



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8004

JUL 22 1992

Docket No. 50-285
License No. DPR-40
EA 92-109

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 (NRC INSPECTION REPORT NO. 50-285/92-12)

This is in reference to the NRC's May 26-29, 1992, inspection of the physical security program at Omaha Public Power District's (OPPD) Fort Calhoun Station nuclear power plant in Blair, Nebraska. This inspection, which was documented in an inspection report dated June 15, 1992, included a review of a violation of NRC requirements regarding the protection of Safeguards Information, as defined in 10 CFR Part 73. This violation, which OPPD discovered and corrected on May 13, 1992, was the subject of an enforcement conference in NRC's Region IV office in Arlington, Texas on June 19, 1992. A report of that enforcement conference was sent to you on July 8, 1992.

The violation described in the enclosed Notice of Violation involved the failure of OPPD to ensure, in accordance with 10 CFR 73.21(d), that Safeguards Information was under the control of an authorized individual while in use and stored in a locked security storage container while unattended. Specifically, OPPD failed to properly secure a revised copy of the physical security plan in its corporate office building in Omaha, Nebraska. The material was opened and placed in a file folder behind a secretary's desk, where it remained for about two weeks before being discovered by licensee personnel. This violation occurred because inexperienced people were involved in both the shipping and receipt of the Safeguards Information.

The purpose of these security requirements is to ensure Safeguards Information is not released to unauthorized persons. While there is no evidence to suggest that the information was compromised nor was there a high probability of the information being compromised, the NRC remains concerned that the information was uncontrolled and in an area where it was accessible to unauthorized individuals.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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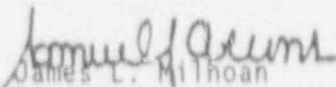
Therefore, this violation has been classified at Severity Level III. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR Part 2, Appendix C, a civil penalty is considered for a Severity Level III violation. However, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, I have decided that a civil penalty will not be proposed in this case because OPPD: (1) identified the violation; (2) took immediate corrective actions and comprehensive long-term corrective actions including retraining persons handling Safeguards Information and revising the receipt and handling procedures as described more fully at the Enforcement Conference; and (3) has in the two years preceding this violation an excellent record in physical security at the Fort Calhoun Station plant, including a SALP 1 rating.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice of Violation (Notice) when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

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

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,


James L. Milhoan
Regional Administrator

Enclosure: Notice of Violation

cc:
LeBoeuf, Lamb, Leiby & MacRae
ATTN: Harry H. Voigt, Esq.
1875 Connecticut Avenue, NW
Washington, D.C. 20009-5728

Washington County Board
of Supervisors
ATTN: Jack Jensen, Chairman
Blair, Nebraska 68008

Combustion Engineering, Inc.
ATTN: Charles B. Brinkman, Manager
Washington Nuclear Operations
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Rockville, Maryland 20852

Nebraska Department of Health
ATTN: Harold Borchert, Director
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301 Centennial Mall, South
P.O. Box 95007
Lincoln, Nebraska 68509-5007

Fort Calhoun Station
ATTN: T. L. Patterson, Manager
P.O. Box 399
Fort Calhoun, Nebraska 68023

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Omaha Public Power District

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bcc:

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