



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

MAR 17 1992

Docket No. 50-285
License No. DPR-40
EA 91-123

Omaha Public Power District
ATTN: W.G. Gates, Division Manager
Nuclear Operations
444 South 16th Street Mall
Mail Stop 8E/EP4
Omaha, Nebraska 68102-2247

Gentlemen:

SUBJECT: NOTICE OF VIOLATION (INVESTIGATION REPORT 4-91-011)

This is in reference to your January 9, 1992 letter, in which you responded to NRC's December 10, 1991 letter regarding 1987 training attendance records for Shift Technical Adviser (STA) candidates at OPPD's Fort Calhoun Station nuclear power plant, and to the results of an investigation conducted by NRC's Office of Investigations (OI).

NRC's investigation revealed that in September and October 1987, a number of STA training attendance records falsely represented trainee attendance at lectures that were not given (the trainees were actually involved in self-study at the time). The investigation showed that one individual was responsible for the creation of these false training attendance records, apparently because he believed that the three trainees had received this training in technical training sessions that preceded this STA training course.

In NRC's December 10, 1991 letter, OPPD was asked to describe this individual's past and current responsibilities, provide the basis for its confidence in this individual's performance in terms of compliance with NRC requirements, and provide its basis for confidence that this individual understands the significance of compliance with such requirements.

In its January 9, 1992 letter, OPPD said that this individual is currently a system engineer with responsibility for the reactor coolant system, that reviews of his performance revealed no other examples of his having violated NRC requirements or engaged in deception, and that reviews of his performance and interviews with him give OPPD confidence that he has a clear understanding of the significance of full compliance with nuclear power plant rules, regulations and requirements. OPPD also said that his performance will be closely monitored by his immediate supervisor to ensure that compliance is maintained.

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OPPD also stated in its letter that its investigations of this matter indicated that the creation of false training attendance records was limited to the records associated with the fall 1987 STA class, and that the STA candidates in that class had been adequately trained and fully qualified to be STAs. This suggests that OPPD satisfied Fort Calhoun Station's license and Technical Specification requirements that STAs be trained in "plant design and response and analysis of the plant for transients and accidents." However, NRC regulations in 10 CFR 50.9 state that information provided by a licensee to NRC shall be complete and accurate in all material respects. NRC has reviewed the information provided by OPPD and the results of its own investigation and has concluded that a violation of 10 CFR 50.9 occurred, in that OPPD provided information, i.e., training attendance records, to NRC inspectors and investigators that was not accurate in all material respects.

This violation is of concern because it resulted from a lack of integrity in the preparation of official training records and because OPPD's management of its training programs at the time of the violation was lax in regard to ensuring that training of STA candidates was properly administered and in ensuring the accuracy of the records of such training.

However, because this appears to have been an isolated occurrence, STA candidates in the fall 1987 training class appear to have received adequate training, and it does not appear that OPPD intended to provide false information to NRC, this violation has been classified in the enclosed Notice of Violation at Severity Level IV and NRC is not pursuing escalated enforcement action against OPPD. In addition, although NRC's actions in this case should not be construed as condoning wrongdoing, given the age of this matter and the results of OPPD's reviews of the individual's performance, NRC is electing to pursue no action against the individual.

OPPD should take steps to ensure that its employees and contractor employees are aware that individuals who commit deliberate acts that cause or, but for detection, would have caused a licensee to be in violation of NRC requirements are subject to the full range of NRC enforcement actions. This rule, which became effective September 16, 1991, is described in 10 CFR 50.5 as well as in other parts of NRC's regulations.

Although 10 CFR 2.201 requires you to submit to this office, within 20 days of your receipt of this Notice, a written statement of explanation, we note that OPPD has already provided sufficient information in its January 10, 1992 letter. Therefore, the response normally required for this Notice need not be submitted. However, NRC requests that OPPD provide NRC two reports, one 6 months and one 12 months from the date of this letter, on the results of its monitoring of the performance of the individual responsible for this violation. OPPD's other corrective actions will be reviewed during future inspections.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be placed in the NRC Public Document Room.

The response directed by this letter is not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1930, Pub. L. No. 96.511.

Sincerely,


Robert D. Marzin
Regional Administrator

Enclosure:
Notice of Violation

cc:
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~~DMB (IEOI)~~

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