



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

December 20, 1996

IA 96-061

Richard Fentiman
[HOME ADDRESS DELETED]
PURSUANT TO 10 CFR 2.790]

SUBJECT: REPLY TO NOTICE OF VIOLATION
(NRC INVESTIGATION REPORT NO. 4-95-059)

Dear Mr. Fentiman:

This is in reference to your unsigned and undated reply to the Notice of Violation issued to you on September 27, 1996. This office received your reply by overnight mail on October 28, 1996.

The violation involved your having deliberately violated Cooper Nuclear Station procedures regarding background investigations for individuals seeking unescorted access to the facility.

In response, you stated that you had resigned from the Nebraska Public Power District to pursue other career opportunities. You also indicated that you would need to be totally familiar with NPPD procedures in order to perform the function of the job and be in compliance in the future, should you be re-employed at Cooper Nuclear Station, and recommended that access authorization procedures be reviewed periodically with a signature required to indicate that the reviews had been completed.

Based on the information you submitted in reply to the Notice of Violation, as well as the information you provided during an August 12, 1996, transcribed predecisional enforcement conference in Kansas City, Missouri, the NRC accepts your response and considers this matter closed.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter with your home address removed and the response that you submitted to the Notice of Violation will be placed in the NRC's Public Document Room (PDR). Please contact Gary Sanborn at 817-860-8222 or 800-952-9677 if you have any final questions about this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "T. P. Gwynn", with a large, stylized flourish extending to the right.

T. P. Gwynn
Director, Division of Reactor Safety

Docket No. 50-298
License No. DPR-46

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Richard Fentiman

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cc w/incoming:

Guy R. Horn, Vice President - Nuclear
Nebraska Public Power District
1414 15th Street
Columbus, Nebraska 68601

State of Nebraska

Reply to a Notice of Violation

Docket No. 50-298

IA 96-061

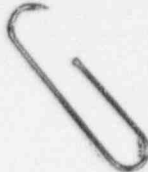
NRC Investigation Report and Case No. 4-95-059

During an outage personnel applying for unescorted access authorization were instructed not to list someone traveling with them or someone they knew at site working as given references on their background investigation application. This was done to expedite the temporary clearance since one of the requirements was a developed reference. This method was only used if a problem arose finding a developed reference by other methods. Some people traveled a considerable amount of time and had a problem listing given references. They either didn't know anyone that well for a reference, or they wouldn't have a telephone number and any idea where the person might be located. The given references are an important source in developing other references required. Many of the outage personnel work several jobs for shorter periods of time. This eliminates former supervisors as developed references because they didn't have the opportunity to know the individual, or they 'out remember the worker. Some individuals failed to follow instructions, and they would list the individuals traveling with them or individuals already at site they had worked with in the past. Most of the time a developed reference was obtained by other methods so it didn't matter that the individual didn't listen to instructions. The idea in not having individuals list the people as references described at the beginning of this reply was

cleared by the QA Department as a permissible means of obtaining a developed reference. Even though the individual was instructed not to list someone as a given reference, they still didn't know if that person was going to be used as a developed reference.

I was approached by contract background investigators who had run into a deadend attempting to obtain a developed reference for temporary clearances in three different cases. In each case the individual had listed someone as a given who was on site and could have qualified as a developed reference. Since I had instructed the individual not to do that on the background application I then told contract personnel to use that particular given reference as a developed reference and to redo that page of the background application that contained the section on references. This necessitated destroying the original page so there would only be one complete BI application in the file. These were isolated cases only used as a last resort to meet the time frame for processing clearances set forth by NPPD management.

In the future I would need to be totally familiar with NPPD procedures in order to perform the functions of the job and remain in compliance. Access Authorization procedures should be reviewed on a periodic basis with a sheet for date and signature to be kept on file. Since I wasn't actually the supervisor of contract



personnel any problems encountered by them should be referred to the department supervisor. The supervisor can provide contract personnel with assistance in dealing with roadblocks. Contract personnel should be required to review NPPD procedures on a periodic basis so if anyone instructs them to do anything that constitutes a procedural violation, they will be aware prior to performing the act. Access Authorization should discontinue the practice of instructing in-coming personnel on who to list or not to list as given references. The individuals should follow the instructions as set forth on the background application.

Compliance would take place immediately upon my return to NPPD and the access authorization department. I resigned from NPPD and left my employment with the company to pursue other career opportunities.

Richard Fentiman

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