

(c) Any failure, degradation, or the discovered vulnerability in a safeguard system that could allow unauthorized or undetected access to a protected area, material access area, controlled access area, VA, or transport for which compensatory measures have not been employed.

II. Events to be recorded within 24 hours and submitted in quarterly log.

(a) Any failure, degradation, or discovered vulnerability in a safeguards system that could have allowed unauthorized or undetected access to a protected area, material access area, controlled access area, VA, or transport had compensatory measures not been established.

(b) Any other threatened, attempted, or committed act not previously defined in Appendix G with the potential for reducing the effectiveness of the safeguards system below that committed to in a licensed physical security or contingency plan or the actual condition of such reduction in effectiveness.

Allegation No. 2: Failure to Log and Report Security Events, Destruction of Records and Intimidation of Security Officers

10 CFR 73.70(e), see allegation 1.

10 CFR 73 Appendix G, Section I, II, see allegation 1.

10 CFR 50.71(a): Maintenance of Records, Making of Reports. [1989 Edition]

(a) Each licensee and each holder of a construction permit shall maintain all records and make all reports, in connection with the activity, as may be required by the conditions of the license or permit or by the rules, regulations, and orders of the Commission in effectuating the purpose of the Act, including section 105 of the Act. Reports must be submitted in accordance with § 50.4.

10 CFR 73.71 (c),(1),(2),(d): Reporting of Safeguards Events. [1989 Edition]

(c) (1) Each license subject to the provisions of § 73.20, 73.37, 73.50, 73.55, 73.60, or each licensee possessing SSNM and subject to the § 73.67(d) shall maintain a current log and record the safeguards events described in paragraphs 11 (a) and (b) of Appendix G to this part within 24 hours of discovery by a licensee employee or member of the licensee's contract security organization. The licensee shall retain the log of events recorded under this section as a record for three years after the last entry is made in each log.

(2) Every three months, each licensee shall submit to the NRC copies of all safeguards event log entries not previously submitted. Each licensee shall submit one copy of their log entries to the U.S. Nuclear Regulatory Commission, Document Control Desk, Washington, D.C. 20555.

(d) Each licensee shall submit to the Commission the 30-day written reports and copies of the safeguards event log entries required under the provisions of this section that are of a quality which will permit legible reproduction and processing. If the facility is subject to § 50.73 of this chapter, the licensee shall prepare the written report of NRC Form 366. If the facility is not subject to § 50.73 of this chapter, the licensee shall not use this form but shall prepare the written report in letter format. The report must include information for NRC analysis and evaluation.

Allegation No. 3: Failure to Provide Compensatory Measures for Vital Area (VA) Alarms and Degraded Barriers

10 CFR 73.55 (c)(1),(4), (d)(1),(8): Requirements for physical protection of licensed activities in the nuclear power reactors against radiological sabotage. [1989 Edition]

By December 2, 1986, each licensee, as appropriate, shall submit proposed amendments to its security plan which define how the amended requirements of paragraphs (a), (d)(7), (d)(9), and (e)(1) will be met. Each submittal must include a proposed implementation schedule for Commission approval. The amended safeguards requirements of these paragraphs must be implemented by the licensee within 180 days after Commission approval of the proposed security plan in accordance with the approved schedule.

(c) Physical barriers.

(1) The licensee shall locate vital equipment only within a VA, which in turn, shall be located within a protected area such that access to vital equipment requires passages through at least two physical barriers of sufficient strength to meet the performance requirements of paragraph (a) of this section. More than one VA may be located within a single protected area.

(4) Detection of penetration or attempted penetration of the protected area of the isolation zone adjacent to the protected area barrier shall assure that adequate response by the security organization can be initiated. All exterior areas within the protected area shall be periodically checked to detect the presence of unauthorized persons, vehicles, or materials.

(d) Access requirements.

(1) The licensee shall control all points of personnel and vehicle access into a protected area. Identification and search of all individuals unless otherwise provided herein must be made and authorization must be checked at these points. The search function for detection of firearms, explosives, and incendiary devices must be accomplished through the use of both firearms and explosive detection equipment capable of detecting those devices. The licensee must subject all persons except bona fide Federal, State, and local law enforcement personnel on official duty to these equipment searches upon entry into a protected area. When the licensee has cause to suspect that an individual is attempting to introduce firearms, explosives, or incendiary devices into protected areas, the licensee shall conduct a physical pat-down search of that individual. Whenever firearms or explosives detection equipment at a portal is out of service or not operating satisfactorily, the licensee shall conduct a physical pat-down of all persons who would otherwise have been subject to equipment searches. The individual responsible for the last access control function (controlling admission to the protected area) must be isolated within a bullet-resisting structure as described in paragraph (c)(6) of this section to assure his or her ability to respond or to summon assistance. By December 2, 1986, each licensee shall submit revisions to its security plan which define how the final search requirements of this paragraph will be met. The final search requirements of this package must be implemented by the licensee within 60 days after Commission approval of the proposed security plan revisions.

(8) Access to the reactor containment shall be through doors or hatches which shall be alarmed and have locks of substantial construction to

offer penetration resistance and impede both surreptitious and forced entry. Any time frequent access is permitted to containment such as during refueling or major maintenance, positive access control to assure that only authorized personnel and materials are permitted into the containment shall be exercised by the licensee, with a guard or watchmen.

10 CFR 73.70(f): Records. [1989 Edition]

(f) A record at each onsite alarm annunciation location of each alarm, false alarm, alarm check, and tamper indication that identifies the type of alarm, location, alarm circuit, date, and time. In addition, details of response by facility guards and watchmen to each alarm, intrusion, or other security incident shall be recorded. The license shall retain each record for three years after the record is made.

Allegation No. 4: Failure to Control Weapons and Ammunition

10 CFR 73.70 (e), see allegation 1.

10 CFR 73 Appendix G, Section I, II, see allegation 1.

10 CFR 73.55(g)(1) Testing and maintenance. [1989 Edition]

(1) All alarms, communication equipment, physical barriers, and other security related devices or equipment shall be maintained in operable condition. The licensee shall develop and employ compensatory measures including equipment, additional security personnel and specific procedures to assure that the effectiveness of the security system is not reduced by failure or other contingencies affecting the operation of the security related equipment or structures.

Allegation No. 5: Security Officers Sleeping While on Posts of Duty

10 CFR 73 Appendix G(I)(c), see allegation 1.

Reg Guide 5.62, Revision #1, 2.2(18) report of sleeping guard defined.

(18) Uncompensated loss of the ability of monitor or remotely assess protected area alarms through loss of both central and secondary alarm stations. (Paragraph 1(c) of Appendix G) If the event involves an outage of the alarms, closed circuit television or security computers, the event is considered properly compensated if the original capability is restored within 10 minutes of discovery of the event or if dedicated observers with appropriate communications equipment are in place within 10 minutes of the discovery to provide total observation of each area. (Posting personnel as a compensatory measure implies that the personnel are capable of performing the lost or degraded function. When they cannot perform that function, such as when they are asleep, there is an uncompensated loss that must be reported within 1 hour of discovery. Preplanned compensatory measures are normally described in NRC approved safeguards plans.) Licensees are expected to discover this type of event upon occurrence. If immediate restoration of system capability is provided by activating secondary computers, the loss of backup capability need not be reported within 1 hour. (Also see number 10 in Section 2.4).

Allegation No. 6: Failure to Search Food Service Vehicle

10 CFR 73.55(d)(1), see allegation 3.

10 CFR 73.55(d)(4)

(4) All vehicles, except under emergency conditions, shall be searched for items which could be used for sabotage purposes prior to entry into the protected area. Vehicle areas to be searched shall include the cab, engine compartment, undercarriage, and cargo area. All vehicles, except designated licensee vehicles, requiring entry into the protected area shall be escorted by a member of the security organization while within the protected area and, to the extent practicable, shall be off loaded in the protected area at a specific designated materials receiving area that is not adjacent to a VA. Designated licensee vehicles shall be limited in their use to onsite plant functions and shall remain in the protected area except for operational, maintenance, repair security and emergency purposes. The licensee shall exercise positive control over all such designated vehicles to assure that they are used only by authorized persons and for authorized purposes.

Allegation No. 7: Conspiracy by FCSSD Management to Deceive NRC

10 CFR 50.71(a), see allegation 1.

18 U.S.C. 371: Conspiracy to Commit Offense or to Defraud United States.
[1989 Edition]

371 If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

If however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.

Allegation No. 8: Gambling on Site by FCS Security Officers

10 CFR 73 Appendix G, Section I, II, see allegation 1.

10 CFR 73.55 (h)(1): Response Requirement. [1989 Edition]

(h) Response Requirement.

(1) The licensee shall execute, when appropriate, a safeguards contingency plan for dealing with threats, thefts and radiological sabotage related to the nuclear facilities subject to the provisions of this section. Safeguards contingency plans shall be in accordance with the criteria in Appendix C to this part, "Licensee Safeguards Contingency Plans."

18 U.S.C. 1001: Statements or Entries Generally. [1989 Edition]

1001 Whoever, in any matter within the jurisdiction of any department of agency of the United States knowingly and willfully falsifies, conceals or cover up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

18 U.S.C. 1084: Transmission of Wagering Information; Penalties.

(a) Whoever being engaged in the business of betting or wagering knowingly uses a wire communication facility for the transmission in interstate or foreign commerce of bets or wagers or information assisting in the placing of bets or wagers on any sporting event or contest, or for the transmission of a wire communication which entitles the recipient to receive money or credit as a result of bets or wagers, or for information assisting in the placing of bets or wagers, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

LIST OF ACRONYMS

ATL	Activity Transition Log
CAS	Central Alarm Station
FCS	Fort Calhoun Station
FCSSD	Fort Calhoun Station Security Division
GT	Guard Tours
IR	Incident Reports
MACL	Manual Access Control Log
MSS	Manager, Security Services
NRC:RIV	Nuclear Regulatory Commission, Region IV
NSO	Nuclear Security Officer
OPPD	Omaha Public Power District
PA	Protected Area
PC	Post Check
PSI	Physical Security Inspector
SAS	Secondary Alarm Station
SDR	Sergeants Daily Report
S&EPS	Security & Emergency Preparedness Section
SGT	Sergeant
SNSS	Senior Nuclear Security Supervisor
SODR	Security Officer's Daily Report
SSO	Supervisor of Security Operations
SSP	Site Security Plan
SSS	Security Shift Supervisor
SSSS	Supervisor, Security Support Services
SWA	Security Work Area
TKL	Timekeeping Logs
TWC	The Wackenhut Corporation
VA	Vital Area

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LIST OF INTERVIEWEES

	<u>EXHIBIT</u>
ADAMSEN, Marc, OPPD, NSO.....	21
ALEXANDER, John G., OPPD, NSO.....	24
BALLINGER, Michael A., TWC, NSO.....	22
BERRGREN, Milton E., OPPD, NSO.....	28, 76
BOURKE, Shon W., TWC, NSO.....	67
BREMMERKAMP, Sharon A., OPPD, SSS.....	13
CALDWELL, Ronald, NRC:RIV, PSI.....	3, 60
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PETERSON, Joan L., OPPD, SGT.....	45
POWERS, Dale, NRC:RIV, S&EPS.....	3
RILEY, Robert F., OPPD, Food Services.....	73
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SEFICK, Harold J., OPPD, MSS.....	47
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SHEFFIELD, Stefan, OPPD, NSO.....	40
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DETAILS OF INVESTIGATION

Purpose of Investigation

This investigation was initiated to determine if Fort Calhoun Station (FCS) Security Division (FCSSD) deliberately violated Nuclear Regulatory Commission (NRC) security regulations and requirements, and its own Site Security Plan (SSP) by failing to take required compensatory measures regarding security checks and vital door alarms, falsifying and destroying files and records, failing to conduct vehicle searches, withholding the reporting of significant security events, failing to provide weapons and ammunition controls, conspiring to deceive the NRC, inattentiveness on the part of the nuclear security officers (NSOs), and intimidation of security officers.

Background

On March 6, 1990, the Regional Administrator, Region IV (RIV), requested an investigation (Exhibit 1) after an alleged [redacted] had contacted the NRC:RIV staff on February 16, 1990, alleging potential violations of NRC requirements and FCS security procedures. The allegations provided concerned: intimidation of NSOs, falsification of required records and logs, destruction and falsification of records and reports, failure to report significant security incidents, insufficient staff for a contingency response, inadequate staffing of Security Work Area (SWA), inadequate weapons and ammunition inventory controls, inadequate training of central alarm station/secondary alarm station (CAS/SAS) operators, sleeping or inattentive security officers, and a planned conspiracy to deceive the NRC.

INVESTIGATOR'S NOTE: Because of grants of confidentiality by both the NRC:RIV and Office of Investigations (OI:RIV), some portions of Exhibit 1 have been deleted. Additional discussions by OI:RIV [redacted] revealed possible violations concerning failure to perform required hourly compensatory post checks (PCs), guard tours (GTs), radio checks, failure to search food service vehicles entering the protected area (PA), improper vital area (VA) door access, and onsite gambling by FCS security officers. The following allegations were not considered during this OI investigation, but were referred to the NRC:RIV physical security section for their resolution:

- (1) Inadequate weapons and ammunition inventory procedures
- (2) Inadequate training of CAS/SAS operators
- (3) Insufficient security officers for a contingency response

Meeting with NRC:RIV Security & Emergency Preparedness Section (S&EPS)

On March 2, 1990, a meeting was held by OI:RIV with NRC:RIV staff members Dale A. POWERS, Chief, S&EPS, and Ronald CALDWELL, Physical Security Inspector (PSI), regarding allegations expressed by [redacted]. Both POWERS and CALDWELL stated they had reviewed the allegations and if true, could constitute a serious degradation of FCS security and would be serious violations of NRC security regulations (Exhibit 2).

Interview with Allegor - C190-08

Organizational Structure of FCSSD

Exhibit 4 contains copies of FCSSD organizations charts. Exhibit 4, page 1, reflects the overall structure of FCSSD and that Harold J. [John] SEFICK is the manager of FCSSD. Exhibit 4 page 2, contains the structure for the FCSSD NSO force under KINDRED.

INVESTIGATOR'S NOTE: The organizational chart for the NSO staff is not current because of the constant flux of this staff. However, the names of the FCSSD managers and security shift supervisors (SSSs) are current.

Allegation No. 1: Failure to Perform Required Security Checks

Summary

A. Post Check (PC)

1. Review of FCS SSP (Exhibit 5)

FCS SSP requires, under section 4.3, the establishment of compensatory posts as follows:

2. FCS Enforcement Responses

By letter dated March 6, 1989, in response to NRC:RIV Inspection Report 89-10, FCS committed to take corrective action to address inattentiveness of its NSOs at security posts. Enclosure 1 to this letter states in section A.2.b that FCS will require "continual check" of compensatory posts to enhance operation readiness. This section (A.2.b) references an FCSSD March 3, 1989, memorandum to its SSSs, which states generally that the SSSs will "quickly move" between compensatory posts to enhance alertness of the officers.

During an April 12, 1989, NRC:RIV Enforcement Conference, FCS committed to several measures to enhance its security awareness, one of which is the institution of "continuous" PCs by its supervisors.

FCSSD issued Security Bulletin No. FC/89-65, dated August 23, 1989, which authorized the use of OPPD and TWC SGTs to conduct PCs. Also, this bulletin established a requirement for the SSSs to maintain a "list of names and times" PCs were conducted.

INVESTIGATOR'S NOTE: The NRC:RIV staff agreed there has never been a specific definition of what constitutes a "continuous" post check and/or schedule. Discussion with the NRC:RIV S&EPS disclosed there has never been a verbal understanding between NRC:RIV and/or FCSSD that continuous checks meant that these checks were to be conducted hourly.

3. Interviews

The following individuals were interviewed by OI:RIV on the dates indicated regarding the allegation that the FCSSD staff was failing to conduct required PCs:

<u>Name</u>	<u>Position</u>	<u>Date of Interview (s)</u>
Marc ADAMSEN	OPPD, NSO	March 11, 1990
Donald JAMES	OPPD, NSO	March 11, 1990
Richard SHARP	OPPD, NSO	March 11, 1990
John ALEXANDER	OPPD, NSO	March 12, 1990
William HINELINE	OPPD, SGT	March 12, 1990
Jeffery MATTHAIDESS	OPPD, NSO	March 12, 1990
Susan TOLBERT	OPPD, NSO	March 12, 1990
Milton BERRGREN	OPPD, NSO	March 13, 1990
Dan PARKS	TWC, NSO	March 13, 1990
Tom TIMPERLEY	OPPD, NSO	March 13, 1990
Brian OBERMEYER	OPPD, NSO	March 14, 1990
Steve KUDLACZ	TWC, NSO	March 15, 1990
William SHIRAH	TWC, NSO	March 15, 1990
Jeffrey VANDERBILT	OPPD, NSO	March 15, 1990
Don LEIBER	OPPD, SNSS	March 27, 1990
Duane, RITTER	OPPD, SSSS	March 27, 1990
Sharon BREMMERKAMP	OPPD, SSS	March 28, 1990
Herbert CHILDS	OPPD, SGT	March 28, 1990
Juan FORTIER	OPPD, NSO	March 28, 1990
Gary Vernon NELSON	OPPD, SGT	March 28, 1990
Rickey NORRIE	TWC, NSO	March 28, 1990
Richard SHARP	OPPD, NSO	March 28, 1990
Stefan SHEFFIELD	OPPD, NSO	March 28, 1990
Jody STEWART	OPPD, NSO	March 28, 1990
Dorothy TIBBS	OPPD, NSO (Former)	March 28, 1990
Alan CLARK	OPPD, SSS	March 29, 1990
Garnet DEMPSEY	OPPD, SSS	March 29, 1990
Leo DORRIS	OPPD, NSO	March 29, 1990
Joan PETERSON	OPPD, SGT	March 29, 1990
Ronald UNDAJON	OPPD, SSS	March 29, 1990
William LAWSON	OPPD, SSS	April 24, 1990
Bennie KINDRED	OPPD, SSO	April 25, 1990
Leo LEUTTICKE	OPPD, SGT	April 25, 1990
Harold SEFICK	OPPD, MSS	April 25, 1990

All of the above interviewees stated that PCs were being conducted. Thirteen of the interviewees stated that there were no written guidelines published by FCSSD detailing exact procedures for conducting "continuous" PCs. Some of the interviewees stated that in the absence of guidelines, they applied their own definition. OPPD SGT PETERSON stated she had signed entries on the PC log attesting that PCs were conducted during a specified hourly timeframe, when in fact, she was not positive they were conducted.

INVESTIGATOR'S NOTE: Because no clear definition of what constitutes a PC is specified either in FCS SSP or by the NRC:RIY staff, it was impossible to identify the exact dates and/or hourly entries of incorrect entries PETERSON.

Interviews established that originally the responsibility for conducting PCs was assigned to the SSSs, but eventually both OPPD and TWC SGTs and NSOs were utilized to conduct PCs.

4. Review of Documentation

he alleged that certain OPPD/TWC personnel failed to conduct specific PCs. A detailed review was conducted of these personnel's activities on the selected dates, but because there was never a specific definition of what constitutes a "continuous" post check (by either NRC:RIY or FCSSD), it was impossible to ascertain from the TKLs which individuals failed to conduct specific hourly PCs. A review of these selected individual security officer's daily reports (SODRs) did not conclusively show a pattern of failure to perform PCs. A review and comparison of PETERSON's Sergeant's Daily Reports (SDRs) to corresponding (daily) PC logs did not conclusively prove that PETERSON failed to conduct specified PCs in accordance with the nonspecific definition of a PC. The PC logs and/or SDR do not record comparable information.

INVESTIGATOR'S NOTE: In the absence of exact FCSSD procedures on conducting and/or recording daily conduct, it was not feasible to compare these records for evidence of failure to conduct specific hourly PCs. Just because a SODR or SDR does not specifically mention conducting a PC, it does not necessarily indicate that a PC was not conducted by someone else.

B. Guard Tours (GT)

1. Review of FCS SSP

INVESTIGATOR'S NOTE: GTs differ from PCs in that GTs are visual checks for breaches in physical security barriers and/or for physical hazards which could diminish security operational

readiness. According to FCSSD personnel, GTs are conducted every 2 hours by any available FCSSD security personnel.

2. Interviews

The following individuals were interviewed regarding this allegation:

<u>Name</u>	<u>Position</u>	<u>Date of Interview</u>
Milton BERRGREN	OPPD, NSO	March 13, 1990
Don LEIBER	OPPD, SNSS	March 27, 1990
Sue TOLBERT	OPPD, NSO	March 27, 1990
Sharon BREMMERKAMP	OPPD, SSS	March 28, 1990
Dorothy TIBBS	OPPD, SGT (former)	March 28, 1990
Joan PETERSON	OPPD, SGT	March 29, 1990
Ronald UNDAJON	OPPD, SSS	March 29, 1990

All the above security personnel stated that GTs were being conducted every 2 hours.

Several interviewees stated that although the GTs were originally to be randomly conducted, eventually the tours were conducted on odd/even hours and were subsequently preselected with NSOs often preassigned. However, the tour direction [i.e., clockwise/counterclockwise] was left to the discretion of the individual NSO conducting the GT. Also, as time progressed, GTs were noted on the PC logs.

C. Radio Checks

1. Review of Documentation

During the NRC:RIV Enforcement Conference of April 12, 1989, FCS made a commitment to the NRC:RIV staff to conduct 15 minute radio checks to CAS. On March 6, 1989, FCS issued Security Bulletin No. FC/89-40 to implement these checks.

2. Interviews

The below seven security officers were interviewed on the dates indicated and all stated 15 minute radio checks were being conducted.

<u>Name</u>	<u>Position</u>	<u>Date of Interview</u>
Marc ADAMSEN	OPPD, NSO	March 11, 1990
Jody STEWART	OPPD, NSO	March 11, 1990
John ALEXANDER	OPPD, NSO	March 12, 1990
William HINELINE	OPPD, SGT	March 12, 1990
Milton BERRGREN	OPPD, NSO	March 13, 1990
Dan PARKS	TWC, NSO	March 13, 1990
Jeffery VANDERBILT	OPPD, NSO	March 15, 1990

Evidence

A. Post Checks

1. FCS SSP, effective November 20, 1989 (Exhibit 5), outlines the establishment of permanent and compensatory/temporary posts.
2. FCS in a response dated March 6, 1989, to an NRC:RIV inspection, outlined immediate corrective actions concerning inattentive officers. Specifically in Enclosure 1 (in attentiveness to duty) FCS under A.2.b stated that it was requiring all security force supervisors to have "continual check" of compensatory posts to enhance operational readiness (Exhibit 6, p. 5).
3. Section A.2.b. of the March 6, 1989, FCS response (Exhibit 6, p. 5), references a March 3, 1989, memorandum (Exhibit 7) to all SSSs, SGTs, and team leaders and states that each supervisor will routinely interact with NSOs and will "quickly move between compensatory posts in an effort to assure the alertness of those officers posted."
4. During an April 12, 1989, NRC:RIV enforcement conference, FCS recognized they had a problem with inattentive security officers (Exhibit 8, p. 6) and stated it had undertaken corrective measure to correct this problem by directing that "Supervisors Continually Check Posts" (Exhibit 8, p. 7).
5. On August 22, 1989, FCSSD issued a memorandum (Exhibit 9, p. 1) to all SSSs citing continuing problems with inattentive security officers and states (in paragraph 3) that each SSS will "ensure that a continuous check of all compensatory posts is being conducted." The memorandum further states "In addition to these checks, the supervisor will continue to conduct routine post checks throughout their shifts."
6. KINDRED stated (Exhibit 10, p. 1) that he decided a method was needed to document the conduct of PCs; thus FCSSD issued Security Bulletin No. FC/89-65 (Exhibit 11, p. 1). To facilitate maintaining a list of names and times of the PC checks, KINDRED designed a PC log which shows hourly signature blocks (Exhibit 11, p. 2). KINDRED stated when he designed this log, it was intended that the person responsible for ensuring the PCs were conducted was to sign the log. KINDRED emphasized that just because the log reflected hourly signature spaces, this did not mean that a requirement existed for every post to be checked every hour.
7. The August 23, 1989, FCSSD Security Bulletin No. FC/89-65 (Exhibit 11, p. 1) is the only written FCSSD policy located and states the SSSs will ensure that continuous PCs of all compensatory posts be conducted. This bulletin also authorizes the use of other FCSSD and TWC personnel to conduct these checks. The bulletin states the SSS will maintain a list of names and when times checks were conducted.

INVESTIGATOR'S NOTE: It should be noted that this bulletin does not state that the person conducting the PC must sign the log, but only that the SSS will maintain a list of names and times the PCs were conducted.

8. A review of FCSSD records reflect that on August 23, 1989, the use of a PC log was instituted in accordance with KINDRED's directive (Exhibit 12).

INVESTIGATOR'S NOTE: It should be noted that from August 23, 1989, the person signing the PC log was not the person who conducted the physical check nor does this form have any approved FCSSD form number assigned.

9. All SSSs interviewed did not have the same understanding of what constituted PCs. BREMMERKAMP (Exhibit 13, p. 1), LAWSON (Exhibit 15), and UNDAJON (Exhibit 16, p. 1) all stated they never saw any written instruction detailing exact procedures for conducting PCs. Additionally, these three SSSs stated that it is their understanding that it was not necessary to contact each compensatory post hourly.
10. BREMMERKAMP, GROVES, and CLARK stated they felt the person conducting the PC should sign the log, but UNDAJON stated he believed the log could be completed by the person who was responsible to ensure PCs were being conducted but not necessarily the person conducting the PC (Exhibit 13, p. 1; Exhibit 14, p. 1; Exhibit 17, p. 1; and Exhibit 16, p. 1, respectively).
11. DEMPSEY stated he believed that PCs were always to be conducted hourly (Exhibit 18, p. 1).
12. LEIBER stated (Exhibit 19) that security Bulletin No. FC/89-65 (Exhibit 11) was issued to comply with an FCS commitment to the NRC to conduct continuous PCs, but stated there was no FCSSD written policies established on how to conduct PCs.
13. In a reinterview, LEIBER stated that KINDRED established an informal PC log to record that PCs had been conducted, but KINDRED did not issue any written instruction with the issuance of this log. LEIBER stated that because the log had hourly signature blocks, a perception arose among the FCSSD staff that PCs were to be conducted hourly. LEIBER stated, in his opinion, no hourly requirements were imposed by this log nor did the log require an hourly check of every post. He believed that the only requirement was that the SSSs ensure that a continuous check of the posts was conducted during his/her duty shift (Exhibit 20, p. 1).
14. The following PSOs (including OPPD SGTs and TWC SGTs) stated that PCs were being completed: ADAMSEN (Exhibit 21); BALLINGER (Exhibit 22, p. 2); JAMES (Exhibit 23); ALEXANDER (Exhibit 24, p. 1); HINELINE (Exhibit 25); MATTHAIDESS (Exhibit 26, p. 1); TOLBERT (Exhibit 27); BERRGREN (Exhibit 28, p. 2); PARKS (Exhibit 29, p. 1); TIMPERLEY (Exhibit 30); OBERMEYER (Exhibit 31); KUDLACZ (Exhibit 32); and SHIRAH (Exhibit 33, p. 1). However,

VANDERBILT believed PCs were being conducted only by SGTs or higher rank (Exhibit 34, p. 1).

15. CHILDS claimed he has seen a memorandum indicating the PCs were to be done hourly but stated that the PC requirement could be satisfied by visiting only one post per hour (Exhibit 35).
16. FORTIER stated he had never seen any written nor received any verbal instruction on how to conduct a PC but had applied his past military experience on what constitutes a PC. He did not believe it was necessary to visit each post every hour, but rather it was more important to spend sufficient time at a specific post to ensure that a fellow NSO was not inattentive while on post (Exhibit 36).
17. V. NELSON thought only OPPD SGTs or higher could conduct PCs but was aware that other than SGTs were conducting PCs (Exhibit 37, p. 1).
18. NORRIE stated he knew of no requirement that only SGTs or higher rank could conduct PCs (Exhibit 38).
19. DORRIS stated he never saw any written procedures for conducting PCs, but he considered that contacting one post would constitute a PC. DORRIS stated he would often conduct PCs within the PA for 3 or 4 hours and upon return to the security work area, sign three or four hourly time slots on the PC log to reflect his three or four completed PCs (Exhibit 39, p. 1).
20. SHEFFIELD stated no written instructions on how to conduct a PC were ever given to the guard staff (Exhibit 40).
21. TIBBS stated that she understood only the person conducting the PC could sign the log and that each post must be visited every hour but stated she never saw any written procedures for conducting PCs. She believed if she was unable to conduct the PC then she could designate another FCSSD officer to conduct the check but they should sign the log (Exhibit 41, p. 1).
22. SHARP stated during an initial interview (Exhibit 42), he had observed PETERSON complete a PC log without conducting the PC. He also furnished a signed statement (Exhibit 43, p. 1) to this effect. However, during a later reinterview, SHARP requested to clarify his statement and then stated it was possible PETERSON had designated someone else to conduct the PC as he was uncertain of the exact PC procedures regarding the completion of a PC log (Exhibit 44).
23. PETERSON stated she decided that PCs were required hourly because the log contained hourly signature blocks but that each post did not necessarily have to be contacted every hour (Exhibit 45, p. 1).

PETERSON stated that her signing of the PC log did not mean that she had physically conducted the PC, but rather that she was only attesting to the fact that someone had conducted, or would conduct, a PC during that hourly timeframe.

During specific questioning, PETERSON admitted that occasionally she had signed an hourly slot on the PC log without being positive that a PC had been conducted by any security personnel. PETERSON stated that the signing of the log without specific knowledge of who had conducted a PC was not done to falsify the PC log because she signed this log in a good faith expectation that eventually the PC would be conducted (Exhibit 45, p. 1).

INVESTIGATOR'S NOTE: The signing of an hourly block does not in itself indicate a false document because of the undefined term "continuous." Additionally, no specific log reflecting dates and times could be compared against access control logs because it is not always necessary that the person signing the PC log leave/enter any areas controlled by a "card reader" to conduct a PC.

24. RITTER stated that as a result of an inattentive guard problem, an OPPD commitment was made to the NRC to conduct PCs but that no written procedures were ever prepared. RITTER stated that there is no requirement that PCs be conducted hourly because PCs were intended to place the burden on the supervisory staff to make contacts with the guard force to enhance attentiveness (Exhibit 46).
25. SEFICK stated that there has never been a determination or specific definition of the term "continuous." According to SEFICK, when KINDRED decided to design a form to record the completion of PCs, he designed the PC log with hourly entry blocks. SEFICK stated there was never any specific written instructions for completion of the log and believes a problem arose when the NRC staff reviewed this log and presumed that PCs were required hourly. SEFICK admitted that failure to write specific procedures for completion of the PC log has caused much confusion among the FCSSD staff on its usage. However, SEFICK stressed that PCs were being conducted "continuously" (Exhibit 47, p. 1).

B. Guard Tours

28. BERRGREN stated all GTs are being conducted (Exhibit 28, p. 2).
29. TOLBERT stated it was routine for SGTs to assign an NSO to conduct a GT and enter the NSO's name on the PC log (Exhibit 49).
30. PETERSON stated GTs are physical checks to ensure the physical integrity of the PA and can be conducted by any security officer.

31. UNDAJON stated that he did not know exactly how GTs became reflected on PC logs, but eventually some PCs and GTs were often conducted by the same security officers (Exhibit 16, p. 1).

C. Radio Checks

32. The March 6, 1989, FCS response to NRC:RIV inspection report 89-10, stated in paragraph A.1.c that they would require their perimeter security post to call SAS every 15 minutes to help with attentiveness of NSOs (Exhibit 6, p. 4).
33. On March 6, 1989, Bulletin No. FC 89-40 was issued to implement these checks (Exhibit 50).
34. ADAMSEN (Exhibit 21); STEWART (Exhibit 51); ALEXANDER (Exhibit 24, p. 1); HINELINE (Exhibit 25); BERRGREN (Exhibit 28, p. 2); PARKS (Exhibit 29, p. 1); and VANDERBILT (Exhibit 34) all stated that required 15 minute rad' checks are being conducted.

Conclusion

Based on the evidence developed, records reviewed, and interviews conducted during the investigation, it is concluded that PCs, GTs, and radio checks are being conducted at FCS. With regard to PCs, the investigation determined that because there is no clear definition of "continuous" established by either FCSDD or NRC:RIV, it could not be determined that PCs are required to be conducted hourly. Therefore, it could not be established that the hourly signer of the PC log was in violation of either NRC regulations or FCS SSP if the signer themselves failed to conduct a specific hourly PC.

Allegation No. 2: Failure to Log and Report Security Events, Destruction of Records, and Intimidation of Security Officers

Summary

A. Interviews

The following individuals were interviewed by OI:RIV on the dates indicated regarding the preparation of IRs. The pertinent testimony of each individual is documented in the evidence section of this report.

<u>Name</u>	<u>Position</u>	<u>Date of Interview</u>
Marc ADAMSEN	OPPD, NSO	March 11, 1990
Mike BALLINGER	TWC, NSO	March 11, 1990
Jody STEWART	OPPD, NSO	March 11, 1990
Donald YOUNG	OPPD, NSO	March 11, 1990
John ALEXANDER	OPPD, NSO	March 12, 1990
Jeffery MATTHAIDESS	OPPD, NSO	March 12, 1990
Milton BERRGREN	OPPD, NSO	March 13, 1990
William HINELINE	OPPD, NSO	March 13, 1990

Dan PARKS	TWC, NSO	March 13, 1990
Tom TIMPERLEY	OPPD, NSO	March 13, 1990
Brian OBERMEYER	OPPD, NSO	March 14, 1990
John STOCK	TWC, NSO	March 14, 1990
Steve KUDLACZ	TWC, NSO	March 15, 1990
Rickey NORRIE	TWC, NSO	March 28, 1990
Stefan SHEFFIELD	OPPD, NWO	March 28, 1990
Dorothy TIBBS	OPPD, SGT (former)	March 28, 1990
Al CLARK	OPPD, SSS	March 29, 1990
Garnet DEMPSEY	OPPD, SGT	March 29, 1990
Joan PETERSON	OPPD, SGT	March 29, 1990
Bill LAWSON	OPPD, SSS	April 24, 1990
Donald LEIBER	OPPD, SNSS	April 24, 1990
Bennie KINDRED	OPPD, SSO	April 25, 1990
John SEFICK	OPPD, MSS	April 25, 1990

B. Review of Documentation

alleged that certain IRs were being maintained in individual NSO personnel files and not being recorded on FCSSD records for NRC review. During the course of the investigation, a review was made of several NSO's individual personnel folders to determine if any IRs related to a security event and prepared by the NSOs were contained in their folders but not recorded on the IR logs that are presented for routine review to the NRC inspectors. The review disclosed significant security events contained in these personnel folders were properly logged on IRs and recorded on the FCSSD IR registers.

Evidence

1. ADAMSEN (Exhibit 21); BALLINGER (Exhibit 22, p. 2); STEWART (Exhibit 51); YOUNG (Exhibit 52, p. 1); ALEXANDER (Exhibit 24, p. 1); MATTHAIDESS (Exhibit 26, p. 2); BERRGREN (Exhibit 28, p. 1); HINELINE (Exhibit 53); PARKS (Exhibit 29, p. 1); TIMPERLEY (Exhibit 30); OBERMEYER (Exhibit 31); STOCK (Exhibit 54); KUDLACZ (Exhibit 32); SHEFFIELD (Exhibit 40); TIBBS (Exhibit 41, p. 1); CLARK (Exhibit 17); and LAWSON (Exhibit 15) all stated that all FCSSD NSO and/or security personnel are free to prepare IRs at their discretion.
2. NORRIE stated that he normally asked a supervisor before he prepared an IR but understood that any time a security procedure is violated, an IR is required (Exhibit 38).
3. DEMPSEY stated the preparation of IRs is not popular with the NSOs, and he feels he has to tell NSOs to prepare IRs. However, he knows of no instances where he had told an NSO not to prepare an IR (Exhibit 18, p. 1).
4. PETERSON stated that she has never been told by FCSSD management to discourage the preparations of IRs (Exhibit 45, p. 3).
5. LEIBER stated he was responsible for keeping the NRC required log of IRs. He stated that the initial decision to prepare an IR rests with the NSO, which is then given to the SSS who decides the severity level of the

event and if any immediate corrective measures are required. If the SSS decide the event is 1 hour reportable, he/she normally contacts KINDRED or SEFICK. LEIBER stated he knows of no instances when NSOs were discouraged from preparing IRs (Exhibit 20, p. 1).

6. LEIBER detailed the method for recording IRs. LEIBER maintains three separate logs, which are sequentially numbered in each of the three reportable categories. One log records all IRs which are 1 hour reportable security events required to be logged within 24 hours, another log records events reported quarterly to the NRC, and a third log records those IRs which are prepared by NSOs but do not fit either of the two previous categories (Exhibit 20, p. 2).
7. LEIBER stated that no IRs have ever been destroyed or removed from his files once they are received by him (Exhibit 20, p. 2).
8. KINDRED stated that he has not issued any directive to the security staff to not prepare IRs (Exhibit 10, p. 1).
9. SEFICK stated he encourages the security staff to prepare an IR concerning any event which the NSO feels should be reported to higher management (Exhibit 47, p. 1).

Conclusion

Based on information developed during the course of this investigation, it is concluded that there is no intimidation of NSOs by higher FCSSD management to discourage the preparation of IRs, no unlawful destruction of IR records, no failure to record significant IRs, nor failure to prepare NRC required IRs.

Allegation No. 3: Failure to Provide Compensatory Measure for VA Alarms and Degraded Barriers

Summary

A. 1013-4 Door

Between March 11-29, 1990, OIRIV interviewed BALLINGER, Ronnie JOHNSON, William PARRACK, BREMMERKAMP, and PETERSON, concerning the allegation that the December 19, 1989, access logs concerning this door were falsified, and the incident was covered up by FCSSD management. Interviews with these individuals disprove this allegation and pointed to the contrary; that the access log was falsified. Also, a review of the Manual Access Control Log (MACL) for December 19, 1989, did not disclose any indication of a falsification of the MACL.

B. WH1125 Door

A review of IR number 189-231 confirmed that this door into _____ was accessed at 1954 hours on December 25, 1989. The IR shows that the door was propped open for air circulation and wasn't closed and secured until 0854 hours on December 26, 1989. While the door was open, no compensatory guard was posted outside this door. LAWSON stated, in an attachment to this IR, that he did not post a guard outside this door

because he considered this to be only an administrative door. LEIBER stated, during a subsequent interview, that he agreed with AWSON's determination.

CALDWELL stated that this door is a VA door, and the failure to post a guard outside the door while open was a violation of NRC requirements and FCS security procedures. CALDWELL also pointed out that the door is designated as a VA door by 10 CFR regulations and so identified in FCS SSP.

C. 1S-2 Door

Between March 12, 1990, and April 24, 1990, OIRIV interviewed HINELINE, KUDLACZ, SHIRAH, TIBBS, DEMPSEY, and LEUTTICKE, regarding the allegation that this door was left "in access" for a prolonged period and not properly compensated. Interviews with these individuals disclosed that the door was in access, but proper compensatory measures were taken by the FCSSD staff.

INVESTIGATOR'S NOTE: "In access" means that the alarm system for a VA door has been deactivated and unless the alarm is reactivated, the door is "in access" and entry/exit through this door must be controlled through other compensatory measures.

D. 1036-17 Door

NORRIE and V. NELSON were interviewed on March 28, 1990, concerning the allegation that door 1036-17 was left in an alarm status without compensatory measures put in place. Both denied this allegation and stated guards were dispatched to this door and found it to be secured. Review of the door log and NORRIE's SODR reflects proper measures were taken.

CALDWELL stated that there were proper security measures taken to ensure the security integrity of this door.

E. 1007-1 Door

FRITZ was interviewed on March 15, 1990, concerning the allegation that she had left door 1007-1 unlocked and unprotected. FRITZ denied this and stated there was an armed officer at the door, and the door was never left unprotected.

F. Metal Detector

Between March 27-29, 1990, SHUMAKE, BOURKE, V. NELSON, and DEMPSEY were interviewed concerning the allegation that a plant operator failed to clear the metal detector three times. The operator refused to remove both his metal toed boots which had actuated the alarm. He was subsequently allowed to "hop" through the detector, and the matter was "covered-up."

The investigation disclosed that after the operator failed twice to clear the metal detector, he was "batted down" but refused to remove his steel

toed boots. DEMPSEY was then notified, and he convinced the operator to remove one boot, and then allowed the operator to "hop" through the metal detector. The metal detector did not alarm so the operator was allowed to proceed.

An IR was prepared concerning this event by all FCSSD personnel involved and properly reported and there was no attempt to cover-up this incident. Several NSOs interviewed during the investigation stated all procedures on pat downs of employees, after they failed to pass the metal detector, are followed.

Evidence

A. 1013-4 Door

1. Page 2 of the MACL for December 19, 1989, reflects on lines 5, 6, 7, and 8 that the "time-in" sequence is out of order (Exhibit 56, p. 2).
2. JOHNSON stated when he assumed the duties at door 1013-4 at 1900 hours, he was unable to locate the MACL (Exhibit 57, p. 1).
3. JOHNSON stated that at 2000 hours, two maintenance workers arrived at Door 1013-4, and he radioed the duty SGT for instructions saying he could not find the MACL. The SGT said a new log would be sent over, but before the log arrived, JOHNSON was relieved by BALLINGER (Exhibit 57, p. 1).
4. JOHNSON reviewed the December 19, 1989, MACL and stated the questioned entries were not in his handwriting and assumed BALLINGER made the entries (Exhibit 57, p. 1).
5. BALLINGER stated on December 19, 1989, he relieved JOHNSON at door 1013-4 at 2000 hours. When he arrived, JOHNSON was at the bottom of the stairs, and JOHNSON told BALLINGER he could not find the MACL (Exhibit 22, p. 1).
6. After BALLINGER was also unable to find the MACL, he then radioed SGT PETERSON for a new MACL. BALLINGER then went to the top of the stairs, found the missing MACL, and immediately radioed PETERSON that he found the MACL and that there was no need for a new log (Exhibit 22, p. 1).
7. Upon relieving JOHNSON, BALLINGER found four maintenance men present. After finding the MACL, he logged two in at 2000 hours because he had followed them to this door and arrived with them at the same time. He questioned the other two men present, and they said they arrived at 1800 hours, so he took them at their word and logged them in as arriving at 1800 hours (Exhibit 22, p. 1).

INVESTIGATOR'S NOTE: There was not a log entry on the MACL for these two men at 1800 hours.

8. Prior to logging the workers in, BALLINGER discussed with PARRACK if the two earlier men should be logged and how to record the presence of these two workers, and they decided that all maintenance personnel present must be recorded (Exhibit 22, p. 1).

9. After entering the names of all workers present at Door 1013-4, BALLINGER notified PETERSON and BREMMERKAMP of his actions (Exhibit 22, p. 1).
10. BALLINGER stated there was no attempt to falsify records, but rather the converse was true because he took action to record the workers present at the door on the MACL (Exhibit 22, p. 2).
11. BALLINGER stated no IR was prepared because neither supervisor required one (Exhibit 22, p. 2).
12. PARRACK confirmed that he and BALLINGER agreed that all workers present should be recorded on the MACL (Exhibit 58, p. 1).
13. PARRACK stated that after BALLINGER found the MACL, PETERSON and BREMMERKAMP arrived at door 1013-4 (Exhibit 58, p. 1).
14. Neither PETERSON nor BREMMERKAMP could recall any incident involving door 1013-4 (Exhibit 45, p. 3 and Exhibit 13, p. 1, respectively).

B. WH1125 Door

INVESTIGATOR'S NOTE: Because of the varied reference to time and method of recording time, for clarity the time shown in the evidence section will be stated in military time immediately followed by the time, as shown on the exhibit, in the parenthesis.

15. IR number 189-231 (Exhibit 60) shows that on December 25, 1989, LAWSON allowed this door to be opened at 1954 (07:54 p.m.) hours without posting a compensatory guard. Also, this IR shows that at 0804 (08:04 a.m.) hours, on December 26, 1989, HINELINE ordered the door closed and secured. LAWSON, in an attachment to this IR, stated he left this door open without a posted guard because he considered it to only be an administrative door. Of note is that HINELINE noted that this door requires a guard be posted if opened.
16. LEIBER stated he agreed with LAWSON's determination that this is only an administrative door (Exhibit 20, p. 3).
17. CALDWELL stated (Exhibit 59, p. 1) that this is a VA door requiring that a guard be posted while opened. CALDWELL pointed out that FCS' SSP in section 4.2.1, (Exhibit 59, p. 3) and 10 CFR 73.55(e)(1) (Exhibit 59, p. 4) identify this as a VA door. CALDWELL stated 10 CFR 73.55(e)(1) requires compensatory measures be employed when the effectiveness of a system is reduced by a contingency.

C. IS-2 Door

18. A computer printout provided by FCSSD and reviewed by CALDWELL verified this door was in access (unsecured by any detector alarm) on November 17, 1989, at 1740 (05:40 p.m.) hours and was not reset until November 18, 1989, at 0912 (09:12 a.m.) hours (Exhibit 59, pp. 1 and 5).

19. Contrary to _____ assertion that HINELINE conducted an extensive analysis of this event, HINELINE stated he could not recall any events regarding the IS-2 door (Exhibit 53).
20. KUDLACZ (Exhibit 32) stated he noticed that IS-2 door had been accessed and reported it to LEUTTICKE. KUDLACZ also pointed this out to SHIRAH (Exhibit 33).
21. LEUTTICKE confirmed that IS-2 door had been in access and notified TIBBS, who dispatched a security officer to this door (Exhibit 61, p. 1).
22. TIBBS stated the IS-2 door was initially opened to facilitate a maintenance crew, but a security guard was posted. After the crew left, the door was locked and the guard was removed, but because of an oversight, the door was not rearmored (Exhibit 41, p. 1).
23. TIBBS stated that later the IS-2 door was noticed by a CAS operator (KUDLACZ) as still in access, and a guard was dispatched to the door, but it was still locked (Exhibit 41, p. 2).
24. TIBBS stated that, during the entire time the door was in access, either a guard was posted or the door was under constant dedicated camera surveillance; thus the door's security was never breached (Exhibit 41, p. 2).
25. TIBBS discussed the event with DEMPSEY, and according to TIBBS, DEMPSEY stated proper security measures were enacted, and no IR was required (Exhibit 41, p. 2).
26. DEMPSEY had no recollection of this event (Exhibit 18, p. 1).
27. CALDWELL stated the measures taken were proper and did not result in a degradation of security (Exhibit 59, p. 1).

D. Door 1036-17 Door

28. CALDWELL's analysis (Exhibit 59, p. 1) concerning this door shows that on both occasions on January 22, 1990, at 1040 hours (10:40 a.m.) and 1156 hours (11:56 a.m.), proper compensatory measures were taken to ensure that security integrity of this area was maintained. With regard to the 1040 hours (10:40 a.m.) computer failure, the activity transition log (ATL) reflects that proper compensatory measures were taken because a guard was dispatched to that door at 1040 hours (10:40 a.m.).

Also, when the computer went down at 1156 hours (11:56 a.m.) proper compensatory measures were taken to secure the door at 1207 hours (12:07 p.m.) (Exhibit 63).

29. V. NELSON recalled door 1036-17 being in alarm and stated that he dispatched NORRIE to this door as a compensatory measure (Exhibit 37, p. 1).
30. NORRIE confirmed he was dispatched to this door by V. NELSON (Exhibit 38).

31. V. NELSON stated that, after posting NORRIE, V. NELSON determined this door was linked to the new computer security system and recalled NORRIE because no compensatory guard was required (Exhibit 37, p. 1).
 32. NORRIE's daily report verifies he was dispatched on January 22, 1990, to door 1036-17 (Exhibit 64).
- E. 1007-1 Door
33. FRITZ's daily report for February 15, 1990, shows that at the beginning of her shift, she was unable to put locks on door 1007-1 (Exhibit 65).
 34. FRITZ stated that this door was never left unprotected because there was an armed guard stationed at the entrance of this door (Exhibit 62).
 35. A copy of the SDF-36B, Post Rotation Shift, dated February 15, 1990, reflects door 1007-1 was assigned as post 21 and was scheduled to have a security officer posted at all times (Exhibit 66).
- F. Metal Detector
36. BOURKE stated that John (Woody) GOODELL, FCS plant operator, failed twice to clear the metal detector and when asked to remove all metal objects, GOODELL began using abusive language, r BOURKE called DEMPSEY who convinced GOODELL to remove one of his steel toed shoes and hop through detector. After hopping through the detector, which then failed to alarm, GOODELL was allowed access to the plant. BOURKE prepared an IR at DEMPSEY's request (Exhibit 67).
 37. DEMPSEY stated that it was his decision to allow GOODELL access to the plant by hopping through the detector, but only after a required pat down had been conducted. DEMPSEY confirmed the incident as related by BOURKE and that he required BOURKE to prepare an IR (Exhibit 18, p. 1).
 38. On October 31, 1989, BOURKE, FRITZ, and UNDAJON prepared IRs concerning plant operator GOODELL's failure to cooperate with security procedures (Exhibit 68).
 39. UNDAJON documented his subsequent discussion with GOODELL's supervisor (Exhibit 68, p. 4).
 40. HINELINE (Exhibit 53); JAMES (Exhibit 23); MATTHAIDESS (Exhibit 26, p. 1); TOLBERT (Exhibit 27); and YANDERBILT (Exhibit 34) all stated that FCSSD procedures regarding pat downs after failure to pass the metal detector were followed.

Conclusion

Based on the evidence developed, it is concluded that, with the exception of door WH112S, proper compensatory measures were taken by FCSSD to ensure security integrity. However, with respect to door WH112S, LAWSON failed to comply with NRC regulations and FCS SSP procedures by allowing this door to be propped open without posting a compensatory guard. Additionally, GOODELL was

allowed plant access in violation of FCSSD security procedures. However, there is insufficient evidence to conclude that these were knowing and deliberate violations.

Also, contrary to the allegation, FCSSD management did not attempt to cover up these security incidents.

Allegation No. 4: Failure to Control Weapons and Ammunition

Summary

A. Unattended Weapons Safe

Between March 11-29, 1990, DORRIS, PARRACK, and MARR were interviewed regarding the handgun weapons safe allegedly being left open and unattended. All three admitted that an incident occurred where the handgun safe was left open and unsecured.

B. Missing 37 Rounds of Handgun Ammunition

Between March 11-29, 1990, DEMPSEY, GROVES, and DORRIS were interviewed concerning an allegation that 37 rounds of handgun ammunition was missing and covered-up by FCSSD management. Only a notation by DEMPSEY, in the SSS informal pass down log, reflected a concern for the missing rounds. GROVES stated the missing 37 rounds was due to a mistake in the inventory for that day.

Evidence

A. Unattended Weapons Safe

1. MARR stated that in January 1990, he found the weapons safe open and unattended. MARR instructed PARRACK to find DORRIS. MARR stated he did not prepare an IR concerning this matter (Exhibit 69).
2. PARRACK confirmed that he was notified by MARR that the weapons safe was left open and unattended and was asked by MARR to find DORRIS (Exhibit 58, p. 2).
3. PARRACK notified DORRIS and said DORRIS immediately proceeded to the weapons trailer and locked the safe. PARRACK stated he did not prepare an IR (Exhibit 58, p. 2).
4. DORRIS admitted leaving the right door to the weapons safe open and unattended. DORRIS thought the incident occurred in February 1990 (Exhibit 70).
5. DORRIS also admitted locking the safe without conducting a weapon's inventory or verifying whether any weapons were possibly missing (Exhibit 70).
6. DORRIS did not prepare an IR about the incident stating he was not aware an IR was required and consequently did not instruct PARRACK or MARR to complete an IR. DORRIS also did not notify his SSS about the matter

(Exhibit 70). Also, DORRIS stated that during an interview on March 29, 1990, he did not report the incident but just "blew the matter off" (Exhibit 39, p. 1).

INVESTIGATOR'S NOTE: DORRIS was, at one point, a temporary SGT and has been employed at FCSSD since June 1986 and stated he knew an IR should be prepared when "something goes down" (Exhibit 39, p. 1).

7. KINDRED stated that after being interviewed by OI:RIV, DORRIS admitted to him about leaving the gun safe open (Exhibit 10, p. 2).
- B. Missing 37 Rounds of Handgun Ammunition
8. The SSS pass down log references an entry by DEMPSEY reflecting that 37 rounds appear to be missing as determined by a recent inventory (Exhibit 71).
9. DEMPSEY stated DORRIS told him that there was 37 rounds of (handgun) ammunition missing. However DEMPSEY stated he was later told by GROVES that no ammunition was missing (Exhibit 18, p. 1).

INVESTIGATOR'S NOTE: DEMPSEY made the notation in the pass down log (Exhibit 71).

10. DORRIS did not recall this incident (Exhibit 39).
11. GROVES recalled being questioned about the missing 37 rounds and that he told DEMPSEY there had been an inventory mistake (Exhibit 14, p. 3).
12. GROVES claimed he could not recall on what basis he made this determination but thinks there was a miscount by DORRIS (Exhibit 14, p. 3).

Conclusion

It is concluded that DORRIS failed to adequately safeguard the handguns by leaving the weapons safe unattended, and DORRIS failed to prepare an IR for higher FCSSD management review and/or NRC review.

Also, based on evidence disclosed during the investigation, both DEMPSEY, GROVES, and DORRIS failed to comply with for the NRC's safeguard reporting requirements by only noting the missing rounds incident in an informal pass down log and failed to prepare an IR at the time of discovery.

However, there was insufficient evidence to conclude that these were deliberate violations of NRC regulations and FCS Site Security Plan procedures.

Allegation No. 5: Security Officers Sleeping while on Posts of Duty

Summary

Between March 11-29, 1990, JAMES, DORRIS, and MATTHAIDESS were interviewed regarding allegations of sleeping while on duty at security posts. The

pertinent information provided by these individuals is documented in the evidence section.

Evidence

1. JAMES said he observed that MATTHAIDESS appeared to be asleep while on post D-4, but when he approached MATTHAIDESS, MATTHAIDESS spoke to him and that he (JAMES) could not positively state that MATTHAIDESS was asleep at his duty post (Exhibit 23, p. 1).
2. MATTHAIDESS denied ever having been inattentive to his duties while at post D-4 (Exhibit 72).
3. DORRIS denied ever sleeping on duty (Exhibit 39, p. 1).

INVESTIGATOR'S NOTE: information could not be corroborated/ through interviews or records review of SODR.

Conclusion

Evidence obtained during the course of the investigation does not substantiate this allegation.

Allegation No. 6: Failure to Search Food Service Vehicle

Summary

On March 28, 1990, Robert RILEY, the food service driver, was interviewed concerning the allegation that his food service vehicle was being allowed into the PA without being searched. RILEY stated his vehicle was always thoroughly searched by FCSSD security staff.

Evidence

1. RILEY stated he was previously questioned by NRC's FCS resident inspector concerning the thoroughness of the security staff search of his food vehicle (Exhibit 73).
2. RILEY stated as a result of the inspector's concern about FCSSD's search procedures, his vehicle now undergoes a thorough search (Exhibit 73).

Conclusion

Information developed during this investigation does not substantiate this allegation.

Allegation No. 7: Conspiracy by FCSSD Management to Deceive the NRC

Summary

alleged that there was a conspiracy by FCSSD management to withhold computerized TKL logs from NRC inspectors. 1 \

INVESTIGATOR'S NOTE: At the request of the KRC:RIV regional administrator, the Omaha Police Department and Federal Bureau of Investigation were contacted on March 14 and March 15, regarding gambling activities and neither expressed any interest in investigating this issue.

Evidence

1. SHARP (Exhibit 43, p. 1); BERGGREN (Exhibit 28, p. 1 and Exhibit 76); TIMPERLEY (Exhibit 74); STOCK (Exhibit 54); OBERMEYER (Exhibit 75, p. 1); and SHIRAH (Exhibit 33) all admitted placing bets with PARKS while on site.
2. JAMES (Exhibit 23) and MATTHAIDESS (Exhibit 26, p. 1) stated they had seen [redacted] accept bets while on site.
3. [redacted] denied accepting or placing gambling bets and refused to sign a sworn statement.
(Exhibit 29, pp. 1 and c).
4. LEUTTICKE (Exhibit 61) and ADAMSEN (Exhibit 21) stated they had seen football pool sheets but did not know who initiated the pool sheets.
5. HINELINE (Exhibit 53) and LAWSON (Exhibit 15) denied direct personal knowledge of gambling activities at FCS.
6. DEMPSEY denied any knowledge concerning any gambling activities at FCS by any security personnel. He recalled talking with an NSO, whose name he did not remember, about spread sheets, but the NSO denied any gambling and the matter was dropped (Exhibit 18, p. 1).

Conclusion

Based on the evidence it is concluded that [redacted] and other security personnel intentionally engaged in gambling activities while onsite at FCS.

SUPPLEMENTAL INFORMATION

This investigation has developed information indicating possible violations of Federal criminal laws by As a result, a copy of the final Report of Investigation has been referred to the Department of Justice for prosecution consideration.

At the beginning of this investigation, the alleged that copies of IRs and other documents which had been destroyed or altered by FCSSD management could be located in each individual MSO's FCSSD personnel files. Thus, at the initiation of the field investigation, files and records were seized and/or sealed by OI investigators. However, during the course of the investigation, this allegation was proven to be unsubstantiated as no additional operational files were found in these personnel records that were not readily available in the FCSSD inspection related files. Eventually, prior to completion of the investigation, all files secured by OI were returned to the custody of FCSSD.

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Region IV Request for Investigation, dated March 6, 1990.
2	Report of Meeting with RIV Security Inspection Staff, dated March 2, 1990.
3	
4	Fort Calhoun Station Security Nuclear Operations Division and Security Operations Section Organizational Charts.
5	
6	FCSSD March 6, 1989, response, to NRC Inspection Report 89-10.
7	OPPD Memorandum, dated March 3, 1989.
8	Security Enforcement Conference, dated April 12, 1989.
9	OPPD Memorandum, dated August 22, 1989.
10	Report of Interview with KINDRED, dated April 25, 1990.
11	FCS Security Bulletin No. FC/89-65, dated August 23, 1989.
12	Compensatory Post Checks form, dated August 23, 1989.
13	Report of Interview with BREMMERKAMP, dated March 28, 1990.
14	Report of Interview with GROVES, dated April 24, 1990.
15	Report of Interview with LAWSON, dated April 24, 1990.
16	Report of Interview With UNDAJON, dated March 29, 1990.
17	Report of Interview with CLARK, dated March 29, 1990.
18	Report of Interview with DEMPSEY, dated March 29, 1990.
19	Report of Interview with LEIBER, dated March 27, 1990.
20	Report of Reinterview with LEIBER, dated April 24, 1990.
21	Report of Interview with ADAMSEN, dated March 11, 1990.
22	Report of Interview with BALLINGER, dated March 11, 1990.

- 23 Report of Interview with JAMES, dated March 11, 1990.
- 24 Report of Interview with ALEXANDER, dated March 12, 1990.
- 25 Report of Interview with HINELINE, dated March 12, 1990.
- 26 Report of Interview with MATTHAIDESS, dated March 12, 1990.
- 27 Report of Interview with TOLBERT, dated March 12, 1990.
- 28 Report of Interview with BERGGREN, dated March 13, 1990.
- 29 Report of Interview with PARKS, dated March 13, 1990.
- 30 Report of Interview with TIMPERLEY, dated March 13, 1990.
- 31 Report of Interview with OBERMEYER, dated March 14, 1990.
- 32 Report of Interview with KUDLACZ, dated March 15, 1990.
- 33 Report of Interview with SHIRAH, dated March 15, 1990.
- 34 Report of Interview with VANDERBILT, dated March 15, 1990.
- 35 Report of Interview with CHILDS, dated March 28, 1990.
- 36 Report of Interview with FORTIER, dated March 28, 1990.
- 37 Report of Interview with V. NELSON, dated March 28, 1990.
- 38 Report of Interview with NORRIE, dated March 28, 1990.
- 39 Report of Interview with DORRIS, dated March 29, 1990.
- 40 Report of Interview with SHEFFIELD, dated March 28, 1990.
- 41 Report of Interview with TIBBS, dated March 28, 1990.
- 42 Report of Interview with SHARP, dated March 11, 1990.
- 43 Sworn and signed statement of SHARP, dated March 13, 1990.
- 44 Report of Reinterview with SHARP, dated March 28, 1990.
- 45 Report of Interview with PETERSON, dated March 29, 1990.
- 46 Report of Interview with RITTER, dated March 27, 1990.
- 47 Report of Interview with SEFICK, dated April 25, 1990.
- 49 Report of Reinterview with TOLBERT, dated March 27, 1990.

- 73 Report of Interview with RILEY, dated March 28, 1990.
- 74 Sworn and signed statement of TIMPERLEY, dated March 13, 1990.
- 75 Sworn and signed statement of OBERMEYER, dated March 14, 1990.
- 76 Sworn and signed statement of BERGGREN, dated March 13, 1990.
- 77 Report of Interview with S. NELSON, dated March 29, 1990.
- 78 Report of Interview with SHUMAKE, dated March 27, 1990.