



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE, SUITE 1000
ARLINGTON, TEXAS 76011

MAY 4 1988

Docket No. 50-285/88-05
License No. DPR-40
EA 88-72

Omaha Public Power District
ATTN: R. L. Andrews, Division Manager-
Nuclear Production
1623 Harney Street
Omaha, Nebraska 68102

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTIES
(NRC INSPECTION REPORT NO. 50-285/88-05)

This refers to the inspection conducted on February 1-5, 1988, at the Fort Calhoun Station, by personnel of Region IV, and the Office of Nuclear Reactor Regulation. During this inspection, NRC personnel identified several violations that were discussed at an enforcement conference on March 15, 1988, at the NRC Region IV office in Arlington, Texas.

The violations identified during the inspection included the failure to provide training to health physics (HP) personnel, failure to secure a door and control keys for a very high radiation area, failure to follow procedures for personnel in a very high radiation area and posting of controlled surface contamination areas, and failure to issue a written policy statement for the respiratory protection program. Because of the apparent ineffectiveness of earlier corrective actions and the repeat violations, we are concerned that your program for problem identification and correction has been ineffective and there appears to be a degradation of the overall radiation protection program effectiveness.

Collectively, the violations indicate a declining trend in radiation protection control that is also reflected by the reduced rating in the applicable category of the last SALP report for your facility. In this particular case, the root cause of these violations appeared to be a lack of commitment by management and HP personnel to develop, maintain and adhere to procedures which ensure conformance to the facility technical specifications and NRC regulations.

These deficiencies demonstrate that a better understanding of the regulatory requirements and facility procedures is needed and that greater attention to detail in performing duties is necessary. Management must pursue an aggressive audit and review program to assure that the Radiation Protection Program is properly implemented.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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Omaha Public Power District

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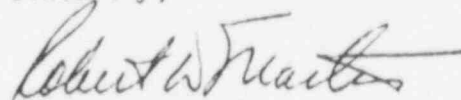
To emphasize the need to improve radiation protection control, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Regional Operations, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalties in the amount of One Hundred Twelve Thousand Five Hundred Dollars (\$112,500) for the violations described in the enclosed notice. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" 10 CFR Part 2, Appendix C (1987) (Enforcement Policy), the two (2) violations described in the enclosed notice have been categorized as Severity Level III violations. The base value of a civil penalty for a single Severity Level III violation is \$50,000. The escalation and mitigation factors in the Enforcement Policy were considered. We recognize that you identified Violation A and have initiated comprehensive corrective action for it. These corrective actions have been taken not only because of your health physics concerns but also because of other performance issues. Given your prior enforcement history involving unlocked doors to very high radiation areas which included a Severity Level III violation on May 22, 1986 and a civil penalty on January 19, 1988, these corrective actions are not considered unusually prompt and extensive as to warrant full mitigation of the civil penalty. However, in view of the above, the base civil penalty amount for the first violation has been increased by only 25 percent. The escalation and mitigation factors in the enforcement policy were also considered for Violation B and no adjustment was deemed appropriate.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. As appropriate, you may reference your recent March 31, 1988 response. After reviewing your response, 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 Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, 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,



Robert D. Martin
Regional Administrator

Enclosure:
Notice of Violation and Proposed
Imposition of Civil Penalty

cc:
Nebraska Radiation Control Program Director