

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTIES

Omaha Public Power District
Fort Calhoun Station

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

During an NRC inspection conducted on February 1-5, 1988, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1987), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalties are set forth below:

A. Very High Radiation Area Control

Technical Specification 5.11.2, requires, in part, that areas with radiation intensities greater than 1000 mrem/hr (Very High Radiation Area) be provided with locked doors to prevent unauthorized entry into such areas.

Contrary to the above, at approximately 4:25 p.m., on January 25, 1988, the licensee's auxiliary building operator determined that the door leading into room 11 (A Very High Radiation Area) was not locked.

This is a repeat violation.

This is a Severity Level III violation (Supplement IV)

Civil Penalty - \$62,500.

B. Radiation Protection Program Degradation

1. Failure to Provide Training

Technical Specification 5.4.1 states, in part, that a retraining program for the plant staff shall be maintained and shall meet or exceed the requirements of Section 5.5 in ANSI N18.1-1971. Training Program Master Plan 14, Section 8.2.2, states, in part, that radiation protection technicians will complete the minimum requalification training requirements yearly (not to exceed 15 months) as defined for their current job position.

Contrary to the above, as of February 5, 1988, three radiation protection technicians had not completed requalification training requirements since August 1986, August 1984, and August 1983, respectively, as defined for their current job position.

2. Very High Radiation Area Key Control

Technical Specification 5.11.2, requires, in part, that areas with radiation intensities greater than 1000 mrem/hr (very high radiation area) be provided with locked doors to prevent unauthorized entry into such areas and the keys shall be maintained under the administrative control of the shift supervisor on duty and/or the plant health physicist.

Contrary to the above, as of February 4, 1988, while locked doors were provided for very high radiation areas, the licensee did not maintain keys for these doors under the administrative control of the shift supervisor on duty and/or the plant health physicist.

3. Failure to Follow Procedures

Technical Specification 5.11 states, in part, that procedures for personnel radiation protection shall be approved, maintained, and adhered to for all operations involving personnel radiation exposure. Procedure RPM 3.1.7.2.b.1 states, in part, that a second person shall always accompany an entry by a qualified health physics technician into a very high radiation area and in all cases the two persons must maintain line-of-sight or other communications while one or both persons remain within the very high radiation area.

Contrary to the above, on February 4, 1988, an NRC inspector observed a health physics technician exit a very high radiation area and not maintain line-of-sight or other communications with a second person within the very high radiation area.

4. Failure to Follow Procedures

Technical Specification 5.8.1 states, in part, that written procedures and administrative policies shall be established, implemented, and maintained that meet or exceed the minimum requirements of Appendix A of USNRC Regulatory Guide 1.33. Procedure HP-9, Section C.1.c.1 of Appendix A states, in part, that controlled surface contaminated areas be conspicuously posted.

Contrary to the above, on February 3 and 4, 1988, an NRC inspector observed a temporary area in room 23 set off as a controlled surface contaminated area that was not conspicuously posted.

5. Respiratory Protection Policy

10 CFR Part 20.103(c)(3) states, in part, that a written policy statement on respirator usage shall be issued covering such things as the use of practicable engineering controls instead of respirators.

Contrary to the above, as of February 5, 1988, the licensee had not issued a written policy statement covering the use of practicable engineering controls instead of respirators.

Collectively, these violations have been categorized as a Severity Level III violation (Supplement IV).

Cumulative Civil Penalty - \$50,000 (assessed equally among the violations).

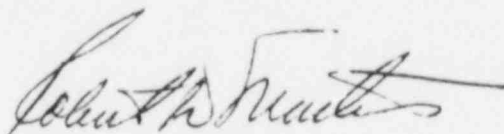
Pursuant to the provisions of 10 CFR 2.201, Omaha Public Power District (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, or money order payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or the cumulative amount of the civil penalties, if more than one civil penalty is proposed, or may protest imposition of the civil penalty in whole or in part by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the five factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1987), should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently have been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

The responses to the Director, Office of Enforcement, noted above (Reply to a Notice of Violation, letter with payment of civil penalty, and answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, and a copy to the NRC Resident Inspector, at the facility which is the subject of this Notice.



Robert D. Martin
Regional Administrator

Dated at Arlington, Texas
This ~~4th~~ day of ~~April~~ 1988
May