

**RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) / PRIVACY
ACT (PA) REQUEST**

99-076

13

RESPONSE
TYPE☐

FINAL

☒

PARTIAL

REQUESTER

Mr. Paul Gunter

DATE

AUG 09 2000

PART I. -- INFORMATION RELEASED

- ☐ No additional agency records subject to the request have been located.
- ☐ Requested records are available through another public distribution program. See Comments section.
- ☐ APPENDICES
Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- ☒ APPENDICES
BB Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- ☐ Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, NW, Washington, DC.
- ☒ APPENDICES
BB,CC Agency records subject to the request are enclosed.
- ☒ Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- ☒ We are continuing to process your request.
- ☐ See Comments.

PART I.A -- FEES

AMOUNT *

\$

☐ You will be billed by NRC for the amount listed.☐ None. Minimum fee threshold not met.☐ You will receive a refund for the amount listed.☐ Fees waived.* See comments
for details**PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE**

- ☐ No agency records subject to the request have been located.
- ☒ Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- ☒ This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

Records have been referred to Department of Labor for their review and direct response to you.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

NRC FORM 464 Part II (6-1998)	U.S. NUCLEAR REGULATORY COMMISSION	FOIA/PA 99-076	DATE AUG 09 2000
RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST			

PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
CC, DD

Records subject to the request that are described in the enclosed Appendices are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

- ☐ Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.
- ☐ Exemption 2: The withheld information relates solely to the internal personnel rules and procedures of NRC.
- ☐ Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated.
 - ☐ Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
 - ☐ Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
 - ☐ 41 U.S.C., Section 253(b), subsection (m)(1), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), except when incorporated into the contract between the agency and the submitter of the proposal.
- ☐ Exemption 4: The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated.
 - ☐ The information is considered to be confidential business (proprietary) information.
 - ☐ The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.790(d)(1).
 - ☐ The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.790(d)(2).
- ☒ Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:
 - ☒ Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
 - ☐ Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)
 - ☒ Attorney-client privilege. (Confidential communications between an attorney and his/her client)
- ☐ Exemption 6: The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- ☒ Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
 - ☐ (A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators).
 - ☒ (C) Disclosure would constitute an unwarranted invasion of personal privacy.
 - ☐ (D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
 - ☐ (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
 - ☐ (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- ☐ OTHER (Specify)

PART II.B -- DENYING OFFICIALS

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
Guy Caputo	Director, Office of Investigations	Appendices CC, DD	<input checked="" type="checkbox"/>		

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

**APPENDIX BB
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
<u>OI Case 1-95-012</u>		
1.	2/9/95	Exhibit 1 to OI Case 2-95-012, Investigation Status Record (1 page)
2.	6/12/95	Memorandum to T. Martin, RI, from B. Letts, OI, Subject: James A. Fitzpatrick Nuclear Power Plant: Potential Falsification of Fire Protection Records (Case No. 1-95-012) (Att.-Concurrence Copy) (2 pages)
3.	6/30/95	Investigation Status Record (1 page)
<u>OI Case 2-93-030</u>		
4.	12/15/94	OI Report of Investigation, 2-93-030, Browns Ferry Nuclear Plant: Alleged Demotion of Stone and Webster Engineering Corporation General Foreman for Expressing Fire Protection Concerns (15 pages)
5.	10/31/94	Exhibit 1 to OI Case 2-93-030, Investigation Status Record (1 page)
6.	5/27/93	OI Allegation Review Panel Meeting Summary (1 page)
7.	6/2/93	Memorandum to G. Jenkins, RII, from J. Vorse, OI, Subject: Notification of Initiation of Investigation-Browns Ferry Nuclear Plant: Alleged Demotion of SWEC General Foreman for Expressing Fire Protection Concerns (1 page)
8.	9/13/93	Letter to G. Hickman, TVA, from J. Vorse, OI, Subject: Browns Ferry Nuclear Plant: Alleged Intimidation and Harassment of a SWEC General Foreman (1 page)
9.	2/11/94	E-mail to J. Dockery, OI, from J. Vorse, OI, Subject: 2-93-030
10.	10/31/94	Investigation Status Record (1 page)
11.	11/14/94	E-mail to L. Watson, RII, from J. Dockery, OI, Subject: Pending DOL Matters (Att.-Delivery Confirmation) (2 pages)
12.	11/15/94	E-mail to J. Dockery, OI, from L. Watson, RII, Subject: Pending DOL Matters-Reply (1 page)

**APPENDIX BB
(continued)
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
13.	12/9/94	Note to G. Hickman, TVA, from J. Dockery, OI, Subject: Just a Couple of Random Items (1 page)
14.	12/13/94	E-mail to P. Thompson, OI, from J. Dockery, OI, Subject: 2-93-030 Draft ROI (1 page)
15.	12/15/94	Concurrence Copy of Memorandum to S. Ebnetter, RII, from W. McNulty, OI, Subject: Browns Ferry Nuclear Plant: Alleged Demotion of Stone and Webster Engineering Corporation General Foreman for Expressing Fire Protection Concerns (Case No. 2-93-030) (1 page)
16.	12/15/94	2-93-030 Report Distribution List (1 page)
17.	12/15/94	Investigation Status Record (1 page)
18.	5/16/95	E-mail to J. Hunt, OI, from P. Thompson, OI, Subject: Release of Synopsis (1 page)
<u>OI Case 3-93-001</u>		
19.	Undated	Blank OI Investigative Plan Form (1 page)
20.	4/12/95	Memorandum to J. Martin, RIII, from E. Pawlik, OI, Subject: Thermal Science, Inc.: Alleged Employment Discrimination Against an Employee for his Refusal to Falsify Records (Case No. 3-93-001) (Att.-Concurrence Copy) (2 pages)
<u>OI Case 3-94-059</u>		
21.	9/21/94	Exhibit 1 to OI Case 3-94-059, Investigation Status Record (2 pages)
22.	1/31/95	Investigation Status Record (1 page)
<u>OI Case 3-94-060</u>		
23.	10/24/94	Case Chronology (1 page)
24.	10/25/94	Investigation Status Record (1 page)

**APPENDIX BB
(continued)
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
25.	10/25/94	Memorandum to J. Martin, RIII, from E. Pawlik, OI, Subject: Quad Cities Nuclear Power Station: Alleged Deliberate Falsification of Fire Watch Round Records (OI Case No. 3-94-060) (1 page)
<u>OI Case 4-95-013</u>		
26.	5/25/95	OI Report of Investigation ANO: Alleged Deliberate Falsification of Fire Watch Records (10 pages)
27.	3/15/95	Exhibit 1 to OI Case 4-95-013, Investigation Status Record (1 page)
28.	5/25/95	Memorandum to L. Callan, RIV, from L. Williamson, OI, Subject: (Case No. 4-95-013) (1 page)
29.	5/25/95	Case Chronology (1 page)
30.	5/31/95	Investigation Status Record (2 pages)
31.	3/15/95	Exhibit 2 to OI Case 4-95-013, Letter to J. Yelverton, Entergy, from A. Beach, RIV, Subject: NRC Inspection Report 50-313/95-02, 50-368/95-02 and NOV (Atts.-Notice of Violation, Inspection Report) (27 pages)
32.	7/6/95	Letter to J. Yelverton, Entergy (5 pages)
33.	Undated	Exhibit 4 to OI Case 4-95-013, Licensee Event Report 95-S01-00 (4 pages)
<u>OI Case 3-96-032</u>		
34.	6/28/96	Exhibit 1 to OI Case 3-96-032, Investigation Status Record (2 pages)
35.	6/25/96	Letter to T. Madedo, RIII, from J. Labis, D.C. Cook, Subject: Documentation Turnover (1 page)
36.	8/29/96	Memorandum to D. Funk, RIII, from R. Paul, OI, Subject: D.C. Cook Nuclear Power Station: Alleged Falsification of Firewatch Logs (OI Case No. 3-96-032) (1 page)
37.	9/30/96	Investigation Status Record (2 pages)

APPENDIX BB
(continued)
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
38.	9/30/96	Memorandum to A. Beach, RIII, from R. Paul, OI, Subject: Donald C. Cook Plant: Falsification of Firewatch Records (OI Case No. 3-96-032) (1 page)
<u>OI Case 4-95-004</u>		
39.	1/31/95	Exhibit 1 to OI Case 4-95-004, Investigation Status Record (2 pages)
40.	10/31/95	Exhibit 9 to OI Case 4-95-004, Letter to Investigator R. Kirspel, OI, from N. Palmer (2 pages)
41.	11/2/95	Exhibit 10 to OI Case 4-95-004, Memorandum to R. Wise, EACS/RIV, from L. Williamson, OI, Subject: ANO: Alleged Discrimination and Termination for Refusal to Falsify Work Steps (Fire Protection Seals) (Case No. 4-95-004) (3 pages)
42.	2/17/95	Memorandum to R. Wise, EACS/RIV, from L. Williamson, OI, Subject: ANO: Alleged Discrimination and Termination for Refusal to Falsify Work Steps (Fire Protection Seals) (Case No. 4-95-004) (1 page)
43.	2/26/95	Case Chronology (1 page)
44.	6/7/95	E-mail to R. Wise, EACS/RIV, from L. Williamson, OI, Subject: ANO-4-95-004-RIV-95-A-0009 (1 page)
45.	10/25/95	Handwritten Notes of Investigator R. Kirspel, OI, Subject: Interview with D. Provencher, Entergy (1 page)
46.	1/25/96	E-mail to L. Williamson, OI, from Investigator R. Kirspel, OI, Subject: ANO 4-95-004 (1 page)
47.	2/6/96	E-mail from Investigator R. Kirspel, OI, to L. Williamson, OI, Subject: ANO 4-95-004 (1 page)
48.	2/7/96	E-mail to Investigator R. Kirspel, OI, from L. Williamson, OI, Subject: ANO 4-95-004-Reply (1 page)
49.	9/6/96	Letter to J. Yelverton, Entergy, from K. Brockman, DRS/RIV, Subject: Closure of NRC Investigation 4-95-004 (4 pages)

APPENDIX BB
(continued)
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
50.	2/29/96	Investigation Status Record (2 pages)
51.	2/26/96	Memorandum to L. Callan, RIV, from L. Williamson, OI, Subject: ANO: Alleged Discrimination and Termination for Refusal to Falsify Work Steps (Fire Protection Seals) (Case 4-95-004) (1 page)
<u>OI Case 4-95-032</u>		
52.	8/1/95	Exhibit 5 to OI Case 4/95/032, Letter to Document Control Desk, from J. Parris, WPPSS, Subject: WNP-2, Operating License No. NPF-21 NRC Inspection Report 95-15 Reply to a Notice of Violation (Atts.-Reply to NOV, Chronological Log of Firewatch Activity) (7 pages)
53.	6/27/95	Exhibit 1 to OI Case 4-95-032, Investigation Status Record (2 pages)
54.	10/5/95	Memorandum to L. Callan, RIV, from L. Williamson, OI, Subject: .Washington Nuclear Power 2: Alleged False Statements by Fire Watches to NRC Inspectors (Case No. 4-95-032) (1 page)
55.	10/5/95	Case Chronology (1 page)
56.	10/31/95	Investigation Status Record (2 pages)
<u>OI Case 4-95-070</u>		
57.	4/3/96	OI Report of Investigation Waterford 3 Steam Electric Station: Alleged Discrimination/Revocation of Access of a Fire Watch by a Supervisor for Refusing to Violate Site Security Procedures (13 pages)
58.	12/12/95	Exhibit 1 to OI Case 4-95-070, Investigation Status Record (2 pages)
59.	Undated	Note to J. Ledet, from Anonymous, Subject: Sonny Hanson (1 page)
60.	Undated	Written Statement of S. Hanson (2 pages)
61.	1/19/96	Exhibit 4 to OI Case 4-95-070, Report of Interview with T. Dexter, NRC/RIV (2 pages)
62.	1/95	Investigation Status Record (1 page)

APPENDIX BB
(continued)
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
63.	12/12/95	Investigation Status Record (1 page)
64.	4/3/96	Memorandum to L. Callan, RIV, from L. Williamson, RIV, Subject: Waterford 3 Steam Electric Station: Alleged Discrimination/Revocation of Access of a Fire Watch by a Supervisor for Refusing to Violate Site Security Procedures (Case No. 4-95-070) (1 page)

**APPENDIX CC
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
<u>OI Case 1-95-012</u>		
1.	5/30/95	OI Report of Investigation, 1-95-012, James A. Fitzpatrick Nuclear Power Plant: Potential Falsification of Fire Protection Records (7 pages) (EX. 7C)
2.	3/7/95	Exhibit 3 to OI Case 1-95-012, Report of Interview with an Individual, NYPA (1 page) (EX. 7C)
3.	4/26/95	Exhibit 4 to OI Case 2-95-012, Report of Interview with an Individual, NYPA (1 page) (EX. 7C)
<u>OI Case 2-93-030</u>		
4.	6/9/94	Handwritten Notes of OI Investigator, OI (4 pages) (EX. 7C)
5.	12/12/94	E-mail to an Individual, OI, from OI Investigator, Subject: 2-93-030 Draft ROI (1 page) (EX. 7C)
6.	12/13/94	Case Chronology (3 pages) (EX. 7C)
7.	5/23/95	E-mail to an Individual, RII, from OI Investigator, Subject: DOL File-Reply (1 page) (EX. 7C)
<u>OI Case 3-93-001</u>		
8.	3/30/95	OI Report of Investigation 3-93-001: Thermal Science, Inc.: Alleged Employment Discrimination Against an Employee for his Refusal to Falsify Records (11 pages) (EX. 5/7C)
9.	1/13/93	Exhibit 1 to OI Case 3-93-001, Investigation Status Record (2 pages) (EX. 7C)
10.	10/15/94	Case Chronology (2 pages) (EX. 7C)
11.	4/30/95	Investigation Status Record (1 page) (EX. 7C)
<u>OI Case 3-94-059</u>		
12.	12/16/94	Exhibit 3 to OI Case 3-94-059, Report of Interview with an Individual, IMPC (2 pages) (EX. 7C)

**APPENDIX CC
(continued)
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
13.	1/9/95	Case Chronology (3 pages) (EX. 7C)
<u>OI Case 3-96-032</u>		
14.	9/30/96	OI Report of Investigation 3-96-032 Donald C. Cook Plant: Falsification of Firewatch Records (9 pages) (EXS. 5/7C)
15.	5/11/96	Exhibit 2 to OI Case 3-96-032, Security Incident Report by an Individual (Atts.-5/11/96 Letter of Instruction to an Individual, IMPC, from an Individual, IMPC) (7 pages) (EX. 7C)
16.	5/13/96	Exhibit 3 to OI Case 3-96-032, Condition Report 96-0778 (Atts.- Investigation, 5/13/96 E-mail from an Individual, IMPC, Subject: Incident, Photos, 6/28/96 E-mail from an Individual, IMPC, Subject: No No's, 6/27/96 E-mail by an Individual, IMPC, Subject: Comments, 7/18/96 Memo to Department Heads, from an Individual, IMPC, Subject: CR 96-0778 Moving of Bar Code (16 pages) (EX. 7C)
17.	8/28/96	Exhibit 4 to OI Case 3-96-032, Interview Report with an Individual, IMPC (3 pages) (EX. 7C)
18.	5/16/96	Exhibit 5 to OI Case 3-96-032, Letter to File, from an Individual, IMPC, Subject: Unauthorized Movement of Barcode Tag (2 pages) (EX. 7C)
19.	9/26/96	Case Chronology (1 page) (EX. 7C)
<u>OI Case 4-95-013</u>		
20.	3/28/95	Exhibit 3 to OI Case 4-95-013, ANO Root Cause Analysis Report CR-2-95-0059 (19 pages) (EX. 7C)
<u>OI Case 4-95-004</u>		
21.	2/26/96	OI Report of Investigation ANO: Alleged Discrimination and Termination for Refusal to Falsify Work Steps (Fire Protection Seals) (Case 4-95-004) (17 pages) (EX. 5/7C)
22.	2/8/95	Exhibit 4 to OI Case 4-95-004, Interview Transcript of an Individual (59 pages) (EX. 7C)

APPENDIX CC
(continued)
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
23.	10/27/95	Exhibit 5 to OI Case 4-95-004, Report of Interview with an Individual (Att.-Handwritten Notes) (3 pages) (EX. 7C)
24.	10/26/95	Exhibit 6 to OI Case 4-95-004, Report of Interview with an Individual, Bechtel (Att.-Handwritten Notes) (3 pages) (EX. 7C)
25.	10/25/95	Exhibit 7 to OI Case 4-95-004, Report of Interview with Individuals, Bechtel (Att.-Handwritten Notes) (4 pages) (EX. 7C)
26.	1/26/95	Exhibit 8 to OI Case 4-95-004, Statement of an Individual (5 pages) (EX. 7C)
27.	2/6/95	Handwritten Notes of Investigator R. Kirspel, OI, Subject: DOL Information/Other Notes (2 pages) (EX. 7C)
28.	2/8/95	Handwritten Notes of Investigator R. Kirspel, OI, Subject: Interview with an Individual (1 page) (EX. 7C)
29.	10/25/95	Report of Interview with an Individual, Bechtel (Att.-Handwritten Notes) (2 pages) (EX. 7C)
30.	10/26/95	Handwritten Notes of Investigator R. Kirspel, OI, Subject: Interview of an Individual, Bechtel (2 pages) (EX. 7C)
<u>OI Case 4-95-032</u>		
31.	10/5/95	OI Report of Investigation, Washington Nuclear Power 2: Alleged False Statements by Fire Watches to NRC Inspectors (Case No. 4-95-032) (11 pages) (EX. 7C)
<u>OI Case 4-95-070</u>		
32.	1/17/96	Exhibit 2 to OI Case 4-95-070, Report of Interview with an Individual, TWC (3 pages) (EX. 7C)
33.	3/12/96	Exhibit 5 to OI Case 4-95-070, Report of Interview with an Individual (3 pages) (EX. 7C)
34.	1/17/96	Interview Notes of Investigator VanCleave, OI, of Interview with an Individual, TWC (3 pages) (EX. 7C)

APPENDIX CC
(continued)
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
35.	3/11/96	Written Statement of an Individual (2 pages) (EX. 7C)
36.	4/3/96	Case Chronology (1 page) (EX. 7C)

APPENDIX DD
RECORDS BEING WITHHELD IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
<u>OI Case 3-93-001</u>		
1.		Typed Record of Conversation (6 pages) (EX. 7C)
2.		Typed Record of Conversation (9 pages) (EX. 7C)
3.		Typed Record of Conversation (8 pages) (EX. 7C)
4.		Typed Record of Conversation (23 pages) (EX. 7C)
<u>OI Case 3-96-032</u>		
5.		Draft OI Report of Investigation (7pages) (EX. 5)

~~LIMITED DISTRIBUTION -- NOT FOR PUBLIC DISCLOSURE~~

INVESTIGATION STATUS RECORD

Case No.: 1-95-012 Facility: FITZPATRICK
Allegation No.: RI-95-A-0029 Case Agent: KENNA
Docket No.: 50-333 Date Opened: 02/09/95
Source of Allegation: LICENSEE (L)
Notified by: B. KANE (DRA) Priority: NORMAL
Category: WR Case Code: RP (Power Reactor)
Subject/Allegation: POTENTIAL FALSIFICATION OF FIRE PROTECTION RECORDS
Remarks:

Monthly Status Report:

02/09/95: NYPA personnel determined that a combustion control permit issued on October 18, 1994, had a forged signature in the fire protection system engineer's approval block. A fire protection/fire inspector was interviewed by NYPA personnel and admitted to forging the signature. Subsequently, the individual was denied access and escorted off the facility. NYPA has already forwarded pertinent documents to OI for review. Status: FWP ECD: 05/95.

CASE NO. 1 - 95 - 012

EXHIBIT 1
PAGE 1 OF 1 PAGE(S)

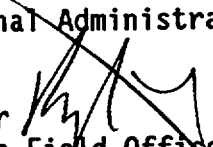
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF INVESTIGATIONS FIELD OFFICE, REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406

June 12, 1995

MEMORANDUM TO: Thomas T. Martin, Regional Administrator
Region I

FROM: Barry R. Letts, Director 
Office of Investigations Field Office, Region I

SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT: POTENTIAL
FALSIFICATION OF FIRE PROTECTION RECORDS (CASE NO. 1-95-012)

Attached, for whatever action you deem appropriate, is the Office of Investigations (OI) Report of Investigation concerning the above matter. Neither this memorandum nor the report may be released outside the NRC without the permission of the Director, OI. Internal NRC access and dissemination should be on a need-to-know basis. Treat as "Official Use Only."

Attachment:
Report w/exhibits

cc w/attach:
J. Lieberman, OE

BB/2

June 12, 1995

MEMORANDUM TO: Thomas T. Martin, Regional Administrator
Region I

FROM: Barry R. Letts, Director
Office of Investigations Field Office, Region I

SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT: POTENTIAL
FALSIFICATION OF FIRE PROTECTION RECORDS (CASE NO. 1-95-012)

Attached, for whatever action you deem appropriate, is the Office of Investigations (OI) Report of Investigation concerning the above matter. Neither this memorandum nor the report may be released outside the NRC without the permission of the Director, OI. Internal NRC access and dissemination should be on a need-to-know basis. Treat as "Official Use Only."

Attachment:
Report w/exhibits

cc w/attach:
J. Lieberman, OE

Distribution:
s/f (1-95-012)
c/f
J. Weddle, OI:HQ
L. Gallop, OI:HQ (report only)

DOCUMENT NAME: A:195012.TL

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OFFICE	OI:RI	OI:RI	OI:HQ	OI:HQ	OI:HQ
NAME	JKenna:mjh	BLetts			
DATE	05/25/95	05/25/95	05/ /95	05/ /95	05/ /95

OFFICIAL RECORD COPY

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INVESTIGATION STATUS RECORD

Case No.: 1-95-012 Facility: FITZPATRICK
Allegation No.: RI-95-A-0029 Case Agent: KENNA
Docket No.: 50-333 Date Opened: 02/09/95
Source of Allegation: LICENSEE (L)
Notified by: B. KANE (DRA) Priority: LOW
Category: WR Case Code: RP (Power Reactor)
Subject/Allegation: POTENTIAL FALSIFICATION OF FIRE PROTECTION RECORDS
Remarks:

Monthly Status Report: Page 2

03/31/95: Interviews are pending. Status: FWP ECD: 05/95.
04/30/95: Interviews are pending. Priority has been changed to low per
Regional Administrator during the prioritization meeting, April 24,
1995. Status: FWP ECD: 05/95.
05/31/95: Received oral declination from Will Sellers, DOJ, General
Litigation, on May 30, 1995. Case was closed on May 30, 1995, for
other higher priority cases.
06/30/95: Report was issued on June 12, 1995.

Closed: 05/30/95 Issued: 06/12/95 Referral: 05/30/95 Action: P

<input type="checkbox"/> Evaluation	<input checked="" type="checkbox"/> Declination (05/30/95)
<input type="checkbox"/> Prosecution/Grand Jury	<input type="checkbox"/> Prosecution/Plea
<input type="checkbox"/> Indictment/Pending Trial	<input type="checkbox"/> Indictment/Sealed
<input type="checkbox"/> Trial	<input type="checkbox"/> Conviction
<input type="checkbox"/> Acquittal	

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55/3

**United States
Nuclear Regulatory Commission**



Report of Investigation

BROWNS FERRY NUCLEAR STATION:

**ALLEGED DEMOTION OF STONE AND WEBSTER ENGINEERING
CORPORATION GENERAL FOREMAN FOR EXPRESSING FIRE
PROTECTION CONCERNS**

Office of Investigations

Reported by OI: **RII**

BB/4

Title: BROWNS FERRY NUCLEAR PLANT:

ALLEGED DEMOTION OF STONE AND WEBSTER ENGINEERING CORPORATION GENERAL
FOREMAN FOR EXPRESSING FIRE PROTECTION CONCERNS

Licensee:

Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902

Docket No.: 50-259; 50-260;
50-296

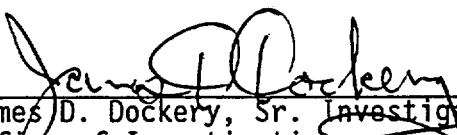
Case No.: 2-93-030

Report Date: December 15, 1994

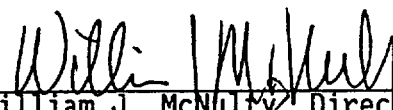
Control Office: OI:RII

Status: CLOSED

Reported by:


James D. Dockery, Sr. Investigator
Office of Investigations
Field Office, Region II

Reviewed and Approved by:


William J. McNulty, Director
Office of Investigations
Field Office, Region II

WARNING

The attached document/report has not been reviewed pursuant to
10 CFR § 2.790(a) exemptions nor has any exempt material been
deleted. Do not disseminate or discuss its contents outside NRC.
Treat as "OFFICIAL USE ONLY."

SYNOPSIS

On May 27, 1993, the U.S. Nuclear Regulatory Commission, Office of Investigations (OI), Region II (RII) Field Office initiated an investigation of Allegation No. RII-93-A-0096. The alleged in this matter was employed as a general foreman by Stone and Webster Engineering Corporation (SWEC), a contractor to the Tennessee Valley Authority (TVA) at the TVA Browns Ferry Nuclear Plant (BFNP). According to his March 30, 1993, complaint filed with the U.S. Department of Labor (DOL), Wage and Hour (W&H) Division, the alleged was discriminated and retaliated against by SWEC for raising safety concerns to his management about the adequacy of firewatch procedures employed by SWEC at BFNP.

OI reviewed the DOL W&H inquiry, an investigation by the TVA Office of the Inspector General and the findings of a DOL Administrative Law Judge in this matter. In each of these proceedings it was determined that the claimant's allegations were unsubstantiated. It is concluded that the allegation that SWEC discriminated against the alleged for engaging in protected activity is not substantiated.

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ACCOUNTABILITY

The following portions of this Report of Investigation (Case No. 2-93-030) will not be included in the material placed in the Public Document Room. They consist of pages 3 through 13.

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TABLE OF CONTENTS

	<u>Page</u>
SYNOPSIS.....	1
ACCOUNTABILITY.....	3
APPLICABLE REGULATIONS.....	7
DETAILS OF INVESTIGATION.....	9
Purpose of Investigation.....	9
Background.....	9
Coordination with NRC Staff and Counsel.....	9
Allegation: Discrimination Against an Employee for Engaging in Protected Activity.....	10
Review of Documentation.....	10
Conclusion.....	11
LIST OF EXHIBITS.....	13

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APPLICABLE REGULATIONS

Allegation: Discrimination Against an Employee for Engaging in Protected Activity

Section 211, Energy Reorganization Act of 1974, as amended: Employee Protection (42 U.S.C. 5851)

(a) Discrimination against employee.

(1) No employer may discharge any employee or otherwise discriminate against any employee with respect to his compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)--

(A) notified his employer of an alleged violation of this Act or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);

10 CFR 50.7(a): Employee protection (1993 Edition - Issued under Section 161i of the Atomic Energy Act of 1954, as amended)

(a) Discrimination by a Commission licensee, permittee, an applicant for a Commission license or permit, or a contractor or subcontractor of a Commission licensee, permittee, or applicant against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, and privileges of employment. The protected activities are established in section 210 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or the Energy Reorganization Act.

10 CFR § 50.5: Deliberate misconduct (1993 Edition - Issued under Section 161b of the Atomic Energy Act of 1954, as amended)

(a) Any licensee or any employee of a licensee; and any contractor (including a supplier or consultant), subcontractor, or any employee of a contractor or subcontractor, of any licensee, who knowingly provides to any licensee, contractor, or subcontractor, components, equipment, materials, or other goods or services, that relate to a licensee's activities subject to this part; may not:

(1) Engage in deliberate misconduct that causes or, but for detection, would have caused, a licensee to be in violation of any rule, regulation, or order, or any term, condition, or limitation of any license, issued by the Commission, or

(2) Deliberately submit to the NRC, a licensee, or a licensee's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC.

(b) A person who violates paragraph (a)(1) or (a)(2) of this section may be subject to enforcement action in accordance with the procedures in 10 CFR part 2, subpart B.

(c) For purposes of paragraph (a)(1) of this section, deliberate misconduct by a person means an intentional act or omission that the person knows:

(1) Would cause a licensee to be in violation of any rule, regulation, or order, or any term, condition, or limitation, of any license issued by the Commission, or

(2) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order or policy of a licensee, contractor, or subcontractor.

[56 FR 40690, Aug. 15, 1991]

DETAILS OF INVESTIGATION

Purpose of Investigation

This investigation was initiated on May 27, 1993 (Exhibit 1), to determine whether managers of the Stone and Webster Engineering Corporation (SWEC), a contractor to the Tennessee Valley Authority (TVA), at the Browns Ferry Nuclear Plant (BFNP), discriminated and retaliated against Douglas W. HARRISON a SWEC general foreman who allegedly raised safety concerns regarding SWEC firewatch practices.

Background

In a complaint to the U.S. Department of Labor (DOL) dated March 30, 1993 (Exhibit 2), HARRISON alleged that after raising concerns about SWEC fire protection practices at BFNP, he was reduced in rank from his position as a SWEC general foreman to a lower level foreman position. Specifically, HARRISON claimed that on February 1, 1993, during a weekly safety meeting, workers under his supervision raised the subject of:

...firewatch in the drywell in [the] Unit 3 Reactor. Their concern was that adequate coverage was not being obtained the way it was being carried out. This concern arose from the worker's being taught one thing at the fire watch training that they received from the employer and supervision implementing something different. The foreman over these workers also had brought this up once before. So that day after the safety meeting [HARRISON] decided to see what [he] could do about this problem (Exhibit 2, p. 1).

HARRISON subsequently raised the issue with various BFNP personnel involved in firewatch protection training and management and was told that the perceived problems would be addressed. The following day, February 2, 1993, HARRISON noted that the necessary procedural changes had not been made and he raised the issue again. Later that day HARRISON was notified that he "...was being cut back to foreman which is about a two dollar reduction in pay." According to HARRISON's DOL complaint: "I feel that I was singled out because I was attempting to keep my foreman and men in compliance with the plant's rules" (Exhibit 2, p. 2).

Coordination with Nuclear Regulatory Commission (NRC) Staff and Counsel

HARRISON's allegations were reviewed by Region II (RII) on May 27, 1993. It was agreed that the NRC resident inspectors at BFNP would examine the adequacy of firewatch procedures at the facility. The NRC Office of Investigations (OI) RII Field Office agreed to monitor the pending DOL and TVA Office of the Inspector General (TVA/OIG) investigations regarding the alleged violations of 10 CFR 50.7 and Section 211 of the Energy Reorganization Act (ERA), as amended (ERA Section 211).

On January 27, 1994, the acting director of the NRC RII Enforcement and Investigation Coordination Staff notified HARRISON that, based on inspection

activity conducted by RII technical staff, HARRISON's concerns related to inadequate firewatch practices at BFNP were not substantiated (Exhibit 3).

Allegation: Discrimination Against an Employee for Engaging in Protected Activity

Review of Documentation

In the course of evaluating HARRISON's allegation, OI reviewed his DOL complaint (Exhibit 2), the DOL Wage and Hour (W&H) Division inquiry and conclusions (Exhibit 4, pp. 1-2), the TVA/OIG investigative report and findings (Exhibit 5, pp. 1 & 7) and the "Recommended Decision and Order" issued by DOL Administrative Law Judge (ALJ) Richard K. MALAMPHY.

The DOL W&H Division notified the alleged on June 16, 1993, that he had established a prima facie case of discrimination by SWEC (Exhibit 4, p. 1). However, based on further investigation by W&H it was determined that SWEC demonstrated by clear and convincing evidence that the treatment the alleged claimed was discriminatory was part of a normal reassignment of personnel due to workload and manpower requirements. Consequently, W&H advised that it would not proceed with further investigation of his complaint since SWEC had met their obligation under Section 211(3)(B) of the Energy Reorganization Act (Exhibit 4, p. 2). The alleged subsequently appealed the W&H finding to a DOL ALJ.

The alleged's March 30, 1993, DOL complaint was routinely referred to TVA management. TVA management requested that the TVA/OIG conduct an investigation of the allegation. On June 22, 1994, TVA/OIG issued a Report of Administrative Inquiry which concluded that there was insufficient evidence to support the alleged's allegation of wrongdoing by SWEC management (Exhibit 5, pp. 1 & 7).

On November 8, 1994, based on a formal hearing and briefs submitted by the alleged and SWEC, the DOL ALJ issued a "Recommended Decision and Order" finding that the alleged:

...failed to prove that his protected activity was the likely reason for his reduction or transfer to an outside crew.
Complainant has failed to set forth a prima facie case of retaliatory discharge.

On the basis of the foregoing, [the ALJ] recommend[ed] that the complaint filed by [the complainant/alleged] be DISMISSED (Exhibit 6, p. 30).

INVESTIGATOR'S NOTE: In his "Recommended Decision and Order" Judge MALAMPHY asserts that HARRISON's complaint was considered by MALAMPHY under "...the whistleblower provisions of Section 210 of the Energy Reorganization Act ('ERA'), 42 U.S.C. § 5851... (emphasis added - Exhibit 6, p. 1)." ERA Section 210 was rendered obsolete upon the implementation of Section 211 of the Energy Reorganization Act effective October 24, 1992. The demotion which is the basis for HARRISON's DOL complaint occurred February 2, 1993. Consequently, the alleged wrongful discharge allegation would correctly fall under ERA Section 211.)

Conclusion

Based on OI review of the DOL W&H inquiry, an investigation by the TVA/OIG, and the DOL ALJ deliberations in this matter, each of which found that HARRISON's allegation was unsubstantiated, it is concluded that the allegation that SWEC discriminated against HARRISON for engaging in protected activity is not substantiated.

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigative Status Record, dated May 27, 1993.
2	Letter to the DOL from HARRISON, dated March 30, 1993.
3	Letter to HARRISON from Bruno URYC, dated January 17, 1994, with attached "Allegation Evaluation Report" regarding "Inadequate Firewatches."
4	Letter to HARRISON from Kenneth R. GILBERT, Acting District Director, DOL W&H Division, dated June 16, 1993.
5	TVA/OIG Report of Administrative Inquiry, issued June 22, 1994, documenting TVA/OIG investigation 2D-130 related to "Douglas W. HARRISON - Complainant, Department of Labor - Energy Reorganization Act Matter."
6	DOL Recommended Decision and Order, dated November 8, 1994, documenting the findings of ALJ Richard K. MALAMPHY in DOL proceeding 93-ERA-44.

INVESTIGATION STATUS RECORD

Case No.: 2-93-030 Facility: BROWNS FERRY NUCLEAR PLANT
Allegation No.: RII-93-A-0096 Case Agent: DOCKERY
Docket No.(s): 50-259/260/296 Date Opened: 05/27/93
Source of Allegation: Allegor Priority:
Notified by: EICS Set by:
Category: IH Case Code: RV
Subject/Allegation: ALLEGED DEMOTION OF STONE AND WEBSTER GENERAL FOREMAN FOR
EXPRESSING FIRE PROTECTION CONCERNS

Remarks:

Monthly Status Report:

10/31/94: The allegor, a former employee of TVA contractor Stone and Webster Corporation (SWEC), claims that he was discriminated against by SWEC when he was demoted from a temporary foreman position after raising concerns about fire safety practices at the TVA Browns Ferry Nuclear Plant (BFNP). The demotion occurred on February 2, 1993 and the U.S. Department of Labor (DOL) Wage and Hour Division received a complaint by the allegor on May 17, 1993.

On June 28, 1993, DOL notified the allegor that although he had established a prima facie case of discrimination by SWEC, his former employer "...demonstrated by clear and convincing evidence that [his] reassignment was found to be a normal reassignment of personnel due to work load and man power requirements..." The notification advised that DOL "...will not proceed with an investigation of [his] complaint..." The allegor appealed this finding and a DOL Administrative Law Judge is currently considering briefs filed by the litigants. The allegor's DOL appeal is pending.

On January 17, 1994, NRC RII EICS notified the allegor that the NRC was unable to substantiate his allegation of inadequate firewatch practices at BFNP.

Based on the allegor's DOL complaint, his allegation was referred by TVA management to the TVA Office of the Inspector General (TVA/OIG) which investigated the matter. On June 22, 1994, the TVA/OIG issued a Report of Administrative Inquiry documenting a finding that the allegation was not substantiated because "...[the allegor] was in a temporary position which was subject to elimination based on SWEC's work requirements..." And "...SWEC management had already taken steps to cut back [the allegor's position] prior to his involvement in...fire safety issues."

2-93-030

EXHIBIT 1
PAGE 1 OF 1 PAGE(S)

OFFICE OF INVESTIGATIONS, REGION II FIELD OFFICE
ALLEGATION REVIEW PANEL MEETING SUMMARY

OI Case No.: 203-030 Date of ARP: 5-27-93

Allegation No.: RII-93-A-0096 OI Attendee(s): TATE & ROBINSON

Subject: Browns Ferry / Stone & Webster

Potential OI Issues: N31 M/HARRISON

Residents will examine adequacy of privatization procedure

The following issue(s), pertaining to referenced allegation, will be preliminarily evaluated for investigation by the Office of Investigations:

open - monitor DOC

BB/6

Notification of EICS:

Person notified: _____ Date of notification: _____

EX 4 1

June 2, 1993

MEMORANDUM FOR: George R. Jenkins, Director
Enforcement and Investigation Coordination Staff

FROM: James Y. Vorse, Director
Office of Investigations Field Office, Region II

SUBJECT: NOTIFICATION OF INITIATION OF INVESTIGATION -
BROWNS FERRY NUCLEAR PLANT: ALLEGED DEMOTION OF
STONE & WEBSTER GENERAL FOREMAN FOR EXPRESSING
FIRE PROTECTION CONCERNS (CASE NO. 2-93-030/
RII-93-A-0096)

This memorandum will serve to notify your office that on May 27, 1993, the Office of Investigations (OI) initiated an investigation of potential wrongdoing regarding the above subject.

OI will notify your office by memorandum if this investigation is closed prior to the issuance of a report of investigation.

Distribution:

s/f (2-93-030)

c/f

PATHOMPSON:PAT:06/02/93:disk - VORSE:doc name - OPEN.EIC

M/R: A copy of the ISR form has been mailed to HQ for their files.

OI:RII
CTTate CTT
06/2 /93

OI:RII
JYVorse
06/02/93

EXHIBIT _____

PAGE 1 OF 1 PAGE(S)

BB17

2-93-030

September 13, 1993

Mr. G. Donald Hickman
Manager, Internal Investigations
Office of the Inspector General
Tennessee Valley Authority
400 West Summit Hill Drive, ET 4A 14 H-K
Knoxville, Tennessee 37902

Dear Mr. Hickman:

SUBJECT: BROWNS FERRY NUCLEAR PLANT: ALLEGED INTIMIDATION AND
HARASSMENT OF A STONE AND WEBSTER GENERAL FOREMAN
(CASE NO. 2-93-030/RII 93-A-096)

Reference is made to your telephone conversation with Senior Investigator James D. Dockery of this office on September 9, 1993, regarding the above subject. The Nuclear Regulatory Commission, Region II, staff has received a copy of a Department of Labor complaint filed March 30, 1993, by Douglas W. Harrison which alleges that Mr. Harrison was subjected to harassment, intimidation, and retaliation by his employer, Stone and Webster Engineering Corporation, a contractor at the Browns Ferry facility. The allegation has been referred to this office for evaluation.

Per your conversation with Jim, it is my understanding that you are currently investigating the matter.

To assist in our evaluation of Mr. Harrison's allegation, I would appreciate receiving a summary copy of your investigative finds when the investigation is concluded.

Sincerely,

James Y. Vorse, Director
Office of Investigations
Field Office, Region II

cc: G. Jenkins, EICS

Distribution:

s/f (2-93-030)

c/f

JDDockery:pat:096/13/93:disk - Vorse:doc name - Hick

OI:RII *mw*
JYVorse
09/13/93

B5/8

From: James Y. Vorse (JYV) 101
To: JDD James Dockery, 01/RTI
Date: Friday, February 11, 1994 2:42 pm
Subject: 2-93-030

PER HICKMAN THIS DATE, 02-11-94, HARRISON INVEST. IS IN WRITE UP.
HE WILL PROVIDED WHEN COMPLETED.

BJS/9

INVESTIGATION STATUS RECORD

Case No.: 2-93-030 Facility: BROWNS FERRY NUCLEAR PLANT
Allegation No.: RII-93-A-0096 Case Agent: DOCKERY
Docket No.(s): 50-259/260/296 Date Opened: 05/27/93
Source of Allegation: Allegor Priority:
Notified by: EICS Set by:
Category: IH Case Code: RV
Subject/Allegation: ALLEGED DEMOTION OF STONE AND WEBSTER GENERAL FOREMAN FOR
EXPRESSING FIRE PROTECTION CONCERNS

Remarks:

Monthly Status Report:

10/31/94: The allegor, a former employee of TVA contractor Stone and Webster Corporation (SWEC), claims that he was discriminated against by SWEC when he was demoted from a temporary foreman position after raising concerns about fire safety practices at the TVA Browns Ferry Nuclear Plant (BFNP). The demotion occurred on February 2, 1993 and the U.S. Department of Labor (DOL) Wage and Hour Division received a complaint by the allegor on May 17, 1993.

On June 28, 1993, DOL notified the allegor that although he had established a prima facie case of discrimination by SWEC, his former employer "...demonstrated by clear and convincing evidence that [his] reassignment was found to be a normal reassignment of personnel due to work load and man power requirements..." The notification advised that DOL "...will not proceed with an investigation of [his] complaint..." The allegor appealed this finding and a DOL Administrative Law Judge is currently considering briefs filed by the litigants. The allegor's DOL appeal is pending.

On January 17, 1994, NRC RII EICS notified the allegor that the NRC was unable to substantiate his allegation of inadequate firewatch practices at BFNP.

Based on the allegor's DOL complaint, his allegation was referred by TVA management to the TVA Office of the Inspector General (TVA/OIG) which investigated the matter. On June 22, 1994, the TVA/OIG issued a Report of Administrative Inquiry documenting a finding that the allegation was not substantiated because "...[the allegor] was in a temporary position which was subject to elimination based on SWEC's work requirements..." And "...SWEC management had already taken steps to cut back [the allegor's position] prior to his involvement in...fire safety issues." Status: PEN - OI awaiting priority from regional staff. ECD: N/A

NOTE: This was an evaluation. It is being upgraded to a full investigation under the new process review (DG 94-001, Appendix F, 10/01/94).

8/3/10

From: James D. Dockery (JDD) ⁰²
To: LJW2 ^{Linda Watson, EICS/RII}
Date: Monday, November 14, 1994 12:16 pm
Subject: PENDING DOL MATTERS

LINDA, ON A NON-PRIORITY BASIS, AS YOU FIND THE TIME, COULD YOU PLEASE CHECK YOUR EICS DOL FILES AND ADVISE ME IF THERE HAS BEEN ANY RECENT (I.E. SINCE JULY 1994) DOL ACTIVITY WITH RESPECT TO DOL COMPLAINANT/NRC H&I ALLEGER:

DOUGLAS W. HARRISON

____ FORMER STONE & WEBSTER EMPLOYEE AT:

BROWNS FERRY

ALLEGATION NO. RII-93-A-0096

IF YOU NOTE ANYTHING PLEASE LET ME KNOW AND I'LL COME UP AND
CHECK/COPY IT. THANKS, JIM D.

BB/11

2-93-030

From: James D. Dockery (AT2:JDD)
Date: Monday, November 14, 1994 12:16 pm
Subject: PENDING DOL MATTERS

	Opened	Action
AT2		11/14 12:16pm Delivered
LJW2	11/14 03:24pm	

Files	Size	Date/Time
MESSAGE	563	11/14 12:16pm

Host Name	Delivered	Route
AT2	11/14 12:16pm	AT2

Options

Auto Delete: No
Expiration Date: None
Notify Recipients: Yes
Priority: Normal
Reply Requested: No
Return Notification: No

Concealed Subject: No
Encryption: WP Mail
Security: Normal

To Be Delivered: Immed
Status Tracking: Open

From: Linda J. Watson (LJW2) EACS/RII
To: JDD *Pachery, OT*
Date: Tuesday, November 15, 1994 3:56 pm
Subject: PENDING DOL MATTERS -Reply

I checked with the ALJ office. They stated that the ALJ had issued a decision in the Harrison case dismissing the case (finding for Stone and Webster) on November 8, 1994. We were left off the distribution list, but she will send us a copy. I will forward a copy to you when received.

Linda

BB/12

TO: G. DONALD HICKMAN - TVA/OIG
DATE: 9 DECEMBER 1994
FROM: JAMES D. DOCKERY - NRC/OI
SUBJECT: JUST A COUPLE OF RANDOM ITEMS

Don,

2-93-030 { While attempting to put together the exhibits for one of my older case reports, I ran across the enclosed copy of your "Report of Administrative Inquiry" (File No. 2D-130) which you kindly supplied for our reference several months ago. Trained(?) Criminal Investigator that I'm alleged to be, on closer examination of the report I noticed (for the first time) that we may have inadvertently been supplied with what appears to be the original Report of Administrative Inquiry from your case. I've copied the report and am returning it since, if it is in fact the original, I'm sure you want it back in your files. Thanks.

3-93-054R { On another subject, just FYI, I had the pleasure of being in Huntsville on a case the week before last and was lucky enough to hook up with Chris McRae who really went out of his way to help me out. This was especially appreciated since I'd never been in the area or to Browns Ferry before. Chris is an impressive Agent who really knows his stuff. He assisted me greatly.

Just wanted to let you know and express my thanks.

Hope you and yours are all well and enjoy happy Holidays.

Best,

BB/13

From: James D. Dockery (JDD) *OI*
To: PAT1 *Pauline Thompson, OI/RII*
Date: Tuesday, December 13, 1994 9:46 am
Subject: 2-93-030-DRAFT ROI

ATTACHED IS THE DRAFT ROI IN THIS CASE FOR YOUR FILE. I MADE
SUBSTANTIAL CHANGES LAST NIGHT SO YOU SHOULD INSURE THAT THIS NEW
REVISION REPLACES THE DRAFT YOU NOW HAVE. I HAVE MADE A HARD
COPY AND GAVE IT TO BILL MC THIS AM.

Files: A:\3ORPTOFI.VST

BB/14

December 15, 1994

MEMORANDUM TO: Stewart D. Ebnetter, Regional Administrator
Region II

FROM: William J. McNulty, Director
Office of Investigations Field Office, Region II

SUBJECT: BROWNS FERRY NUCLEAR PLANT: ALLEGED DEMOTION OF STONE AND
WEBSTER ENGINEERING CORPORATION GENERAL FOREMAN FOR
EXPRESSING FIRE PROTECTION CONCERNS (CASE NO. 2-92-030/
RII-93-A-0096)

Attached is the Office of Investigations (OI) Report of Investigation (ROI) concerning the above matter.

Since the action office has the responsibility for advising alleged of the status and disposition of allegations, they are authorized, upon receipt of the ROI, to advise the alleged that the investigation has been completed. After the NRC and/or other concerned Federal agencies have taken whatever action they deem appropriate, the action office will notify the alleged that his allegations were either substantiated, partially substantiated, or not substantiated and may, if requested, furnish the alleged with a copy of the OI ROI after appropriate proprietary, privacy, and confidential source information has been deleted. Any additional information provided the alleged will be dispositioned through the Director, OI, and will be furnished on a case-by-case basis.

This investigation has been closed by OI. This report has been forwarded to you for your information and whatever action you deem appropriate. Other than as noted above, neither this memorandum nor the report contents may be released outside the NRC without the permission of the Director, OI. Internal NRC access and dissemination should be on a need-to-know basis. Treat as "Official Use Only."

Attachment: Report w/exhibits

cc w/att: J. Lieberman, OE
L. Chandler, OGC

cc w/report: H. Thompson, Jr., DEDS
W. Russell, NRR

Distribution:

s/f (2-93-030)

bcc w/att: J. Weddle, OI:HQ - w/report: L. Gallop, OI:HQ
w/synopsis & title page: B. Barber, OI:HQ

OFFICE	OI:RII	OI:RII						
NAME	JDDockery	WJMcNulty						
DATE	12/15/94	12/15/94						

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BB/LS

DISTRIBUTION LIST: 2-93-030

CLOSED: 12/15/94

ISSUED: 12/15/94

1 of 7	S. Ebnetter, RA:RII
2 of 7	H. Thompson, Jr., DEDS
3 of 7	J. Lieberman, OE
4 of 7	L. Chandler, OGC
5 of 7	W. Russell, NRR
6 of 7	W. McNulty, OI:RII
7 of 7	Original (not numbered)

BB/16

INVESTIGATION STATUS RECORD

Case No.: 2-93-030 Facility: BROWNS FERRY NUCLEAR PLANT
Allegation No.: RII-93-A-0096 Case Agent: DOCKERY
Docket No.(s): 50-259/260/296 Date Opened: 05/27/93
Source of Allegation: Allegor Priority:
Notified by: EICS Set by:
Category: IH Case Code: RV
Subject/Allegation: ALLEGED DEMOTION OF STONE AND WEBSTER GENERAL FOREMAN FOR
EXPRESSING FIRE PROTECTION CONCERNS

Remarks:

Status: page 2

11/30/94: According to RII EICS, a DOL Administrative Law Judge found against the
allegor, HARRISON, on November 8, 1994. All DOL documentation related to
HARRISON's complaint has been requested for OI review. Awaiting
prioritization by RA. Status: PEN ECD: N/A

12/15/94: Closed/Issued/Unsubstantiated.

13/3/17

Closed: 12/15/94 Issued: 12/15/94 Action: U Staff Days:

From: Pauline A. Thompson (PAT1), *OI*
To: jXH6 *Jeanne Hunt, OI*
Date: Tuesday, May 16, 1995 2:44 pm
Subject: RELEASE OF SYNOPSIS

Larry, as acting FOD, has approved the release of the synopses for the two following cases:

2-94-002 and 2-93-030

BB/18

INVESTIGATIVE PLAN

DATE: _____

CASE AGENT: _____

CASE NO.: _____

REQUEST FOR INVESTIGATION RECEIVED: _____

CONTROLLING OFFICE/REQUESTER: _____

REVIEW OF REQUEST AND APPLICABLE REGULATIONS BY FOD: _____

COORDINATION WITH STAFF: _____

COORDINATION WITH REGIONAL COUNSEL/OGC: _____

REQUEST FOR ADDITIONAL INFORMATION FROM STAFF: _____

SUBMISSION OF OI RESPONSE/STATUS OF REQUEST FOR INVESTIGATION
(Case Opening Paper): _____

INTERVIEW OF ALLEGER: CONFIDENTIALITY GRANTED: YES _____ NO _____ CS NO. _____

INTERVIEW OF APPROPRIATE STAFF MEMBER: _____

SUBMISSION OF INITIAL MONTHLY INVESTIGATION STATUS REPORT (ISR) WITH ECD: _____

INITIAL DISCUSSION WITH REGIONAL ADMINISTRATOR REGARDING ECD AND PRIORITY
OF THE INVESTIGATION: _____

REVIEW OF CASE FILE AND DISCUSSION WITH CASE AGENT: _____

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

DISCUSSION OF CASE PROGRESS WITH REGIONAL ADMINISTRATOR: _____

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

SUBMISSION OF MONTHLY ISR: _____

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

DATE FIELD WORK COMPLETED: _____

DATE DRAFT REPORT RECEIVED BY FOD: _____

DATE FINAL REPORT SIGNED BY FOD AND/OR FORWARDED TO HQ FOR REVIEW: _____

BB/19



UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF INVESTIGATION'S FIELD OFFICE, REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

April 12, 1995

MEMORANDUM TO: John B. Martin, Regional Administrator
Region III

FROM: Eugene T. Pawlik, Director *Eugene T. Pawlik*
Office of Investigations Field Office, Region III

SUBJECT: THERMAL SCIENCE, INC.: ALLEGED EMPLOYMENT DISCRIMINATION
AGAINST AN EMPLOYEE FOR HIS REFUSAL TO FALSIFY RECORDS
(CASE NO. 3-93-001)

Enclosed, for whatever action you deem appropriate, is the Office of Investigations (OI) Report of Investigation concerning the above matter. Internal NRC access and dissemination should be on a need-to-know basis. Treat as "Official Use Only."

Attachment:
Report w/exhibits

cc w/attachment:
B. Burgess, RIII
J. Lieberman, OE

BB/20

April 12, 1995

MEMORANDUM TO: John B. Martin, Regional Administrator
Region III

FROM: Eugene T. Pawlik, Director
Office of Investigations Field Office, Region III

SUBJECT: THERMAL SCIENCE, INC.: ALLEGED EMPLOYMENT DISCRIMINATION
AGAINST AN EMPLOYEE FOR HIS REFUSAL TO FALSIFY RECORDS
(CASE NO. 3-93-001)

Enclosed, for whatever action you deem appropriate, is the Office of Investigations (OI) Report of Investigation concerning the above matter. Internal NRC access and dissemination should be on a need-to-know basis. Treat as "Official Use Only."

Attachment:
Report w/exhibits

cc w/attachment:
B. Burgess, RIII
J. Lieberman, OE

Distribution:

c/f
sf 3-93-001
J. Weddle, OI:HQ
L. Gallop, OI:HQ
B. Barber, OI:HQ w/Title Page & Synopsis

To receive a copy of this document, indicate in the box "C" = Copy without attach/encl "E" = Copy with attach/encl "N" = No copy

OFFICE	OI:RIII		OI:RIII				
NAME	Paul:ct		EPawlik				
DATE	/ /95		4 /11 /95				

OFFICIAL RECORD COPY

BB/21

INVESTIGATION STATUS RECORD

Case No.: 3-94-059 Facility: DONALD C. COOK NPP
Allegation No.: RIII-94-A-0118 Case Agent: DeVITTO
Docket No.: 50-315; 50-316 Date Opened: 09/21/94
Source of Allegation: L
Notified by: OAC:RIII Priority:
Category: WR Case Code: RP
Subject/Allegation: ALLEGED DELIBERATE FALSIFICATION OF FIREWATCH RECORDS

Remarks:

Monthly Status Report:

09/21/94: During an inspection at the plant, the licensee identified several fire watch tours that had been allegedly falsified. The licensee has since changed the fire watch contractor and the fire watch employee has not been retained with the new contractor, and the employee's plant access has been denied. Additionally the employee's name has been added to an INDEX program in which 20 utilities have access.

3 - 94 - 059

EXHIBIT 1
PAGE 1 OF 1 PAGE(S)

INVESTIGATION STATUS RECORD

Case No.: 3-94-059 Facility: DONALD C. COOK NPP
Allegation No.: RIII-94-A-0118 Case Agent: DeVITTO
Docket No.: 50-315; 50-316 Date Opened: 09/21/94
Source of Allegation: L
Notified by: OAC:RIII Priority: NORMAL (Coordinated with RIII Management Staff)
Category: WR Case Code: RP
Subject/Allegation: ALLEGED DELIBERATE FALSIFICATION OF FIREWATCH RECORDS

Remarks:

Monthly Status Report:

09/21/94: During an inspection at the plant, the licensee identified several fire watch tours that had been allegedly falsified. The licensee has since changed the fire watch contractor and the fire watch employee has not been retained with the new contractor, and the employee's plant access has been denied. Additionally the employee's name has been added to an INDEX program in which 20 utilities have access.

NOTE: This was an evaluation. It is being upgraded to a full investigation under the new process review (DG 94-001, Appendix F, 10/01/94).

10/31/93: A review was made of D. C. Cook's investigation of this matter, and it has been decided that the priority of this matter was low and that higher priority cases have taken precedence. This case will be closed. Status: FWP ECD: N/A

11/30/94: The resident inspector at D. C. Cook is attempting to obtain from licensee their investigation of this matter. Upon review of the licensee's investigation, this case, if appropriate, will be closed by ROI due to higher priority issues. Status: FWP ECD: N/A

12/31/94: Investigator reviewed copy of licensee's investigation and interviewed security supervisor at plant. Report in draft/typing. Closing due to higher priority cases. Status: RID ECD: 03/95

01/31/95: Closed and issued January 18, 1995 by OI:RIII.

Closed: 01/18/95 P Closed Action: Staff days to Completion(WAR):

Issued: 01/18/95 Referred: Statute:

DOJ Action: DOJ Action Date:

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INVESTIGATION STATUS RECORD

Case No.: 3-94-060	Facility: QUAD CITIES NPS
Allegation No.: RIII-94-A-0157	Case Agent: ULIE
Docket No.: 50-254; 50-265	Date Opened: 09/28/94
Source of Allegation: A	Date of Full-Scale Upgrade:
Notified by: OAC:RIII	Priority:
Category: WR	Case Code:
Status: CLOSED	Estimated Completion Date:
Subject/Allegation: ALLEGED DELIBERATE FALSIFICATION OF FIRE WATCH ROUND RECORDS	

Remarks:

Monthly Status Report:

Closed: 10/25/94 P	Closed Action:	Staff days to Completion (WAR):
Issued:	Referred:	Statute:
DOJ Action:	DOJ Action Date:	

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09/24

October 25, 1994

MEMORANDUM TO: John B. Martin, Regional Administrator
Region III

FROM: Eugene T. Pawlik, Director,
Office of Investigations Field Office, Region III

SUBJECT: QUAD CITIES NUCLEAR POWER STATION: ALLEGED DELIBERATE
FALSIFICATION OF FIRE WATCH ROUND RECORDS (OI CASE
NO. 3-94-060)

This investigation regarding potential wrongdoing was initiated by the Office of Investigations (OI) on September 28, 1994, under OI Case No. 3-94-060.

This allegation concerns an allegation of document falsification by an individual conducting fire watch patrol(s). A licensee investigation of the incident determined that the fire watch was in the turbine building at the time of the incident, but the tour route conducted by the fire watch in the building could not be verified. If the allegation is true, it may constitute, in part, violations of NRC rules and regulations.

Coordination has been effected with Regional Counsel and your technical staff. OI evaluation of the surrounding facts and circumstances indicates that further investigation may be warranted; however, we have been advised that the priority of this matter is low and higher priority cases take precedence. OI is therefore closing this investigation by this memorandum.

If any documents, reports of interview, statements, or transcripts were obtained by OI during this investigation, they will be made available at your request. If at a future date your staff develops information which raises the priority of the issues involved, please advise my office and we will re-evaluate.

cc: J. Fitzgerald, OI:HQ
R. DeFayette, RIII

Distribution:

c/f

s/f 3-94-060

To receive a copy of this document, indicate in the box "C" - Copy without attach/encl "E" - Copy with attach/encl "N" - No copy

OFFICE	OI:RIII		OI:RIII				
NAME	SUlie:jh		EPawlik				
DATE	10/25/94		10/25/94				

OFFICIAL RECORD COPY

03/25

CASE No. 4-95-013

**United States
Nuclear Regulatory Commission**



Report of Investigation

ARKANSAS NUCLEAR ONE:

ALLEGED DELIBERATE FALSIFICATION OF FIRE WATCH RECORDS

Office of Investigations

Reported by OI: **RIV**

BB/26

Title: ARKANSAS NUCLEAR ONE:

ALLEGED DELIBERATE FALSIFICATION OF FIRE WATCH RECORDS

Licensee:

Entergy Operations, Inc.
1448 S.R. 333
Russellville, AR 72801

Case No.: 4-95-013

Report Date: May 25, 1995

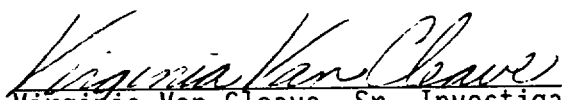
Control Office: OI:RIV


Docket No.: 50-313; 50-368

Status: CLOSED

Reported by:

Reviewed and Approved by:


Virginia Van Cleave, Sr. Investigator
Office of Investigations
Field Office, Region IV


E. L. Williamson, Director
Office of Investigations
Field Office, Region IV

WARNING

The attached document/report has not been reviewed pursuant to 10 CFR Section 2.790(a) exemptions nor has any exempt material been deleted. Do not disseminate or discuss its contents outside NRC.
Treat as "OFFICIAL USE ONLY."

SYNOPSIS

This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), to determine if a roving fire watch, a contractor employee at Entergy Operations, Inc.'s Arkansas Nuclear One (ANO), intentionally falsified fire barrier watch logs.

On February 14, 1995, NRC:Region IV inspectors were notified by ANO that a roving fire watch had falsified fire barrier watch logs. ANO's representative stated that on February 4, 1995, while conducting an audit of the fire watch program, the fire watch coordinator observed that a roving fire watch failed to perform patrols as required by the hourly fire watch log. The fire watch coordinator's subsequent review of the fire watch logs revealed that the fire watch had falsified the logs by indicating these patrols had been performed. Because of this incident, the fire watch's employment was terminated by ANO, and the licensee subsequently reviewed the event with all fire watch personnel.

Based on the evidence developed during the investigation, it is concluded that the fire watch intentionally failed to make required rounds and subsequently falsified fire watch log records.

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TABLE OF CONTENTS

	<u>Page</u>
SYNOPSIS.....	1
DETAILS OF INVESTIGATION.....	5
Allegation (Alleged Deliberate Falsification of Fire	
Watch Records.....	5
Applicable Regulations.....	5
Purpose of Investigation.....	5
Background.....	5
Coordination with NRC Staff.....	5
Review of Licensee Condition Report 2-95-0059.....	6
Review of Licensee Event Report 95-S01.....	6
Closure Information.....	6
SUPPLEMENTAL INFORMATION.....	7
LIST OF EXHIBITS.....	8

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DETAILS OF INVESTIGATION

Allegation

Alleged Deliberate Falsification of Fire Watch Records

Applicable Regulations

10 CFR 50.9: Completeness and Accuracy of Information (1995 Edition)

10 CFR 73.71: Reporting of Safeguards Events (1995 Edition)

Purpose of Investigation

This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), to determine if a roving fire watch, a contractor employee at Entergy Operations, Inc.'s Arkansas Nuclear One (ANO), intentionally falsified fire barrier watch logs (Exhibit 1).

Background

On February 14, 1995, Kriss KENNEDY, NRC Senior Resident Inspector, ANO, was notified by Steve BENNETT, Supervisor of Licensing, ANO, that a roving fire watch had falsified fire barrier watch logs. BENNETT stated that on February 4, 1995, while conducting an audit of the fire watch program, the fire watch coordinator observed that a roving fire watch failed to perform the 9:00 a.m. and 10:00 a.m. patrols as required by the hourly fire watch log. The fire watch coordinator's subsequent review of the four fire barrier watch logs revealed that the fire watch had falsified each log by indicating these two patrols had been performed. As a result of this incident, the fire watch's employment was terminated by ANO, and the licensee subsequently reviewed the event with all fire watch personnel.

Coordination with NRC Staff

On February 14, 1995, during a routine inspection at ANO, KENNEDY was notified by BENNETT that ANO had identified a willful violation of procedures by a roving fire watch. NRC Inspection Report 50-313/95-02; 50-368/95-02 showed this as a noncited violation identified by the licensee (Exhibit 2). The report stated that the fire watch was escorted offsite and employment was terminated.

Additional actions taken by the licensee in response to this event included reviewing the event with fire watch personnel and emphasizing that falsification of records would result in instant termination of employment. NRC inspectors noted that the audit that identified the condition was performed on a Saturday morning, which would be considered an unexpected time for an audit, and that inplant audits were not required to be performed by procedure although the licensee stated that inplant audits were routinely performed. The inspection report concluded that this event was a violation of 10 CFR 50.9, but the NRC commended ANO for identifying the violation and taking appropriate corrective action.

Review of Licensee Condition Report 2-95-0059, dated March 28, 1995

OI conducted a review of Condition Report 2-95-0059 (Exhibit 3) which was prepared by the licensee regarding the failure of Tami MOLES, Contract Fire Watch, to make rounds and the subsequent falsification of fire barrier watch logs. This report stated that the fire watch supervisor was in the 317 elevation of the Unit 2 Auxiliary Building to conduct a random inspection of fire watch responsibilities on February 4, 1995. On that day, the fire watch did not arrive for the 09:00 or 10:00 hour check of the 317 elevation, Auxiliary Building, Unit 2. The report stated that the fire watch supervisor subsequently performed the required inspections. The fire watch's log entries for the given rooms were reviewed, and it was determined that the fire watch recorded that the 2-hour roves were performed as required, contrary to the inspection results. The fire watch supervisor terminated the contract employee at that time and had the contractor escorted from the site.

The report concluded that the cause of the error was an intentional act by the contract employee. Other corrective actions taken by the licensee included: audit of other fire watch employees; review of the terminated fire watch employee's work; review of fire watch procedures with all fire watch shifts, including emphasizing that falsification of records would result in immediate dismissal; and revision of the fire watch desk guide and update of fire watch lesson plans.

Review of Licensee Event Report (LER) 95-S01, dated March 22, 1995

LER 95-S01 (Exhibit 4) reviewed the circumstances surrounding ANO's failure to revoke MOLES' unescorted access in a timely manner. Subsequent to MOLES' termination for falsification of records on February 2, 1995, she was escorted off site by her contract supervisor, but ANO security was not notified at that time, as required by procedure, that her unescorted access should be terminated. MOLES returned to the site for approximately 41 minutes on February 10, 1995, to complete her check-out process. On February 14, 1995, security was notified that her employment had been terminated but was not told the termination was for cause, and her unescorted access was terminated on that date. On February 21, 1995, security learned that she had been terminated for cause and upon investigation, discovered the delay in removing her unescorted access authorization and her subsequent return to the plant. The NRC was notified of this event on February 21, 1995. The LER stated that MOLES was under observation most of the time she was on site, she did not display any abnormal behavior, and she did not enter any vital areas.

The LER cited the cause of the incident was the fire watch supervisor's lack of knowledge about the stringent requirements involving immediate withdrawal of access for unfavorable terminations and the failure of Entergy's contract manager to ensure the procedural requirements were implemented.

Closure Information

Based on the evidence developed during the investigation, it is concluded that the fire watch intentionally failed to make required rounds and subsequently falsified fire watch log records.

SUPPLEMENTAL INFORMATION

On May 3, 1995, William P. SELLERS, Esq., Senior Legal Advisor for Regulatory Enforcement, General Litigation and Legal Advice Section, Criminal Division, U.S. Department of Justice, Suite 200 West, 1001 G Street, N.W., Washington, DC 20001, was apprised of the results of the investigation. SELLERS advised that in his view, the case did not warrant prosecution and rendered an oral declination.

LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated March 15, 1995.
2	NRC Inspection Report 50-313/95-02; 50-368/95-02, dated March 15, 1995.
3	ANO Condition Report CR-2-95-0059, dated March 28, 1995.
4	ANO LER 95-S01, dated March 22, 1995.

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INVESTIGATION STATUS RECORD

Case No.: 4-95-013 Facility: ARKANSAS NUCLEAR ONE
Allegation No.: RIV-95-A-0035 Case Agent: VAN CLEAVE
Docket No.: 50-313; 50-368 Date Opened: 03/15/95
Source of Allegation: LICENSEE (L) Priority: N (L. J. CALLAN, RA:RIV)
Notified by: VANDENBURG, CHIEF, DRP Staff Contact: VANDENBURG, CHIEF, DRP
Category: WR Case Code: RP
Subject/Allegation: ALLEGED DELIBERATE FALSIFICATION OF FIREWATCH RECORDS
Remarks: 10 CFR 50.9; 10 CFR 73.71

Monthly Status Report:

03/15/95: On February 14, 1995, Nuclear Regulatory Commission, Region IV, inspectors were notified by Entergy Operations, Inc., Arkansas Nuclear One (ANO), that a roving firewatch had falsified fire barrier watch logs. ANO's representative stated that on February 4, 1995, while conducting an audit of the firewatch program, the firewatch coordinator observed that a roving firewatch failed to perform the 9:00 a.m. and 10:00 a.m. patrols as required by the hourly firewatch log. The firewatch coordinator's subsequent review of the four fire barrier watch logs revealed that the firewatch had falsified each log by indicating these two patrols had been performed. As a result of this incident, the firewatch's employment was terminated by ANO, and the licensee subsequently reviewed the event with all firewatch personnel. Because this event appeared to have been willful and licensee identified with resulting disciplinary action, the Office of Investigations will ask for and review a copy of the licensee internal investigation report for accuracy and completeness. Status: PEN [Pending the receipt and review of the licensee investigation report]

Exhibit 1
Page 1 of 1

BB/27

May 25, 1995

MEMORANDUM FOR: L. J. Callan, Regional Administrator
Region IV

FROM: E. L. Williamson, Director
Office of Investigations Field Office, Region IV

SUBJECT: ARKANSAS NUCLEAR ONE: ALLEGED DELIBERATE FALSIFICATION OF
FIRE WATCH RECORDS (CASE NO. 4-95-013)

Attached, for whatever action you deem appropriate, is the Office of Investigations (OI) Report of Investigation concerning the above matter. Neither this memorandum nor the report may be released outside the NRC without the permission of the Director, OI. Internal NRC access and dissemination should be on a need-to-know basis. Treat as "Official Use Only."

Attachment:
Report w/exhibits

cc w/attachment:
J. Lieberman, OE

Distribution:
s/f (4-95-013)
c/f
J. Weddle, OI:HQ, w/encl
L. Gallop, OI:HQ
B. Barber, OI:HQ, title page & synopsis page

OI:RIV *V*
VVanCleave
05/24/95

OI:RIV *W*
LWilliamson
05/24/95

ES/28

SECRET

VAN CLEAVE

ACTIVITY

Telephoned Mike Cooper in discussing at 4:10/501-858-4611.

Section of 1910 land conveyed to Government on January 22nd

leave. He said the likelihood of owning a car is

~~Should be finished materials & be worth send in copy by HLL 1/95~~

1st copy of inscription sent to Howard. It

Draft RPT to FOS for review.

DOS declared. Vane FDD closed.

INSPECTION - 4531

REF. = REPORT NUMBER

199

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INVESTIGATION STATUS RECORD

Case No.: 4-95-013 Facility: ARKANSAS NUCLEAR ONE
Allegation No.: RIV-95-A-0035 Case Agent: VAN CLEAVE
Docket No.: 50-313; 50-368 Date Opened: 03/15/95
Source of Allegation: LICENSEE (L) Priority: N (L. J. CALLAN, RA:RIV)
Notified by: VANDENBURG, CHIEF, DRP Staff Contact: VANDENBURG, CHIEF, DRP
Category: WR Case Code: RP
Subject/Allegation: ALLEGED DELIBERATE FALSIFICATION OF FIREWATCH RECORDS
Remarks: 10 CFR 50.9; 10 CFR 73.71

Monthly Status Report:

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Exhibit _____
Page ____ of ____

13/13/90

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INVESTIGATION STATUS RECORD

Case No.: 4-95-013 Facility: ARKANSAS NUCLEAR ONE
Allegation No.: RIV-95-A-0035 Case Agent: VAN CLEAVE
Docket No.: 50-313; 50-368 Date Opened: 03/15/95
Source of Allegation: LICENSEE (L) Priority: N (L. J. CALLAN, RA:RIV)
Notified by: VANDENBURG, CHIEF, DRP Staff Contact: VANDENBURG, CHIEF, DRP
Category: WR Case Code: RP
Subject/Allegation: ALLEGED DELIBERATE FALSIFICATION OF FIREWATCH RECORDS
Remarks: 10 CFR 50.9; 10 CFR 73.71

Monthly Status Report: Page 2

03/31/95: On 3/22/95, OI contacted Licensing at ANO and requested a copy of internal investigation report or other documents regarding licensee review of this issue. Mike Cooper at ANO stated he anticipated ANO would have Corrective Action Response finalized on this issue shortly, and he would provide it to OI as soon as possible.
Status: PEN ECD: Unscheduled

04/30/95: Requested documentation received from ANO by OI on 3/31/95. OI will review this documentation and consider closing case. Status: FWP
ECD: Unscheduled

05/31/95: Investigator received verbal declination from DOJ. Case FOD closed on 05/25/95.

Closed: 05/25/95 Closed Action: S Staff days to completion (WAR):

Issued: 05/25/95 Referred: Statute:

DOJ Action: DEC DOJ Action Date: 05/03/95 (verbal)

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

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

March 15, 1995

EA No. 95-043
Entergy Operations, Inc.
ATTN: J. W. Yelverton, Vice President
Operations, Arkansas Nuclear One
1448 S.R. 333
Russellville, Arkansas 72801-0967

SUBJECT: NRC INSPECTION REPORT 50-313/95-02; 50-368/95-02 AND NOTICE OF VIOLATION

This refers to the inspection conducted by K. Kennedy and other inspectors of this office on January 8 through February 18, 1995. The inspection included a review of activities authorized for your Arkansas Nuclear One, Units 1 and 2, facility. At the conclusion of the inspection, the findings were discussed with you and those members of your staff identified in the enclosed report.

Areas examined during the inspection are identified in the report. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observation of activities in progress. The purpose of the inspection was to determine whether activities authorized by the license were conducted safely and in accordance with NRC requirements.

Based on the results of this inspection, certain licensed activities appeared to be in violation of NRC requirements, as specified in the enclosed Notice of Violation (Notice). The first violation is of concern because the licensed operators failed to properly control the draining of the reactor coolant system. This concern is heightened due to the increased risk associated with reduced inventory conditions. The second violation involved the failure of both test engineers and supervisors to follow a surveillance procedure for testing and adjusting main steam safety valves. This violation is of concern because four quality control inspectors failed to identify or document these deviations from the test procedure.

The inspection also identified one violation that is not being cited because it met the criteria in paragraph VII.B.2 of Appendix C to 10 CFR Part 2 of the NRC's "Rules of Practice." This violation involved your staff's identification that a roving fire watch had falsified fire barrier watch logs. You are commended for identifying the violation and implementing corrective actions to resolve this concern.

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. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future

4-95-01

EX-1007-2
1-21 pages

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, its enclosure(s), and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without reaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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, PL 96-511.

Should you have any questions concerning this inspection, we will be pleased to discuss them with you.

Sincerely,

J. E. Dyer, for

A. Bill Beach, Director
Division of Reactor Projects

Dockets: 50-313
50-368

Licenses: DPR-51
NPF-6

Enclosures:

1. Notice of Violation
2. NRC Inspection Report
50-313/95-02; 50-368/95-02

cc w/enclosures:

Entergy Operations, Inc.

ATTN: Harry W. Keiser, Executive
Vice President & Chief Operating Officer

P.O. Box 31995

Jackson, Mississippi 39286-1995

2
27

Entergy Operations, Inc.
ATTN: Jerrold G. Dewease, Vice President
Operations Support
P.O. Box 31995
Jackson, Mississippi 39286

Wise, Carter, Child & Caraway
ATTN: Robert B. McGehee, Esq.
P.O. Box 651
Jackson, Mississippi 39205

Honorable C. Doug Lunningham
County Judge of Pope County
Pope County Courthouse
Russellville, Arkansas 72801

Winston & Strawn
ATTN: Nicholas S. Reynolds, Esq.
1400 L Street, N.W.
Washington, D.C. 20005-3502

Arkansas Department of Health
ATTN: Ms. Greta Dicus, Director
Division of Radiation Control and
Emergency Management
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ENCLOSURE 1

NOTICE OF VIOLATION

Entergy Operations, Inc.
Arkansas Nuclear One

Dockets: 50-313
50-368
Licenses: DPR-51
NPF-6

During an NRC inspection conducted on January 8 through February 18, 1995, two 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, the violations are listed below:

- A. Unit 2 Technical Specification 6.8.1 requires, in part, that written procedures shall be established, implemented, and maintained covering the activities referenced in Regulatory Guide 1.33, Revision 2, Appendix A, February 1978.

Regulatory Guide 1.33, Revision 2, Appendix A, February 1978, Section 3.a., states, in part, instructions should be prepared for draining the reactor cooling system.

Procedure 2103.011, Revision 19, "Draining the Reactor Coolant System," provides instructions for draining the reactor coolant system to various levels for component maintenance. Step 8.9 requires opening Reactor Vessel Head Vent Valves 2SV-4668-1 or 2SV-4668-2 when reactor coolant system level indication falls below 180 inches.

Contrary to the above, on January 10, 1995, while draining the reactor coolant system to reduced inventory, the operators failed to open either Reactor Vessel Head Vent Valve 2SV-4668-1 or 2SV-4668-2 when reactor coolant system level fell below 180 inches.

This is a Severity Level IV violation (Supplement I) (368/9502-01).

- B. Unit 1 Technical Specification 6.8.1.c requires, in part, that written procedures shall be established, implemented, and maintained covering surveillance and test activities of safety-related equipment.

Procedure 1306.017, Revision 11, "Unit 1 Main Steam Safety Valve Test," Step 8.2.16.B, states, in part, that if the setpoint of a main steam safety valve is not within the desired "as-found" range, wait a minimum of 10 minutes to allow the valve temperature to stabilize and then repeat Steps 8.2.9 through 8.2.17 (the testing sequence). Attachment 2, "Main Steam Safety Valve Testing Sequence," provides direction to wait 10 minutes between main steam safety valve lifts when adjustments are performed. A note prior to Step 8.2.10 states that if the test is a retest, ensure a minimum of 10 minutes has elapsed between successive lifts to ensure that the valve has stabilized in temperature.

Contrary to the above, on February 12, 1995, while performing tests of Main Steam Safety Valves PSV-2684 and -2698, the licensee performed

EXHIBIT 2
Page 5 of 27 pages

successive lifts of each of these valves without waiting a minimum of 10 minutes between lifts.

Procedure 1306.017, Revision 11, "Unit 1 Main Steam Safety Valve Test," Step 8.2.17.B, states, in part, that if the main steam safety valve "as-left" setpoint is not within the desired range for two consecutive lifts, then proceed to Attachment 6 to adjust the valve.

Contrary to the above, on February 12 through 13, 1995, the licensee performed only one lift of Main Steam Safety Valves PSV-2685, -2688, and -2699 prior to making adjustments to the lift setpoints.

These violations represent a Severity Level IV problem (Supplement I) (313/9502-02).

Pursuant to the provisions of 10 CFR 2.201, Entergy Operations, Inc., is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Dated at Arlington, Texas
this 15th day of March 1995

ENCLOSURE 2

U.S. NUCLEAR REGULATORY COMMISSION
REGION IV

Inspection Report: 50-313/95-02
50-368/95-02

Licenses: DPR-51
NPF-6

Licensee: Entergy Operations, Inc.
1448 S.R. 333
Russellville, Arkansas

Facility Name: Arkansas Nuclear One (ANO), Units 1 and 2

Inspection At: Russellville, Arkansas

Inspection Conducted: January 8 through February 18, 1995

Inspectors: K. Kennedy, Senior Resident Inspector
L. Smith, Senior Resident Inspector
S. Campbell, Resident Inspector
J. Melfi, Resident Inspector

Approved: /S/ 3/13/95
Chris A. VanDenburgh, Chief, Project Branch D Date

Inspection Summary

Areas Inspected (Units 1 and 2): Routine, unannounced, resident inspection that addressed operational safety verification, monthly maintenance observation, bimonthly surveillance observation, onsite engineering, plant support activities, an evaluation of online maintenance, and followup of operation activities.

Results (Units 1 and 2):

Plant Operations

- Unit 2 operators failed to open the reactor vessel head vent valve at the 180-inch level while draining the reactor coolant system (RCS) to reduced inventory as required by the RCS draining procedure. Improper procedure step sequencing and a weak pre-evolution brief contributed to the operator error. The operators appropriately responded to the apparent decrease in RCS level. The failure to open the valve at the 180-inch RCS level was a Technical Specification 6.8.1.a violation (Section 2.1).

EXHIBIT 2
Page 7 of 27 pages

4-95-01

- The Unit 1 plant shutdown for Refueling Outage 1R12 was well coordinated and well controlled. The inspectors observed a good pre-evolution brief, good communications, and good self-verification practices. The practice of having one operator second check the actions of another operator prior to performing a task was a strength. A surveillance performed during the conduct of the shutdown was appropriately stopped when the resulting control room alarms became distracting to the control board operator (Section 2.2).
- The licensee failed to follow procedures when a dedicated operator, stationed at an open breathing air containment isolation valve in order to satisfy the Technical Specification requirement for the establishment of reactor building integrity, failed to close the manual isolation valve prior to leaving the valve. This issue remained unresolved pending the inspector's review of whether or not Technical Specifications allowed these containment isolation valves to be opened when reactor building integrity was required to be established (Section 2.3).

Maintenance

- An electrician appropriately stopped work while installing a temporary modification while he resolved the receipt of an unexpected alarm (Section 3.2).
- The licensee failed to follow a surveillance procedure used to test and adjust the setpoints of the Unit 1 main steam safety valves. This was identified as a violation of Technical Specifications. Furthermore, during the performance of main steam safety valve testing, four quality control inspectors failed to identify or document deviations from the test procedure. (Section 4.2)

Engineering

- A review of the Unit 2 steam generator tube inspection results obtained during Planned Outage 2P95 revealed that the licensee plugged 215 defective tubes in Steam Generator 2E-24A and 85 defective tubes in Steam Generator 2E-24B. Following 2P95, 6.9 percent of the tubes in Steam Generator 2E-24A and 4.99 percent of the tubes in Steam Generator 2E-24B were plugged (Section 5.1).

Plant Support

- The licensee appropriately increased primary and secondary sampling frequencies on indications of increasing specific activity levels in the reactor coolant system and were proactive in resolving the source of spikes on the condenser off-gas radiation monitor (Section 6.1).

- The falsification of fire barrier watch logs by a roving fire watch was identified as a noncited violation. The licensee's identification of the falsified logs during the performance of an in-plant audit on a weekend was determined to be a strength (Section 6.2).

Summary of Inspection Findings:

- Violation 368/9502-01 was opened (Section 2.1).
- Unresolved Item 313/9502-03 was opened (Section 2.3).
- Violation 313/9502-02 was opened (Section 4.2).
- A noncited violation was identified (Section 6.2).
- Unresolved Item 368/9410-03 was closed (Section 7.1).

Attachment:

- Attachment - Persons Contacted and Exit Meeting

DETAILS

1 PLANT STATUS

1.1 Unit 1

At the beginning of the inspection period, Unit 1 operated with three reactor coolant pumps at or near 72.5 percent power. Unit 1 remained at this reduced power level until February 13, 1995, when operators began reducing power for Refueling Outage 1R12. The licensee took the generator off line at 12:23 a.m. on February 14, 1995; and the reactor reached hot shutdown at 1:10 a.m. The licensee continued to cool down the unit, reaching cold shutdown at 4:30 p.m. The plant remained in cold shutdown for the rest of the reporting period.

1.2 Unit 2

At the beginning of the inspection period, Unit 2 was shutdown for Planned Outage 2P95. Following completion of Planned Outage 2P95, power was increased to 20 percent and Mode 1 was entered on January 24, 1995. The main generator output breakers were closed on the same day. Power was increased to approximately 98 percent on January 28, 1995, and power remained at 98 percent through the end of the inspection period.

2 OPERATIONAL SAFETY VERIFICATION (71707)

This inspection was performed to ensure that the licensee operated the facility safely and in conformance with license and regulatory requirements and that the licensee's management control systems effectively discharged the licensee's responsibilities for safe operation.

The inspectors conducted control room observations and plant inspection tours and reviewed logs and licensee documentation of equipment problems. An independent verification of safety systems' status and Technical Specifications limiting conditions for operation, a verification of corrective actions, and a review of facility records were also performed.

2.1 Unit 2 - Failure to Open Reactor Vessel Head Vent Valve During RCS Draining

2.1.1 Description of Event

On January 10, 1995, Unit 2 operators began draining the RCS to a reduced inventory level of 24 inches above the bottom of the hotleg flange. The licensee planned to drain the system to perform maintenance on the Reactor Coolant Pump (RCP) 2P-32C seal and to do steam generator tube inspections. The licensee drained the RCS through the letdown line to the boron management system (BMS) holdup tanks using Divert Valve 2CV-4826.

The RCS was drained in accordance with Procedure 2103.011, Revision 19, "Draining the Reactor Coolant System." A tygon tube, attached to the top of the pressurizer and the bottom of the hotleg, was installed to provide operators a diverse means of monitoring RCS level during the draining evolution. An operator was stationed at the tygon tube to monitor RCS level. Control room operators compared the RCS level, as indicated at the tygon tube, with the RCS Refueling Level Indicators 2LI-4791 and 2LI-4792 located in the control room. Procedure 2103.011 contained hold points at various RCS levels to allow operators to compare the RCS level as indicated by the tygon tube with level indicated by RCS Refueling Level Indicators 2LI-4791 and -4792. If deviations existed which exceeded those specified in the procedure, operators were required to determine the cause of the deviations prior to draining the RCS below 90 inches above the bottom of the hotleg.

When the operators drained the RCS down to the 120-inch hold point, the operator stationed at the tygon tube noted that the RCS level indication continued to decrease. The operators assumed that the decreasing level was the result of a leak in the RCS and positioned Divert Valve 2CV-4826 to redirect the water back to the RCS. The operators appropriately entered Abnormal Operating Procedure (AOP) 2203.029, Revision 8, "Loss of Shutdown Cooling," because of the decreasing RCS level.

The licensee attempted to identify possible sources of RCS leakage. Due to previously identified leakage past Divert Valve 2CV-4826 to the BMS holdup tank, operators closed Diversion to Vacuum Degassifier Valve 2CVC-34 in an attempt to isolate this potential leak path. The operators noted little effect on the decreasing level after closing Valve 2CVC-34. Additionally, operators learned that chemistry personnel were performing an RCS sample purge and directed it to be secured. RCS level continued to decrease.

Indicated RCS level dropped to 96 inches approximately 40 minutes after the operators stopped RCS draining. The level remained at 96 inches for 30 minutes while operators tried to determine the source of the leak. Unable to find the leak, the operators started Charging Pump 2P-36A to restore RCS level to 125 inches. The operators exited the AOP after RCS level remained stable at 125 inches for 30 minutes. After 30 minutes, the operators continued to drain the RCS to the 120-inch hold point.

During discussions with the operations manager about the event, the operators learned that they did not open a vent path at the 180-inch hold point as required by the drain down procedure. Step 8.9 of Procedure 2103.011 directed the operators to open either Reactor Vessel Head Vent Valve 2SV-4668-1 or 2SV-4668-2 to provide a vent path while draining the RCS. Operators opened Reactor Vessel Head Vent Valve 2SV-4668-1 and noted RCS level began to increase. Approximately 30 minutes later, water level as indicated by the tygon tube had increased to 155 inches and stabilized. The operators drained the RCS to the indicated 120-inch hold point again. Five minutes later, the draining of the RCS was resumed and continued until the RCS level was lowered to 24 inches, approximately 6 hours later.

11 2 27

2.1.2 Root Cause

In response to the event, the licensee initiated Condition Report 2-95-0011. The licensee determined that the operators failed to open the reactor vessel vent valve at the 180-inch level as required by the procedure. The closed vent path created a steadily increasing differential pressure between the pressurizer and the reactor vessel head as level was lowered. As a result, the pressurizer level and the reactor vessel level attempted to equalize and approximately 12 gallons of water moved from the pressurizer to the reactor vessel to establish this equilibrium. The 12 gallons of displaced water corresponded to an apparent 24-inch drop in indicated RCS level.

The licensee determined that the control room supervisor failed to ensure completion of the applicable procedure step to open one reactor vessel head vent before the operators drained the RCS below 180 inches. Additionally, the operator who performed the RCS drain and the shift superintendent who monitored the evolution failed to note the omission.

The licensee noted that the operator who performed the RCS drain reviewed Procedure 2103.011 several days before draining the RCS and conducted the crew briefing before the evolution. During the briefing, the reactor operator mentioned that one reactor vessel head vent would be opened before draining the RCS below 180 inches. However, the reactor operator did not emphasize that this level would be reached between two hold points in the procedure, specifically, between the 199.75-inch and the 120-inch hold points.

The licensee also realized that Step 8.9 of the procedure, which instructed the operator to open either head vent valve, was located after the table containing the RCS level indication hold points. Since draining the RCS was an evolution with changing conditions, the reactor operator relied on the sequence of the procedure to successfully complete the task. With the conditional step to open the reactor vessel head vent located after the table, the reactor operator was not likely to open either head vent valve at the appropriate RCS level.

2.1.3 Inspection Findings

The inspector interviewed the reactor operator who conducted the prebrief and discovered that the operator did not discuss the specifics of opening the valve at the 180-inch level during the brief. The operator said that his briefing covered opening the head vent valve while draining the RCS, but he did not specify opening the valve at the 180-inch level. The inspector concluded that the prebrief was weak and contributed to the failure to open either vent valve at the appropriate moment.

The inspector confirmed that the procedure contributed to the operator's failure to open either vent valve at the 180-inch level. The licensee placed the conditional procedure step to open either vent valve at the 180-inch level after the table containing the hold points. With the procedure step sequenced after the level hold point, the operators did not open either valve at the

EXHIBIT 2
Page 12 of 27 pages

appropriate time. The failure to open a reactor vessel head vent as required by Procedure 2103.011 was a violation of Technical Specification 6.8.1 (368/9502-01).

The inspector reviewed the AOP and concluded that the operators followed the procedure as required. The AOP required that the licensee stop RCS draining. The operators stopped the draining by diverting the flow to the BMS holdup tanks back to the RCS using Divert Valve 2CV-4826. The AOP did not contain a step to check if the head vent valves were open. The AOP did not include this step because the licensee wrote the procedure based on an actual loss of inventory, not a decrease in level because of a pressure anomaly.

2.1.4 Corrective Actions

The licensee proposed that the corrective action items include the following:

- To review the following procedures for appropriate sequencing of conditional steps: (1) Power Operations, (2) Plant Cooldown, (3) Shutdown Cooling System, (4) Filling and Venting RCS, (5) Plant Preheatup and Precritical Checklist, (6) Plant Heatup, and (7) Reactor Startup;
- To consider changing Procedure 1015.001D, "Crew Checklist," to include specific requirements for discussing conditional procedure steps during crew briefings;
- To incorporate the lessons learned from the event in operations and shift technical assistant training for Units 1 and 2;
- To evaluate if modeling RCS draindown and RCS fill and vent in the unit simulators was possible;
- To include the event sequence associated with the condition and an informal analysis on the hydraulic effects and observed level indications in operator requalification training;
- To stress the event with chemistry personnel regarding the importance of coordinating RCS sampling with operations personnel and discuss the concerns associated with sampling the RCS during draindown and reduced inventory. The licensee completed this item on February 15, 1995;
- To provide a summary of the event on the Nuclear Network to share with other nuclear plants;
- To consider revising Unit 1 crew brief's checklist to include discussion of procedures containing conditional steps.

13 2 27

2.1.5 Conclusions

The licensee violated the drain down procedure when the operators did not open the reactor vessel head vent valve at the specified RCS level. Inappropriate placement of the conditional step to open either reactor vessel head vent valve in the RCS draining procedure contributed to the human error. Additionally, the operator conducted a weak prebrief by failing to specify that the reactor vessel head vent valve was required to be opened when RCS level indication reached 180 inches. Failure to open either head vent valve induced a pressure anomaly which resulted in indications of an RCS leak. The operators appropriately responded to the apparent leak although an actual leak did not exist. The failure to follow the RCS draining procedure was a violation of Technical Specifications and demonstrated a weakness in the control of the RCS draindown evolution.

2.2 Unit 1 - Plant Shutdown for Refueling Outage 1R12

On February 13 through 14, 1995, the inspectors observed the Unit 1 control room operators perform a plant shutdown to begin Refueling Outage 1R12. The shutdown was performed in accordance with Procedure 1102.004, Revision 32, "Power Operation," and Procedure 1102.010, Revision 42, "Plant Shutdown and Cooldown."

Prior to the start of the plant shutdown, the shift superintendent conducted a briefing for personnel involved in the shutdown. The briefing adequately addressed the conduct of the shutdown, precautions and limitations, activities planned to be performed during the shutdown, the assigned duties of those personnel involved in the shutdown, and communications. The shift superintendent also conducted crew briefs at appropriate times during the plant shutdown. During the conduct of the shutdown, the inspectors observed good communications among personnel in the control room and between the control room and operators in the plant. Communications were clear and repeat backs of communications were routine. Operators promptly acknowledged and announced control room annunciators and took appropriate actions. The inspectors observed personnel perform good self-verification practices. The practice of having one operator second check the actions of another operator prior to performing a task was viewed as a strength.

Several activities were performed during the conduct of the plant shutdown, including a service water system quarterly surveillance, troubleshooting activities associated with main feed pumps, and a fire detection system surveillance. Because the fire detection system surveillance caused repeated alarming of the control room annunciators, the shift superintendent appropriately stopped this activity to remove this distraction to the operators performing the plant shutdown.

2.3 Unit 1 - Failure to Maintain Containment Integrity

On February 14, 1995, operators aligned breathing air to the reactor building in accordance with Procedure 1104.012, Revision 13, "Breathing Air System," to

support work scheduled to be performed in the reactor building. The breathing air was to be used for pneumatic tools to remove a seismic restraint above the RCP B. The breathing air supply to Reactor Building Isolation Valves BA-140 (inside the reactor building) and BA-141 (outside the reactor building) were opened in accordance with the procedure. Step 7.16 of Procedure 1104.012 directed that if containment integrity was required, a dedicated operator was to be stationed at the breathing air supply to Reactor Building Isolation Valve BA-140, which was located inside the reactor building, to close the valve in the event of an engineered safeguards actuation system actuation. With RCS temperature at 370°F, RCS pressure at 1500 psi, and nuclear fuel in the core, at the time these valves were opened, Technical Specification 3.6.1 required that reactor building integrity be maintained.

2.3.1 Release of Dedicated Operator

When the valves were opened on the morning of February 14, 1995, a waste control operator was stationed at Valve BA-141, located outside of the reactor building. Although stationing the operator at Valve BA-141 was contrary to the procedure, the location of the operator did not affect the ability to establish containment integrity if required since closing either Reactor Building Isolation Valves BA-140 or BA-141 met the intent of the procedure. Approximately 45 minutes later, an individual from plant services relieved the waste control operator as the dedicated operator for Reactor Building Isolation Valve BA-141. Due to a miscommunication between personnel at the outage desk and plant services personnel, the individual assigned as the dedicated operator at Reactor Building Isolation Valve BA-141 was secured at 2:45 p.m., but was not instructed to close the valve or remain there until an operator arrived. Later, while conducting routine rounds, a waste control operator observed that Reactor Building Isolation Valve BA-141 was opened and a dedicated operator was not stationed at the valve. The operator informed control room operators and closed the valve at approximately 3:26 p.m. The licensee estimated that the valve was open and unattended for about 41 minutes. The licensee issued Condition Report 1-95-0065 to document the error and were conducting an evaluation of the event at the end of the inspection period.

Technical Specification 3.6.1 required that reactor building integrity be restored within 1 hour or place the plant in at least hot standby within the next 6 hours and in cold shutdown within the following 30 hours. The licensee determined that the valve was open and unattended for approximately 41 minutes before an operator identified the condition and closed the valve, thus restoring containment integrity within the 1 hour required by Technical Specification 3.6.1. However, the licensee failed to follow Procedure 1104.012 by not stationing a dedicated operator at the reactor building breathing air supply isolation valve with the valve open and containment integrity required to be established.

2.3.2 Unit 1 Technical Specifications

As discussed previously, Technical Specification 3.6.1 required that reactor building integrity be maintained during the time frame that the breathing air containment isolation valves were opened. Technical Specification 1.7.c. stated that reactor building integrity existed when all nonautomatic reactor building isolation valves and blind flanges were closed as required. The inspectors questioned whether or not the Unit 1 Technical Specifications allowed the licensee to open the breathing air containment isolation valves when containment integrity was required to be established. The licensee indicated that the definition of reactor building integrity provided the flexibility to open these valves if proper compensatory actions were established. Further clarification was provided in the Unit 1 Safety Analysis Report. Section 5.2.2.4.1 stated:

"The breathing and instrument air lines do not explicitly meet (General Design) Criteria 56 when the systems are in use. The design is acceptable on the basis that the systems are used infrequently and both manual valves inside and manual valves outside the reactor building are normally closed. In addition to the physical design and infrequent use, administrative control is exercised to insure the manual isolation valves are closed in a timely manner."

The inspectors conferred with representatives in the Office of Nuclear Reactor Regulation to determine whether or not Technical Specifications allowed the licensee to open the breathing air containment isolation valves when reactor building integrity was required to be established. Discussions with NRR representatives were ongoing at the close of the inspection period, therefore, this issue will remain unresolved pending further review by the inspectors (Unresolved Item 313/9502-01).

2.3.3 Construction Work Package Weakness

The inspectors learned that the breathing air was to be used for air tools to remove a seismic restraint located above RCP B in preparation for the removal of the pumps motor. While preparations were being made for the removal of the restraint, the licensee realized that the restraint provided lateral support to Steam Generator B and could not be removed with the plant in a hot shutdown mode. Removal of the restraint was stopped before any bolts were removed. The inspectors reviewed Construction Work Package 92-1013B/926893-8 and found that it did not contain any restrictions on plant conditions for the conduct of the work. However, the installation plan for Design Change Plan 92-1013B, "Replacement of Reactor Coolant Pump Motor P32B," specified that the steam generator restraint and RCP constant supports were not to be removed until the plant was in cold shutdown. Thus, the licensee failed to incorporate the plant mode restrictions described in the installation plan into the construction work package written to remove the supports. This was identified as a weakness in the development of the work package.

16 2
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2.4 Units 1 and 2 - Routine Observations and Plant Tours

During tours of the control room, the inspectors verified proper staffing, access control, and operator attentiveness. The inspectors identified thorough communication among operating crew members and during shift turnovers.

The inspectors examined the status of control room annunciators, various control room logs, and other available licensee's documentation. The inspectors evaluated the licensee's entries and exits from Technical Specification action statements. The inspectors evaluated degraded and out-of-service equipment to ensure licensed operators made appropriate operability determinations and complied with Technical Specification limiting conditions for operation.

The inspectors toured the facility during normal and backshift hours to assess general plant and equipment conditions and housekeeping. The inspectors identified good general plant and equipment conditions and effective housekeeping activities. Two exceptions were identified regarding the improper storage of high pressure gas cylinders. These discrepancies were promptly corrected by the licensee and management's expectations were emphasized at plant morning meetings.

3 MONTHLY MAINTENANCE OBSERVATION (62703)

3.1 Units 1 and 2 - Maintenance Observations

During this inspection period, the inspectors observed and reviewed the selected maintenance activities listed below to verify compliance with regulatory requirements, including licensee procedures, required quality control department involvement, proper use of safety tags, proper equipment alignment, appropriate radiation worker practices, use of calibrated test instruments, and proper postmaintenance testing. Specifically, the inspectors witnessed the following activities:

- Job Order (JO) 00893059, "ICCMDS Temperature Element Failure," on January 5, 1995;
- JO 00926216, "'A" Decay Heat Removal Outboard Bearing and Oil Changeout," on February 8, 1995;
- JO 00892269, "Control Valve 1436 Motor Pinion Gear Key Change," on February 8, 1995;
- JO 00908176, "Control Valve 1434 Packing Replacement," on February 8, 1995.

The inspectors did not identify any problems with the observed maintenance activities and verified that maintenance personnel performed the activities in accordance with the JO requirements.

3.2 Unit 2 - Temporary Modification to Supply Emergency Diesel Generator 2K-4B Power to Unit 1 Recirculation Fan VSF-9 (JO 00924049)

On February 16, 1995, the inspector observed the licensee install Temporary Modification 94-01-021. The modification provided the capability to supply emergency power from the Unit 2 Emergency Diesel Generator 2K-4B to the Unit 1 Control Room Recirculation Fan VSF-9 while the fan's normal emergency power source, Unit 1 Emergency Diesel Generator K-4A, was out of service for maintenance. Emergency Recirculation Fans VSF-9 and 2VSF-9 were designed to recirculate air through filters to maintain the control room habitable following a design basis accident. Recirculation Fan 2VSF-9 received emergency power from Emergency Diesel Generator 2K-4B when normal power was not available. Unit 2 Technical Specifications required that both fans be operable.

When the electrician performed Step 32 of the modification, which directed the lifting of an electrical wire in Control Room and Relay Room Detection Isolation Panel C-141, an alarm illuminated on Fire Detection Control Panel C-463-1 in the Unit 1 control room. The alarm indicated a loss of power to the charcoal filter Recirculation Fan VSF-9. The electrician stopped the work on receipt of the unexpected alarm and contacted the system engineer. After discussions with the system engineer, the electrician discovered that the alarm illuminated whenever this lead was lifted. The electrician also discovered that the alarm lit when the licensee installed the modification in the last refueling outage, however, the licensee did not place a note in the procedure identifying the expected alarm.

The inspector concluded that the installation of the temporary modification was appropriately stopped while the electrician resolved the receipt of the unexpected alarm. However, the licensee failed to include a procedural note indicating that lifting the lead would result in an expected alarm. The licensee indicated that the procedure would be revised to include the note.

4 SURVEILLANCE OBSERVATIONS (61726)

4.1 Units 1 and 2 - Surveillance Test Observations

The inspectors reviewed this area to ascertain whether the licensee conducted surveillance of safety significant systems and components in accordance with Technical Specifications and approved procedures. Specifically, the inspectors witnessed portions of the following surveillance tests:

- Procedure 1104.029, Supplement 1, "Service Water Pump P-4A Test," on February 13, 1995;

- Procedure 1104.006, Supplement 1, "DGI Monthly Test;"
- Procedure 1618.028, Sampling the Unit 1 Emergency Diesel Generator Fuel Oil Day Tanks T-30A and T-30B;"
- Procedure 1605.045, "Determination of Water & Sediment in Oil."

4.2 Unit 1 - Main Steam Safety Valve Testing

On February 12 and 13, 1995, the licensee performed tests of the Unit 1 main steam safety valves in accordance with Procedure 1306.017, Revision 11, "Unit 1 Main Steam Safety Valve Test." This test was performed to satisfy the surveillance requirements of Technical Specification 4.1-2.4 which required that the lift setpoint of four main steam safety valves be tested every 18 months. Due to finding valves with "as-found" setpoints which did not meet the acceptance criteria, all 16 safety valves were tested. A total of four valves were identified as having "as-found" lift setpoints which did not meet the test acceptance criteria. Adjustments were made to the valve's lift setpoints such that the "as-left" acceptance criteria was satisfied.

On February 16, 1995, the inspectors performed a review of the test results for the four valves whose "as-found" setpoint did not satisfy the acceptance criteria. During this review, the inspectors identified two examples in which personnel failed to follow the procedure during the performance of the testing. Procedure 1306.017 required that test personnel wait a minimum of 10 minutes between tests for a given valve to allow the valve temperature to stabilize. It also required that two successful lifts be performed in order to determine that the valve setpoint met the "as-left" acceptance criteria.

The inspectors found that for the test of Main Steam Safety Valve PSV-2684, the 10-minute minimum interval between tests had not been satisfied prior to performing one of the last two lifts required to demonstrate that the setpoint satisfied the "as-left" acceptance criteria. The final three tests of Valve PSV-2684 were performed at 9:17 p.m., 9:24 p.m., and 9:35 p.m. A 7-minute interval, not the 10 minutes required by procedure, was allotted prior to performing the last two tests used to demonstrate that the valve met the test acceptance criteria. Since the interval between valve lifts was less than that required by the procedure and the temperature of the valve did not have a full 10 minutes to stabilize, the validity of the "as-left" setpoint of the valve was suspect. In addition, a review of the test results for Main Steam Safety Valve PSV-2698 revealed that a 5-minute interval existed between the first and second tests of the valve. A comment on the test data sheet indicated that the second lift of the valve was for information only. Although the requirements of the test procedure had not been followed for the second lift, the inspectors noted that a 10-minute interval had been established between the second, third, and final test of the valve. Thus, the validity of the "as-left" setpoint value for this valve was not suspect.

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Technical Specification 6.8.1.c. requires that written procedures be established, implemented, and maintained covering surveillance and test activities of safety-related equipment. The failure to follow Procedure 1306.017 by not allowing a minimum 10-minute interval between valve tests was identified as a violation of Technical Specification 6.8.1.c. (313/9502-02).

The inspectors informed the licensee of this finding on February 16, 1995, and questioned the validity of the "as-left" setpoint for Valve PSV-2684. Although the licensee indicated that a condition report would be written to document this finding, the inspectors found that a condition report was not written until the next day, February 17, 1995. In addition, the Unit 1 control room operators were not informed on February 16, 1995, that an operability question existed with regard to the validity of the test results and the "as-left" setpoint on the valve. Although on February 16, 1995, the plant was in a condition in which the main steam safety valves were not required by Technical Specifications to be operable (reactor temperature less than or equal 280°F). The failure to promptly notify the shift superintendent that the operability of a main steam safety valve was in question was considered to be a weakness in communications.

The licensee identified three additional examples in which the requirements of Procedure 1306.017 were not followed. The procedure required that two consecutive lifts be performed prior to adjusting the valve. The purpose of this requirement was to verify by a second lift that the valve in fact needed to be adjusted and thus minimize unnecessary adjustments and valve lifts. The procedure also required that safety valves not be lifted more times than absolutely necessary since continual lifting could be detrimental to the valve seats. The licensee identified that Valves PSV-2685, -2688, and -2699 were adjusted after the first lift. The failure to follow procedure in not performing two valve lifts prior to adjusting the valve setpoint was determined to be a second example of Violation 313/9502-02.

The licensee initiated Condition Report 1-95-0078 to document and initiate corrective actions for these findings. The condition report included an evaluation of the operability of Valve PSV-2684 which concluded that the valve would perform its intended design function and was, therefore, operable. It characterized the test of Valve PSV-2684 as incomplete and stated that the valve would be removed and sent to a testing laboratory to determine the "as-left" setpoint in order to complete the surveillance test and to ensure that the valve was properly set prior to placing the plant in a mode which required the operability of the main steam safety valves.

Procedure 1306.017, Step 6.1.6, required an engineer to be present at all times during the actual testing of the valves to monitor and evaluate the tests. A quality control hold point in the procedure required a quality control inspector to witness the performance of the valve testing beginning with Step 8.2.9. Subsequent steps included the requirements to wait a minimum of 10 minutes between successive lifts and the requirements to perform two lifts prior to making any adjustments to the valves. Procedure 1306.017,

Attachments 7 through 22, were test data sheets for each of the 16 main steam safety valves. In addition to spaces for data entry, each data sheet had signature spaces indicating reviews by the test engineer, the mechanical maintenance supervisor, and the quality control inspector. Although testing of each safety valve had been observed by an engineer, a supervisor, and a quality control inspector, and a review of these tests had been completed as signified by their signatures on the data sheets; the procedural violations previously discussed were not identified. A total of four quality control inspectors failed to identify or document deviations from the test procedure. The inspectors were concerned that the quality control inspectors failed to ensure that the testing of the main steam safety valves was performed in accordance with the test procedure.

The inspectors also noted that the data entry on the test data sheets was disorderly. There were numerous changes made to the data sheets that did not indicate who made the change or the date that the change was made. In addition, several data entries had been changed more than once, making it difficult to read the correct value given the small space into which this data was entered.

5 ONSITE ENGINEERING (37551)

5.1 Unit 2 - Steam Generator Tube Eddy Current Inspection Results

During Planned Outage 2P95, licensee inspected tubes in Steam Generators 2E-24A and 2E-24B. The purpose of the inspection was to assess the condition of the tubes and to identify tube defects. The inspector reviewed the results of the eddy current inspections. The licensee inspected 5534 tubes in Steam Generator 2E-24A and 5897 tubes in Steam Generator 2E-24B using a rotating pancake coil instrument to gather eddy current data regarding tube defects.

The licensee's analysis of the eddy current inspection data revealed that 203 tubes had circumferential cracks and 12 tubes had volumetric and axially oriented cracks in Steam Generator 2E-24A. Additionally, the licensee identified 80 tubes with circumferential cracks and 5 tubes with volumetric and axially oriented cracks in Steam Generator 2E-24B. As a result, the licensee plugged 215 defective tubes in Steam Generator 2E-24A and 85 defective tubes in Steam Generator 2E-24B.

The plugging limit for each steam generators, that is, the maximum number of tubes permitted to be plugged, was established by the licensee at 10 percent of the total number of tubes. Prior to Planned Outage 2P95, 4.16 percent of the tubes in Steam Generator 2E-24A of the tubes in Steam Generator 2E-24B were plugged. Following Planned Outage 2P95, 6.9 percent of the tubes in Steam Generator 2E-24A and 4.99 percent of the tubes in Steam Generator 2E-24B were plugged.

The licensee also performed insitu pressure testing of three defective tubes and found that the tubes remained intact at a test pressure of 4550 pounds per

square inch gage. This met the goal established in Regulatory Guide 1.121, "Bases for Plugging Degraded Tubes in Pressurized Water Reactor Steam Generator Tubes," that the maximum permissible length of the largest single crack should be such that the internal pressure required to cause crack propagation and tube rupture is at least three times greater than normal operating pressure.

6 PLANT SUPPORT ACTIVITIES (71750)

The inspectors performed routine inspections to evaluate licensee performance in the following areas: radiological controls, chemistry, and physical security.

The inspectors verified that radiological protection personnel maintained appropriate controls over high radiation areas and that plant areas were properly posted. Licensee activities within radiologically controlled areas were observed to verify that personnel followed appropriate radiation worker practices. The inspectors verified that effluent and environmental radiation monitors and meteorological tower indications remained operable and that appropriate compensatory actions were taken for those which were out of service. The inspectors routinely reviewed secondary water activity analyses and primary plant chemistry analyses and verified that these parameters remained within Technical Specification and procedural limits.

Inspection of the licensee's security program included verification of the integrity of protected area barriers, maintenance of isolation zones around these barriers, and protected area personnel access measures. The inspectors toured plant areas to identify potential fire hazards and evaluate personnel control of materials and ignition sources.

6.1 Unit 2 - Increase in RCS Specific Activity

Following completion of Planned Outage 2P95 and plant startup on January 24, 1995, the licensee observed an expected increase in reactor coolant system specific activity as measured in dose equivalent Iodine 131. On February 10, 1995, the licensee noted that the rate of change of RCS specific activity had increased. A known leaking fuel rod was suspected to be contributing to an increase in the rate of change of RCS specific activity.

The licensee also observed that Condenser Off Gas Radiation Monitor 2RE-0645 began spiking for unknown reasons. Routine condenser off gas samples, steam generator blowdown samples, and the Main Steam Line A N-16 Radiation Monitor 2RE-0200, indicated a slight increase in primary to secondary leakage. Increased activity levels identified during routine condenser off gas samples and steam generator blowdown samples, and on the Main Steam Line A N-16 Radiation Monitor 2RE-0200, also indicated a slight increase in primary to secondary leakage. The licensee had installed leak limiting sleeves to repair steam generator tubes. They postulated that leakage through these sleeves, in conjunction with the increased activity levels in the RCS, caused the increase in secondary system activity levels. However, Radiation Monitor 2RE-0645,

EXHIBIT 2
22 of 27 pages

which the licensee expected to indicate an increasing trend in secondary activity, intermittently spiked. The licensee was unable to explain this anomaly.

In response to these indications, the licensee increased the RCS and secondary chemistry sampling frequencies. Based on sample results and radiation monitor indications, the licensee determined that the maximum primary to secondary leakage was .002 gallons per minute. The inspector reviewed this data and confirmed primary to secondary leakage did not exceed the Technical Specification 3.4.6.2 limit of ≤ 0.5 gallons per minute through any one steam generator.

At the close of the inspection period, Iodine 131 reached equilibrium and stopped increasing. Additionally, Radiation Monitor 2RE-0645 activity levels stopped spiking after the operators deenergized and reenergized the monitor's heat tape circuitry. Primary to secondary leakage shown on Main Steam Line A N-16 Radiation Monitor 2RE-0200 also decreased. The licensee continued investigating the cause of Radiation Monitor 2RE-0645 spiking and the elevated primary to secondary leakage.

The inspector concluded that the licensee appropriately increased chemistry sampling frequencies to every 24 hours when the licensee was unable to characterize a slight primary to secondary leakage. Additionally, the inspector verified that the primary to secondary leak was well below the Technical Specification limits.

6.2 Unit 2 - Falsification of Firewatch Logs

On February 14, 1995, the licensee informed the inspectors of their discovery that a roving firewatch had falsified fire barrier watch logs. On February 4, 1995, while conducting an inplant audit of the roving firewatch program, the firewatch coordinator observed that the roving firewatch assigned to patrol the 317' level of the Unit 2 auxiliary building failed to perform the 9 a.m. and 10 a.m. patrols as required by the hourly firewatch log. The roving firewatch was required due to the presence of excess combustibles in various areas of the 317' level of the Unit 2 auxiliary building. On observing that the required patrols had not been conducted, the firewatch coordinator conducted the hourly checks as a compensatory measure. The firewatch coordinator had observed the individual conduct the 8 a.m. rounds on the 317' level and plant personnel had observed the individual performing patrols in other areas of the plant.

Four separate fire barrier watch logs were required to be completed to document completion of hourly patrols on the 317' level of the auxiliary building. Subsequent review of these logs by the firewatch coordinator revealed that the firewatch had falsified each log by indicating that the 9 a.m. and 10 a.m. patrols had been performed, as signified by the logging of the time of the patrols and the initials of the firewatch. In response to this discovery, the individual was escorted offsite and employment was terminated. Additionally, the licensee reviewed the event with all firewatch

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personnel. Firewatch personnel were employed by a contractor who provided firewatch and janitorial services to the licensee. The inspectors reviewed a list of rules and violations established by the contractor that were read and signed by each firewatch. The falsification of records was identified as a violation which would result in instant termination.

The falsification of the firewatch logs was determined to be a violation of 10 CFR 50.9, "Completeness and Accuracy of Information," which requires, in part, that information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects. However, the violation was not cited because the criteria of paragraph VII.B.2 of Appendix C to 10 CFR Part 2 of the NRC's "Rules and Regulations" were satisfied.

The licensee's identification of the falsification of firewatch logs was determined to be a strength. The inspectors noted that the audit which identified this condition was performed on a Saturday morning, a day and time during which the firewatch coordinator would not normally be expected to be in the plant. Although Procedure 1000.120, Revision 5, "ANO Fire Barrier Watch Program," specified that fire barrier watch supervisors were responsible for assuring that fire barrier watches were conducted in accordance with the requirements of the procedure, it did not specifically require that inplant audits be performed. The licensee indicated that inplant audits during regular and backshift hours were routinely performed to ensure fire barrier watches were being conducted properly.

6.3 Unauthorized Access Into Protected Area

As described in Section 6.2 above, an individual was escorted offsite and employment was terminated on February 4 for falsification of fire watch logs. On February 21, security personnel discovered that the individual's access authorization had not been terminated until February 14 and that the individual had entered the plant protected area on February 10 to complete check-out activities with the contract employer. The individual was inside the plant protected area for approximately 41 minutes, under observation for most of this time, did not display any abnormal behavior, and did not enter any of the plant's vital areas. The licensee reported this discovery to the Commission on February 21 in accordance with 10 CFR 73.71. Further inspection into this event will be performed by an NRC security specialist.

7 FOLLOWUP - OPERATIONS

7.1 (Closed) URI 369/9410-03: Isolation Engineered Safety Feature (ESF) Room Drains Following an RCS Unisolable Leak

This URI involved a concern that the licensee's procedures did not direct the operators to close the ESF rooms floor drains following an unisolable leak in these rooms. Annunciator corrective action Procedure 2203.012L, Revision 27, "Annunciator 2K-12 Corrective Action," directed the operators to open

applicable drains and fully dog close the water tight doors on receipt of an "ESF Room(s) Level Hi" annunciator. The open drains provided a path for highly radioactive water from the ESF pump rooms to the auxiliary building sump if an unisolable leak occurred in the rooms during accident conditions.

The inspector determined that the licensee had procedures that instructed the operators to close the ESF room drain valves following an accident. Emergency Operating Procedure 2202.003, Revision 2, "Loss of Coolant Accident (LOCA)," Section 3, "Unisolated LOCA," Step 21, instructed the operators to close ESF Pump Room Drain Isolation Valves 2ABS-5 and 2ABS-6 and close and dog the pump room doors. Further, the inspector learned that on receipt of an auxiliary building sump level high alarm Procedure 2203.012W, "Annunciator 2K-15 Corrective Action," directed the operators to close Drain Isolation Valves 2ABS-5 and 2ABS-6. The procedure also provided operator instructions to close and dog the door.

The inspector concluded that the procedures provided sufficient guidance to operators to isolate the ESF room drains following a LOCA and when the auxiliary building sump reached a high level. The inspector noted that these drain valves could be closed from outside the ESF rooms using remote handwheels.

8 EVALUATION OF ONLINE MAINTENANCE (TI 2515/126)

During this inspection period, the inspector reviewed scheduling practices associated with online maintenance activities. The licensee had implemented an 84-day schedule for both units which was driven by Technical Specification surveillance intervals. The licensee did not schedule opposite train maintenance simultaneously. Unit 1 personnel scheduled green train activities on Monday and Tuesday, red train activities on Thursday and Friday, and swing components on Wednesday. This cycle was repeated every week. Unit 2 personnel scheduled 1 week for red train maintenance, 1 week for swing equipment maintenance, 1 week for green train maintenance, and 1 week for other maintenance. This cycle repeated every 28 days. The licensee had a policy of scheduling Technical Specification equipment outages for completion in 1/2 of the allowed outage time permitted by the applicable Technical Specification for emergent work, and usually less for planned equipment outages. Criteria were provided to the operations liaisons for determining which jobs should be worked around the clock to minimize allowed outage time and, therefore, minimize risk.

Review of the weekly schedule for January 23 through 27, 1995, for both units and the Unit 1 84-day schedule did not reveal any cases where important diverse components in one division were concurrently scheduled to be out of service for maintenance. Typically, such components were staggered on separate days. The operation liaison's confirmed that they generally worked one major piece of safety-related equipment at a time.

25 2 27

Daily senior management's oversight of component outages was evident at the plan-of-the-day meetings, forcing timely completion of work so that safety systems became available at the earliest opportunity.

Comprehensive "Planning and Scheduling Liaison Desk Guides" were prepared for both units. The inspector reviewed the desk guides for each unit and noted several conservatisms. For example, the Unit 1 "Planning and Scheduling Liaison Desk Guide" emphasized the importance of monitoring equipment as well as mitigation equipment. If instruments required by the emergency operating procedures were removed from service, then the associated equipment was viewed as inoperable. The Unit 2 "Planning and Scheduling Desk Guide" provided detailed requirements for scheduling (or not scheduling) maintenance and surveillance on components protected to ensure shutdown cooling. Safety equipment outage time goals were provided for significant safety systems. The Unit 2 guide also provided detailed policy for assessing the risk, consequences, and gain associated with performing online maintenance and criteria for appropriate scheduling. The Unit 2 guide also provided a system prioritization based on risk impact. The inspector noted that each unit could learn strengths from the other unit.

Computer models of probabilistic risk were not integrated on a real-time basis with the scheduling process. Emergent maintenance tasks or evolutions could be performed without placing the items on the weekly schedule. The approval of performing the items remained solely with the operations work management center and/or the shift superintendent. This could create instances where unscheduled items increase the overall risk associated with the performance of all scheduled activities.

ATTACHMENT

1 PERSONS CONTACTED

Licensee Personnel

B. Allen, Unit 1 Maintenance Manager
T. Baker, Safety and Fire Prevention Technical Specialist
S. Bennett, Acting Licensing Supervisor
M. Bishop, Support Manager
B. Eaton, Unit 2 Plant Manager
R. Edington, Unit 1 Plant Manager
A. Gallegos, Shift Engineer
M. Harris, Unit 2 Maintenance Manager
R. Lane, Design Engineering Director
C. Little, Design Engineering Unit Coordinator
D. Lomax, Engineering Programs Manager
J. McWilliams, Modifications Manager
J. Miller, Nuclear Engineering Design Manager
D. Mims, Licensing Director
T. Mitchell, Unit 2 System Engineering Manager
W. Perks, Operation Standards
G. Provencher, Quality Coordinator
M. Ruder, ANO Plant Assessment
T. Russell, Unit 2 Acting Operations Manager
J. Smith, Jr., Radiation Protection Operations Superintendent
M. Smith, Licensing Supervisor
M. Stroud, Electrical Instrumentation Control Design Manager
L. Taylor, Plant Assessment
L. Waldinger, Operations General Manager
T. Weir, Site Business Services Manager
A. Wrape, III, Unit 1 System Engineering Manager
J. Yelverton, Vice President, Operations
C. Zimmerman, Unit 1 Operations Manager

The personnel listed above attended the exit meeting. In addition to these personnel, the inspectors contacted other personnel during this inspection period.

2 EXIT MEETING

The inspectors conducted an exit meeting on February 21, 1995. During this meeting, the inspectors reviewed the scope and findings of the report. The licensee did not identify as proprietary any information provided to, or reviewed by, the inspectors. The licensee acknowledged the inspection findings and offered comments and commitments that the inspectors incorporated into the inspection report.



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

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

case file

July 6, 1995

EA 95-076

Entergy Operations, Inc.
ATTN: J. W. Yelverton, Vice President
Operations, Arkansas Nuclear One
1448 S.R. 333
Russellville, Arkansas 72801-0967

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT 50-313/95-16; 50-368/95-16)

This is in reference to the April 19-20, 1995 special inspection at Arkansas Nuclear One (ANO) to review activities involving an unauthorized individual gaining unescorted access to the plant protected area. You identified this matter on February 21, 1995 and reported it to the NRC. An inspection report describing the results of this inspection was issued on May 12, 1995. An enforcement conference was held on June 15, 1995, in the NRC's Arlington, Texas office attended by you and other Entergy Operations, Inc. (Entergy), representatives.

The violation in the enclosed Notice of Violation (Notice) involved the failure to control access for an unauthorized individual who had been terminated for cause. This individual, upon returning to the site on February 10, 1995, to complete check out activities, gained unescorted access to the protected area. She could have easily gained undetected access into most of the plant's vital areas. Entergy discovered and reported this incident to the NRC in accordance with 10 CFR 73, Appendix G, paragraph I(b), on February 21, 1995, and in Licensee Event Report 95-S01-00, dated March 22, 1995. The details of the incident are contained in the May 12, 1995 inspection report.

At the enforcement conference, Entergy admitted that a terminated contract fire watch employee (an unauthorized individual) gained unescorted access to the plant protected area for approximately 41 minutes. Entergy also provided an overview of two concerns identified in the inspection report cover letter. These concerns involved the availability of security badges for individuals who had been favorably terminated and an apparent failure of the security and quality assurance staffs to review or audit that portion of the ANO security program involving the termination of security badges. Entergy responded that the process for reviewing access needs of individuals on a periodic basis was effective in identifying and removing the access control badges for personnel with favorable terminations. However, Entergy clarified the contract administration procedure to assure that persons without a need for access do not retain active security badges. Entergy provided a review of the past two ANO security program audit results for the access control process. The audit scope had included control of security badges and the audit results supported the conclusion that the February 10 event was an isolated incident.

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Violation" and should include for each alleged violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. The response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an Order or a Demand for Information 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. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Because the response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if it is necessary to include such information, the specific information that is desired not to be placed in the PDR should be clearly indicated, and the legal basis to support the request for withholding the information from the public should be provided.

Dated at Arlington, Texas
this 6th day of July 1995

Entergy Operations, Inc., is required to respond to this letter and should follow the instructions specified in the enclosed Notice in preparing its response. In its response, Entergy should document the specific actions taken and any additional actions planned to prevent recurrence such as, the need for periodic training, audits, and surveys to recognize the turn over of employees and contractors. After reviewing Entergy's response to this Notice, including its 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, its enclosure and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary or safeguards information so that it can be placed in the PDR without redaction.

The response 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,



L. J. Callan
Regional Administrator

Dockets: 50-313; 50-368
Licenses: DPR-51; NPF-6

Enclosure: Notice of Violation

cc w/enclosure:
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4-95-013

UU

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LICENSEE EVENT REPORT (LER)

ESTIMATED BURDEN PER RESPONSE TO COMPLY WITH THIS INFORMATION COLLECTION REQUEST: 50.0 HRS. FORWARD COMMENTS REGARDING BURDEN ESTIMATE TO THE INFORMATION AND RECORDS MANAGEMENT BRANCH (MNB 7714), U.S. NUCLEAR REGULATORY COMMISSION, WASHINGTON, DC 20555-0001, AND TO THE PAPERWORK REDUCTION PROJECT (3150-0104), OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC 20503.

FACILITY NAME (1)
Arkansas Nuclear One - Unit 1 and Unit 2

DOCKET NUMBER (2)
05000313/368

PAGE (3)
1 OF 4

TITLE (4) Safeguards Event Report -- Unauthorized Access To The Plant Protected Area For Approximately Forty-One Minutes By A Previously Terminated Contract Employee

EVENT DATE (5)			LER NUMBER (6)			REPORT DATE (7)			OTHER FACILITIES INVOLVED (8)	
MONTH	DAY	YEAR	YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	MONTH	DAY	YEAR	FACILITY NAME	DOCKET NUMBER
02	10	95	95	501	00	03	22	95	Arkansas Nuclear One-Unit 2	05000368
OPERATING MODE (9)			THIS REPORT IS SUBMITTED PURSUANT TO THE REQUIREMENTS OF 10 CFR: (Check one or more) (11)							
N/1			20.402(b)		20.405(c)		50.73(a)(2)(iv)		70.71(b)	
POWER LEVEL (10)			20.405(a)(1)(i)		50.36(c)(1)		50.73(a)(2)(v)		70.71(c)	
0/98			20.405(a)(1)(ii)		50.36(c)(2)		50.73(a)(2)(vii)		X OTHER	
			20.405(a)(1)(iii)		50.73(a)(2)(i)		50.73(a)(2)(viii)(A)		Specify in	
			20.405(a)(1)(iv)		50.73(a)(2)(ii)		50.73(a)(2)(viii)(B)		Abstract Below	
			20.405(a)(1)(v)		50.73(a)(2)(iii)		50.73(a)(2)(x)		and in Text	

LICENSEE CONTACT FOR THIS LER (12)

NAME
Adelia J. Cantwell, Nuclear Safety and Licensing Specialist

TELEPHONE NUMBER (Include Area Code)
501-858-5589

COMPLETE ONE LINE FOR EACH COMPONENT FAILURE DESCRIBED IN THIS REPORT (13)

CAUSE	SYSTEM	COMPONENT	MANUFACTURER	REPORTABLE TO NPRDS	CAUSE	SYSTEM	COMPONENT	MANUFACTURER	REPORTABLE TO NPRDS

SUPPLEMENTAL REPORT EXPECTED (14)

YES		NO		EXPECTED SUBMISSION DATE (15)	MONTH	DAY	YEAR
(If yes, complete EXPECTED SUBMISSION DATE)		X					

ABSTRACT Limit to 1400 spaces, i.e., approximately 15 single-spaced typewritten lines (16)

On February 2, 1995, a contract employee (Fire Watch) was terminated for falsification of records. The individual was escorted off site at approximately 1000 hours by her contract supervisor. Security was not notified at that time, as required by procedure, that the individual's unescorted access authorization should be terminated. On February 10, 1995, the individual returned on site for approximately 41 minutes to complete her contractor check-out process. On February 14, 1995, Security was notified by the Fire Watch Supervisor that the individual's employment had been terminated but was not informed that the termination had been made under unfavorable circumstances. The individual's unescorted access authorization was terminated on that date. On February 21, 1995, Security personnel learned during a conversation with Entergy's Fire Prevention Coordinator that an employee had been terminated for cause. Further investigation revealed the delay in removing the terminated employee's unescorted access authorization and her subsequent return to the plant site. The individual was under observation most of the time that she was on site on February 10, 1995, did not display any abnormal behavior, and did not enter any vital areas. This event was reported to the NRC Operations Center at 1736 hours on February 21, 1995, in accordance with 10CFR73 Appendix G paragraph I(b).

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LICENSEE EVENT REPORT (LER)
TEXT CONTINUATION

ESTIMATED BURDEN PER RESPONSE TO COMPLY WITH THIS INFORMATION COLLECTION REQUEST: 50.0 HRS. FORWARD COMMENTS REGARDING BURDEN ESTIMATE TO THE INFORMATION AND RECORDS MANAGEMENT BRANCH (MNB 7714), U.S. NUCLEAR REGULATORY COMMISSION, WASHINGTON, DC 20555-0001, AND TO THE PAPERWORK REDUCTION PROJECT (3150-0104), OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC 20503.

FACILITY NAME (1)	DOCKET NUMBER (2)	LER NUMBER (6)			PAGE (3)
		YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	
Arkansas Nuclear One - Unit 1 and Unit 2	005000313/368	95	S01	00	2 OF 4

TEXT (If more space is required, use additional copies of NRC Form 366A) (17)

A. Plant Status

At the time this event was discovered, Arkansas Nuclear One, Unit 1 was in cold shutdown for a refueling outage. Unit 2 was operating at approximately 98 percent full power.

B. Event Description

On February 10, 1995, a previously terminated contract employee gained unescorted access to the plant protected area for approximately 41 minutes.

On February 4, 1995, a contract employee was terminated for falsification of records and was escorted off site at approximately 1000 hours by the Fire Watch Supervisor, also a contract employee. The Fire Watch Supervisor contacted the Fire Prevention Coordinator that morning, who subsequently contacted ANO's Fire Watch Contract Manager. ANO Procedure 1000.019, "Station Security Requirements," requires that in the case of an individual's involuntary termination for cause the individual's security badge and keys must be retrieved prior to, or simultaneously upon, notification of termination. However, Security was not notified at that time that the individual's unescorted access authorization should be terminated. On February 10, 1995, the individual came on site to complete her contractor check-out and remained on site for approximately 41 minutes. On February 14, 1995, her contract supervisor notified Security that the individual had been terminated; however, he did not state that the termination had been under unfavorable circumstances. The individual's authorization for unescorted access was terminated on that date. On February 21, 1995, Security personnel identified during a conversation with Entergy's Fire Prevention Coordinator that an employee had been terminated for cause. Further investigation revealed the delay in removing the terminated employee's unescorted access authorization and her subsequent return to the plant site. The individual was under observation most of the time that she was on site on February 10, 1995, did not display any abnormal behavior, and did not enter any vital areas.

C. Root Cause

The Fire Watch Supervisor was given the responsibility of terminating contract employees but was not trained on the requirements of Procedure 1000.019. Although he was aware of the requirements to notify Security of the termination of an employee, he was not familiar with the more stringent requirements involving immediate withdrawal of access under unfavorable terminations.

A contributing cause to the event was the failure of Entergy's contract manager to ensure the

NRC FORM 366A (5-92)		U.S. NUCLEAR REGULATORY COMMISSION		APPROVED BY OMB NO. 3150-0104 EXPIRES 5/31/95	
LICENSEE EVENT REPORT (LER) TEXT CONTINUATION				ESTIMATED BURDEN PER RESPONSE TO COMPLY WITH THIS INFORMATION COLLECTION REQUEST: 50.0 HRS. FORWARD COMMENTS REGARDING BURDEN ESTIMATE TO THE INFORMATION AND RECORDS MANAGEMENT BRANCH (MMBB 7714), U.S. NUCLEAR REGULATORY COMMISSION, WASHINGTON, DC 20555-0001, AND TO THE PAPERWORK REDUCTION PROJECT (3150-0104), OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC 20503.	
FACILITY NAME (1)		DOCKET NUMBER (2)		LER NUMBER (6)	
Arkansas Nuclear One - Unit 1 and Unit 2		005000313/368		YEAR	SEQUENTIAL NUMBER
				95	00
				REVISION NUMBER	PAGE (3)
					3 OF 4

TEXT (If more space is required, use additional copies of NRC Form 366A) (17)

requirements of Procedure 1000.012, "Contract Administration," were implemented relative to contractor check-out.

D. Corrective Actions

On February 22, 1995, a survey of Entergy employees who oversee either Entergy or contractor personnel was conducted regarding knowledge of their responsibilities for removal of authorization for unescorted access when an individual is terminated under unfavorable circumstances. Survey results did not indicate a generic site concern regarding lack of understanding of the procedural requirements to notify Security immediately when termination occurs under unfavorable conditions.

A Quality Work Review was conducted for the terminated employee. No discrepancies, other than the records falsification for which the individual was terminated, were noted.

All fire watch supervisors were instructed in the termination process in accordance with Procedure 1000.019.

A memorandum was issued to all supervisors reminding them of the requirements of Procedure 1000.019 concerning termination of employees.

A memorandum was issued to all contract managers reminding them of the requirements of Procedure 1000.019 concerning termination of employees.

The responsible contract manager was counseled on the importance of procedure compliance, the significance of this event, and his responsibilities relating to contract management.

Procedure 1000.012, "Contract Administration" was revised to clarify the process of terminating unescorted access authorization when employees are discharged under both favorable and unfavorable conditions.

A review of all personnel with current unescorted access authorization was completed on February 24, 1995. It was determined that there were no active keycards for personnel who had been terminated under unfavorable conditions.

A review of keycard terminations since January 1, 1995, was conducted to determine if unfavorable terminations had been properly identified to Security. Interviews were conducted with individuals who were cognizant of the circumstances involved in the terminations. Of the approximately 250 terminations

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NRC FORM 366A (5-92)		U.S. NUCLEAR REGULATORY COMMISSION		APPROVED BY OMB NO. 3150-0104 EXPIRES 5/31/95	
LICENSEE EVENT REPORT (LER) TEXT CONTINUATION				ESTIMATED BURDEN PER RESPONSE TO COMPLY WITH THIS INFORMATION COLLECTION REQUEST: 50.0 HRS. FORWARD COMMENTS REGARDING BURDEN ESTIMATE TO THE INFORMATION AND RECORDS MANAGEMENT BRANCH (MNBB 7714), U.S. NUCLEAR REGULATORY COMMISSION, WASHINGTON, DC 20555-0001, AND TO THE PAPERWORK REDUCTION PROJECT (3150-0104), OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC 20503.	
FACILITY NAME (1)		DOCKET NUMBER (2)		LER NUMBER (6)	
Arkansas Nuclear One - Unit 1 and Unit 2		005000313/368		YEAR	SEQUENTIAL NUMBER
				95	S01
				REVISION NUMBER	PAGE (3)
				00	4 OF 4

TEXT (If more space is required, use additional copies of NRC Form 366A) (17)

reviewed, it was determined that only one other unfavorable termination had taken place. It had been immediately identified to Security, and appropriate actions had been taken.

E. Safety Significance

Upon discovery of this event, Fire Watch personnel stated that the individual did not display any abnormal behavior, and Security confirmed that she did not enter any vital areas while on site on February 10, 1995. Shift Operations personnel for both units were consulted regarding any abnormal operational events that might have occurred during the time the individual was on site, but none were noted. This condition was determined to have been an isolated case and to have had no actual safety significance.

F. Basis for Reportability

Paragraph I(b) of Appendix G to 10CFR73 requires a report within one hour of discovery, followed by a written report with 30 days of "An actual entry of an unauthorized person into a protected area, material access area, controlled access area, vital area, or transport." This condition was reported to the NRC Operations Center at 1736 hours on February 21, 1995, pursuant to that requirement.

G. Additional Information

An event was reported in Safeguards Event Report 90-S01-00, letter OCAN029011 dated February 15, 1990, with some similarity to this condition, in that unescorted access authorization was not removed at the time an individual was terminated for cause. The events differ in that the personnel responsible for notification of Security were aware of their responsibilities for notification and alleged that such notification had been made. In addition, the earlier event did not involve the actual entry of an unauthorized person, and the criterion for reporting was different.

EXHIBIT 1

34
BB/33

~~LIMITED DISTRIBUTION -- NOT FOR PUBLIC DISCLOSURE~~

INVESTIGATION STATUS RECORD

Case No.: 3-96-032

Facility: D. C. COOK

Allegation No.: RIII-96-A-090

Case Agent: WALKER

Docket No.: 50-315/316

Date Opened: 06/28/96

Source of Allegation: LICENSEE (L)

Notified by: EICS

Priority: NORMAL (ARB)

Category: WR

Case Code: RP

Subject/Allegation: FALSIFICATION OF FIREWATCH LOGS

Remarks:

Monthly Status Report:

06/28/96: On May 11, 1996, during a routine firewatch tour, the tour officer observed that a bar coded strip used to validate the tour officer's rounds had been removed from the inside of a door and placed on the back side of the door, thereby not confirming entry into the designated area of the tour. Licensee investigation identified the individual who moved the bar code. The individual's employment has been terminated by the licensee.
STATUS: FWP ECD (90 DAY): 09/96

EXHIBIT 1

1 OF 1 PAGES

CASE NO. 3 - 9 6 - 0 3 2

~~LIMITED DISTRIBUTION -- NOT FOR PUBLIC DISCLOSURE WITHOUT OI APPROVAL~~

American Electric Power
Cook Nuclear Plant
One Cook Place
Bridgman, MI 49106
616 465 5901



Mr. Terry Madedo
U.S. Nuclear Regulatory Commission
Region III
801 Warrenville Road
Lisle, IL 60532-4351

June 25, 1996

Dear Terry,

The enclosed represents all documentation to date regarding the bar code issue. If you have any questions, please call Jim Labis, (616) 466-3341.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J F Labis', is written over the typed name.

Jim F. Labis
Security Operations Supervisor

JFL/da

JUL 01 1996
BB/34
35

August 29, 1996

MEMORANDUM FOR: Donald E. FUNK, Jr., Allegation Coordinator
Region III

FROM: Richard C. Paul, Director *S*
Office of Investigations Field Office, Region III

SUBJECT: D. C. COOK NUCLEAR POWER STATION: ALLEGED FALSIFICATION OF
FIREWATCH LOGS (OI CASE NO. 3-96-032)

On August 28, 1996, an interview was conducted of Jim LABIS, Security Operations Supervisor at D. C. COOK Nuclear Power Station (DCCNPS) regarding an alleged falsification of firewatch logs on May 11, 1996.

A review of the investigation conducted by DCCNPS security personnel revealed that there was no falsification of firewatch logs. Rather, it appears as though there was a misguided prank which caused a firewatch bar code to be misplaced for approximately 10 minutes.

Attached is a copy of the Report of Interview of LABIS, which encompasses a review of the licensee's investigation and corrective/disciplinary actions. OI recommends that after the staff has reviewed the interview, the issue be brought before an Allegation Review Board to determine safety significance of the allegation and establish a priority for the investigation.

Attachment: As stated

To receive a copy of this document, indicate in the box "C" - Copy without attach/enc1 "E" - Copy with attach/enc1 "N" - No copy

OFFICE	OI:RIII	c					
NAME	Walker/ct	HW					
DATE	8/29/96						

OFFICIAL RECORD COPY

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36*

INVESTIGATION STATUS RECORD

Case No.: 3-96-032 Facility: D. C. COOK
Allegation No.: RIII-96-A-090 Case Agent: WALKER
Docket No.: 50-315/316 Date Opened: 06/28/96
Source of Allegation: LICENSEE (L)
Notified by: EICS Priority: NORMAL (ARB)
Category: WR Case Code: RP
Subject/Allegation: FALSIFICATION OF FIREWATCH LOGS
Remarks:

Monthly Status Report:

06/28/96: On May 11, 1996, during a routine firewatch tour, the tour officer observed that a bar coded strip used to validate the tour officer's rounds had been removed from the inside of a door and placed on the back side of the door, thereby not confirming entry into the designated area of the tour. Licensee investigation identified the individual who moved the bar code. The individual's employment has been terminated by the licensee. STATUS: FWP ECD (90 DAY): 09/96

07/31/96: On July 26, 1996, the senior resident inspector of DC Cook was contacted regarding the bar code removal. The DC Cook Security Operations Supervisor, Jim LABIS, is unavailable due to vacation plans. Contact with LABIS to determine the availability of a licensee investigation is the next step to be conducted. It is anticipated that Labis will be available in the near future. STATUS: FWP ECD (90 DAY): 09/96

08/31/96: On August 28, 1996, a review of the investigation conducted by the licensee will be conducted at the D.C. Cook Nuclear Power Station. Jim Labis, the Security Operations Supervisor, and other pertinent personnel will be interviewed. STATUS: FWP ECD (90 DAY): 09/96

09/30/96: This case is closed. Report of Investigation issued September 30, 1996.

Closed: 09/30/96 Closed Action: R Staff days to Completion(WAR):
Issued: 09/30/96 Referred: Statute:
DOJ Action: DOJ Action Date:

37
13/3/96

INVESTIGATION STATUS RECORD

Case No.: 3-96-032 Facility: D. C. COOK
Allegation No.: RIII-96-A-090 Case Agent: WALKER
Docket No.: 50-315/316 Date Opened: 06/28/96
Source of Allegation: LICENSEE (L)
Notified by: EICS Priority: NORMAL (ARB)
Category: WR Case Code: RP
Subject/Allegation: FALSIFICATION OF FIREWATCH LOGS
Remarks:

Monthly Status Report:

06/28/96: On May 11, 1996, during a routine firewatch tour, the tour officer observed that a bar coded strip used to validate the tour officer's rounds had been removed from the inside of a door and placed on the back side of the door, thereby not confirming entry into the designated area of the tour. Licensee investigation identified the individual who moved the bar code. The individual's employment has been terminated by the licensee.
STATUS: FWP ECD (90 DAY): 09/96

September 30, 1996

MEMORANDUM TO: A. Bill Beach, Regional Administrator
Region III

FROM: Richard C. Paul, Director *S*
Office of Investigations/Field Office, Region III

SUBJECT: DONALD C. COOK PLANT: FALSIFICATION OF FIREWATCH
RECORDS (OI CASE NO. 3-96-032)

Attached, for whatever action you deem appropriate, is the Office of Investigations (OI) Report of Investigation concerning the above matter. Internal NRC access and dissemination should be on a need-to-know basis. Treat as "Official Use Only."

Attachment:
Report w/exhibits

cc w/attachment:
J. Lieberman, OE
B. Burgess, OE:RIII

L. Chandler, OGC

Distribution:

c/f

sf 3-96-032

D. Lewis, OI:HQ (1 report w/exhibits; 1 report only)

B. Barber, OI:HQ w/Title Page & Synopsis

To receive a copy of this document, indicate in the box "C" - Copy without attach/encl "E" - Copy with attach/encl "N" - No copy

OFFICE	OI:RIII	c					
NAME	Walker/ct <i>HW</i>						
DATE	9-30-96						

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38
13/3/97

EXHIBIT 1

B/39

EXHIBIT 1

~~LIMITED DISTRIBUTION~~ - NOT FOR PUBLIC DISCLOSURE

INVESTIGATION STATUS RECORD

Case No.: 4-95-004

Facility: ARKANSAS NUCLEAR ONE

Allegation No.: RIV-95-A-0009

Case Agent: KIRSPEL

Docket No.: 50/313

Date Opened: 01/31/95

Source of Allegation: Allegor (A)

Priority: N (J. CALLAN, RA:RIV)

Notified by: SAC:RIV (WISE)

Staff Contact: PHIL QUALLS, DRS

Category: IH

Case Code: RP

Subject/Allegation: ALLEGED DISCRIMINATION AND TERMINATION FOR REFUSAL TO
FALSIFY WORK STEPS (FIRE PROTECTION SEALS)

Remarks: 10 CFR 50.7

Monthly Status Report: Page 1

01/31/95: On January 18, 1995, Jon SURGINER, insulator, formerly employed by the Bechtel Constructors Corporation at Entergy Energy, Inc., Arkansas Nuclear One, Russellville, Arkansas, reported to the Department of Labor that he was the subject of discrimination and was terminated on July 26, 1994, because he refused to sign off on controlled work packages used to install fire barrier penetration seals. The allegor related the required work steps had not been completed. The allegor related that several times, in the fall of 1993, he was asked by his supervisor, Nathaniel PALMER, to sign off on work steps that had not been completed. The allegor stated that later, he was asked again to sign off on work packages he had not worked on. He said PALMER went into his [SURGINER] locker, retrieved a work package, and had Terry SITTMAN, Bechtel Superintendent, sign off as completing the work steps which the allegor had earlier refused to complete because he had not performed the work. Status: Field Work in Progress [FWP]

EXHIBIT 1
Page 1 of 1 pages

CASE NO. 4 - 95 - 004

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EXHIBIT 9

BB/40

EXHIBIT

31-Oct.-1995

NRC--OI

Attn. Mr. Bob Kirspel
611 RYAN PLAZA DR.
SUITE 400
ARLINGTON, TX. 76011

MR. KIRSPEL

ON 26-OCT.-1995, WE HAD AN INTERVIEW TOGETHER AT ARK. NUCLEAR ONE, GSB BUILDING AT ABOUT 11:00 A.M.. DURING THIS MEETING/INTERVIEW YOU WERE ASKING ME TO RECALL THE EVENTS LEADING TO WHAT COULD HAVE POSSIBLY HAPPEN CONCERNING WORK THAT WAS PERTAINING TO PENETRATION/S IN ONE OF THE CONTROL ROOMS DURING THE TIME/DATE OF 10/11/93. AFTER SOME QUESTIONS AND SOME DISCUSSION WITH YOU AT THAT TIME. I FOUND THAT I WAS NOT ABLE TO RECALL NOR GIVE AN ACCURATE DESCRIPTION OF THE EVENTS AS IT HAPPEN. WE HAVE HAD SO MUCH WORK FROM THAT TIME TO THIS POINT, IT IS VERY DIFFICULT TO REMEMBER ALL THOSE DETAILS. MR. KIRSPEL, YOU MUST REPORT YOUR FINDINGS. TO THE BEST OF MY KNOWLEDGE THAT WORK WAS PERFORMED TWO YEARS AGO AND A SIGNIFICANT AMOUNT OF PENETRATION/S WERE WORKED AND THE NUMBERS BEGAN TO LOOK THE SAME. I DO KNOW THAT WE HAVE PAPERWORK THAT SHOWS THAT THE WORK WAS COMPLETED AND NO HOLD POINTS WERE VIOLATED AND THE INTEGRITY OF THE PENETRATION/S ARE IN COMPLIANCE AND PUBLIC SAFETY IS NOT AT RISK. MR. KIRSPEL SINCE THIS WAS TWO YEARS AGO AND THERE HAVE BEEN SEVERAL INQUIRIES. I HAVE THE RIGHT TO KNOW WHAT IS THE REAL PROBLEM? AND WHAT ARE THE ALLEGATIONS THAT CONCERN ME? I WANT THIS LETTER TO GO IN THAT FILE AS PART OF THE REPORT.

THANK YOU

NATHANIEL PALMER

Nathaniel Palmer

EXHIBIT 9
Page 1 of 1 pages

CASE NO. 4 - 95 - 004

EXHIBIT 10

BB/41

EXHIBIT 10

November 2, 1995

MEMORANDUM TO: Russ Wise, Senior Allegations Coordinator
Region IV

FROM: E. L. Williamson, Director
Office of Investigations Field Office, Region IV

SUBJECT: ARKANSAS NUCLEAR ONE: ALLEGED DISCRIMINATION AND
TERMINATION FOR REFUSAL TO FALSIFY WORK STEPS (FIRE
PROTECTION SEALS) (CASE NO. 4-95-004)

On January 18, 1995, John SURGINER, an insulator formerly employed by the Bechtel Construction Corporation (Bechtel) at Entergy Corp., Entergy Operations, Inc., (Entergy), Arkansas Nuclear One (ANO), Russellville, Arkansas, reported to the Department of Labor that he was the subject of discrimination and was terminated on July 26, 1994, because he refused to sign off on a controlled work package (CWP) used to install fire barrier penetration seals. The alleged related the required work steps had not been completed. The alleged related that several times, in the fall of 1993, he was asked by his Bechtel supervisor, Nathaniel PALMER, to sign off on work steps that had not been completed. The alleged stated that later he was asked again to sign off on a work package he had not worked on. He said PALMER went into his [SURGINER's] locker, retrieved a work package, and had Terry SITTMAN, Bechtel Superintendent, sign off as completing the work steps which the alleged had earlier refused to complete because he had not performed the work.

SURGINER was interviewed on February 8, 1995, and a copy of the transcribed interview was provided on February 17, 1995, to RIV for review. On May 25, 1995, OI was notified that Bill ANG, Chief, Plant Support Branch, RIV, had indicated that during a RIV inspection of ANO, the alleged's allegations were not substantiated.

On October 26, 1995, PALMER, was interviewed by OI:RIV. PALMER stated, initially during the OI interview, he had not been totally truthful by indicating that all work as shown on the CWP had been completed prior to the signing of the CWP by a Bechtel superintendent. PALMER stated he wished to change his testimony. PALMER then stated that on October 11, 1993, he told Bechtel Superintendent, George KING, that all work as shown on CWP 90-2053/900034-3 had been completed which was not true. PALMER stated that KING did not inspect the area to determine if the work had been completed but signed penetration checklist item "L" based on his [PALMER's] assurance that the work had been completed. PALMER stated he now believed that on the night of October 11, 1993, he went to the junction box, removed the junction box cover, and inspected the work but could not be sure if he replaced the junction box cover. PALMER stated he did believe the area around the junction

CASE NO. 4 - 95 - 004

EXHIBIT 10
Page 1 of 2 pages

box had been cleaned. PALMER stated that he should not have given the CWP to the lead engineer because he could not recall if he had attached the junction box cover and thus was not sure that all work had not been completed. PALMER stated he had no explanation why he turned in the CWP prior to the work being completed.

On October 25, 1995, Todd GOODE, former Bechtel insulator and assistant to SURGINER, was interviewed and stated, pertaining to the incident in question, that he and SURGINER returned to work the next day after SURGINER's locker had been opened, went to the work area in question, and noted that it was the same as he and SURGINER had left it the day before. GOODE stated he believed that whoever signed the checklist showing the work to be completed had falsified a document because nothing had been done, and the job had not been completed.

On October 27, 1995, SURGINER was reinterviewed and stated that he told PALMER that he [SURGINER] would not falsify a document no matter how insignificant it might be and refused to sign the CWP in question because he had not completed the work. SURGINER stated that the day after the CWP had been removed from his locker, he and GOODE returned to the work site in question and noted that it was just as he and GOODE left it the previous day. SURGINER stated that he and GOODE finished cleaning the area and attached the junction box cover with approximately 20 or 30 screws. SURGINER stated he was not able to sign the CWP because it was not available.

A copy of PALMER's signed sworn statement, SURGINER's report of reinterview, David and Todd GOODE's report of interview, ANO CWP 90-2053/900034-3, and ENTERGY Control of Modification Work procedures are provided for the staffs review and comments. OI:RIV requests that the staff review this in light of what, if any, violation occurred and provide that information in a written response.

Attachments
As stated



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

February 17, 1995

MEMORANDUM TO: Russ Wise
Senior Allegations Coordinator, RIV

FROM: Len Williamson, Field Office Director *LW*
Office of Investigations, RIV

SUBJECT: ANO: ALLEGED DISCRIMINATION AND TERMINATION FOR REFUSAL TO
FALSIFY WORK STEPS (FIRE PROTECTION SEALS) (CASE NO. 4-95-004)

On January 18, 1995, Jon SURGINER, insulator, formerly employed by the Bechtel Constructors Corporation at Entergy Energy, Inc., Arkansas Nuclear One, Russellville, Arkansas, reported to the Department of Labor that he was the subject of discrimination and was terminated on July 26, 1994, because he refused to sign off on controlled work packages used to install fire barrier penetration seals. The alleged related the required work steps had not been completed. The alleged related that several times, in the fall of 1993, he was asked by his supervisor, Nathaniel PALMER, to sign off on work steps that had not been completed. The alleged stated that later he was asked again to sign off on work packages he had not worked on. He said PALMER went into his [SURGINER] locker, retrieved a work package, and had Terry SITTMAN, Bechtel Superintendent, sign off as completing the work steps which the alleged had earlier refused to complete because he had not performed the work.

On February 8, 1995, SURGINER was interviewed by RIV:OI. A copy of SURGINER's transcript is provided for review and comments. Since the OI investigation is pending, please ensure that appropriate measures are enacted to safeguard the dissemination of this record.

Attachment:
As stated

BB/42

CASE CHRONOLOGY

PLUMBING

DATE OPENED

OPENED BY

4-95-004

1-31-95

KIRSPEL

DATE

ACTIVITY

16 45 meet with DOL minister, Jeter & Review E.D.C.

2. 95 Intentional Suggestion

Feb 95. COL Inman gave De Quiroga advice regarding settlement for 5000⁰⁰. COL W. Inman gave De Quiroga advice regarding settlement for 5000⁰⁰. COL W. Inman gave De Quiroga advice regarding settlement for 5000⁰⁰.

2 Feb 95 TC/ Bill ON6 / Phil Charles - will brief them in
WCFO on 28 Feb 95. provide transcript.

May 25 Asst. Secy. in com. to check on status of this application & advise C.

May 95 Per Jerry - DR3 has sent memo to Russ Wice which should close the technical issue but Wice will talk to ARF first.

Wise to Williamson - DRS - PSB - Response.

JUN 95 Discussed w/ ~~Dr.~~ Kugel - discussed results

-26-95! FOD closed

BB/43

FIFTY COBLES

L/M • LETTER OR MEMO

TC = TELEPHONE CALL

INSP = INSPECTION

HTU - CONTINUING

RE: INVESTIGATION

REP. : REPORT ISSUED

From: Everett L. Williamson (ELW1) *01*
To: RXW *Russell Wise* *EACS/RIV*
Date: Wednesday, June 7, 1995 10:49 am
Subject: ANO-4-95-004--RIV-95-A-0009

Russ;

I would like to re-ARP subject investigation. I received your response, dated May 25, 1995 and it appears the technical issues have been addressed, however the issue of the alleged refusing to sign off on a CWP and his supervisor signing the CWP needs to be discussed. It would be helpful if this could be done at the June 12, 1995 ARP.

Thanks

Len

CC: RJK

BB/44

Interview with John's brother

Postville Mills (copper)

10-25-95

Kinsport

Reverend - Gooding's Quality Laundry

Make available file for review:

Noted 2 CWP 090-1051/895633-10 10-3-93

2) 90-1051/895633-11 10-3-93

Question: Seen to match John's description

Question: Has anyone asked TR if it is his initials on the CWP.

Need to have him ID his initials

Could John S. be confused? Could David Spade have

held him if was Tommy R? who signed a not Tommy Spade?

(or Nancy Kothke)

BB/45

From: Robert J. Kirspel (RJK) *OI*
To: ELW1 & *Ken Williamson, OI*
Date: Thursday, January 25, 1996 9:20 am
Subject: ANO 4-95-004

FYI

On 1-24-96 I was in Russ Wise's office discussing the E-mail he had forwarded concerning RIV's comments pertaining to the ANO junction box issue. Ed Baker (Hdqs-NRR) overheard our conversation and stated he believed Hdqs had been involved with a similar issue. Baker stated, when he returned to Hdqs, he wanted to discuss the issue with Liberman and would contact Wise.

BB/46

E. Ler Williamson

From: Robert J. Kirspel (RJK) *CI*
To: ELW1 *CI*
Date: Tuesday, February 6, 1996 1:21 pm
Subject: ANO 4-95-004

FYI

Bill Brown called on 2-6-96. Stated he had been asked by the ARP to review the Surginer (4-95-004) case. Stated it might not matter whether the record that was falsified was a required record. Might still be a 50.9 violation. Brown feels that if the record might be reviewed by the NRC at some point, even though it is not required, it has to be complete and accurate. He is checking with OGC for an opinion. Also Dave Pereira called and stated it was possible that the CWP could be looked at for part of the fire penetration inspection procedure. I called Brown and informed him of my conversation with Pereira. As you know I have already finished the final draft report based on info. we have received from RIV. We have a Feb ECD.

CC: VXV

BB/47

From: Everett L. Williamson (ELW1) *OF*
To: RJK *Robert J. Kiesel, OI*
Date: Wednesday, February 7, 1996 10:18 am
Subject: ANO 4-95-004 -Reply

Bob;

Is the bottom line that the CWP was not a regulatory requirement? If so I would stay with the closure developed on the information provided by the staff. You might consider a supplemental or additional information page to include the staff's responses to the 50.9 issue.

Len

BB/48



UNITED STATES
NUCLEAR REGULATORY COMMISSION

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

September 6, 1996

EA 96-178

J. W. Yelverton, Vice President Operations
Arkansas Nuclear One
Entergy Operations, Inc.
1448 S.R. 333
Russellville, Arkansas 72801-0967

SUBJECT: CLOSURE OF NRC INVESTIGATION 4-95-004

Dear Mr. Yelverton:

This is in reference to NRC Investigation Case No. 4-95-004, which was conducted by the Office of Investigations (OI) to determine whether a 1993 Controlled Work Package (CWP) involving the repair of fire penetration seals had been signed off before all work was completed and to determine whether a contract employee involved in this work was the subject of unlawful discrimination for having raised concerns about this activity.

The investigation did not substantiate the concern that a contract employee who had raised concerns about this work activity had been discriminated against in violation of 10 CFR 50.7 of NRC regulations. However, the investigation did substantiate that paperwork associated with the repair of a penetration was signed off as completed prior to the last two steps on the work order having been completed.

The CWP in question, #90-2053/900034-3, involved repairing existing fire penetration seals in various locations. On penetration 129-0287, worked on October 11, 1993, OI determined through interviews that a supervisor had the work package removed from an employee's locker and proceeded to have it signed off as completed before all work was actually done.

Specifically, for the above penetration, Step L of the Foam Seal Penetration Checklist, which stated "Clean work area of debris, tools, scaffolding, etc.," had been signed off before this step was actually completed (Step L was apparently completed on the following day by the employee). In addition, although Step J, "Reinstall items removed for accessibility to penetration," had been signed off by the employee who did the work, the employee indicated that he had replaced only a few screws in the junction box and intended to return the next day to complete the job. All other steps in the work package, including all safety-related steps and steps related to the adequacy of the sealant repair work, i.e., those requiring Quality Control review, were completed as required. Nonetheless, the actions taken by the supervisor clearly were inappropriate and could, under other circumstances, be more significant to safety activities.

During an inspection in March 1995, prior to the initiation of the investigative field work on this case, the NRC reviewed Entergy's employee concerns files on this matter and found

BB/49

use file

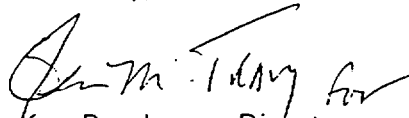
that Entergy had re-evaluated all of the sealant work that was called into question by employee concerns. Entergy's reviews identified no discrepancies or deficiencies in the penetration sealant work. Entergy's review concluded that this was an isolated case which had involved a supervisor and employee who had had repeated disagreements. When contacted in June 1996, Entergy informed the NRC that neither of these two individuals was currently working at Arkansas Nuclear One.

Based on the age of this matter, the low safety significance of the steps in the checklist that were inappropriately signed off, and no indication that there were discrepancies with the quality of the work, the NRC does not plan to pursue this matter any further. Nonetheless, it is not clear that Entergy's review of this matter uncovered the inappropriateness of the supervisor's actions in this case. The NRC requests that Entergy re-evaluate its findings in light of this information and take action as appropriate. In particular, it should be made clear to all ANO employees, including contract employees, that it is never appropriate to sign off on documents before work is complete, regardless of the significance of the matter.

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

Please call if you have any questions about this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Brockman", with a stylized flourish at the end.

Ken Brockman, Director
Division of Reactor Safety

Docket Nos.: 50-313; 50-368
License Nos.: DPR-51; NPF-6

cc: See next page

Entergy Operations, Inc.

- 3 -

cc:

Executive Vice President
& Chief Operating Officer
Entergy Operations, Inc.
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Jackson, Mississippi 39286-1995

Vice President
Operations Support
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Little Rock, Arkansas 72205-3867

Manager
Rockville Nuclear Licensing
Framatone Technologies
1700 Rockville Pike, Suite 525
Rockville, Maryland 20852

Entergy Operations, Inc.

- 4 -

bcc to DMB (IE01)

L. J. Callan

DRP Director

Branch Chief (DRP/C)

Project Engineer (DRP/C)

Branch Chief (DRP/TSS)

GSanborn:EAFile

RWise:AFile

LWilliamson, OI

JLieberman, OE

OE:EAFile

Resident Inspector

MIS System

RIV File

DRS-PSB

Leah Tremper (OC/LFDCB, MS: TWFN 9E10)

DOCUMENT NAME:G:\EA\DRAFT\EA96178.DFT

To receive copy of document, indicate in box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

EO	RC	C:EB	C:DRP/C	D:DRS
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w/OE*

*Coordinated
w/Reviewed
by R. Wise*

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INVESTIGATION STATUS RECORD

Case No.: 4-95-004 Facility: ARKANSAS NUCLEAR ONE
Allegation No.: RIV-95-A-0009 Case Agent: KIRSPEL
Docket No.: 50/313 Date Opened: 01/31/95
Source of Allegation: Allegor (A) Priority: N (J. CALLAN, RA:RIV)
Notified by: SAC:RIV (WISE) Staff Contact: PHIL QUALLS, DRS
Category: IH Case Code: RP
Subject/Allegation: ALLEGED DISCRIMINATION AND TERMINATION FOR REFUSAL TO
FALSIFY WORK STEPS (FIRE PROTECTION SEALS)

Remarks: 10 CFR 50.7

Monthly Status Report: Page 3

10/31/95: Additional interviews completed on October 27, 1995. Additional documentation obtained by OI will be furnished to RIV technical staff for review. No additional field work anticipated.
Status: FWP ECD: 02/96

11/30/95: Additional interviews and documentation furnished to RIV technical staff for review and comments. Waiting on RIV response to determine if additional field work is required. Status: PEN
ECD: Unscheduled

12/31/95: RIV staff response has been received and is being evaluated by OI. No additional field work anticipated. Status: FWP ECD: 02/96

01/31/96: No additional field work anticipated. Final draft report in FOD review. Status: RIO ECD: 02/96

02/29/96: Case FOD closed on 02/26/96.

13/3/50

Closed: 02/26/96

Issued: 02/26/96

Closed Action: R

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INVESTIGATION STATUS RECORD

Case No.: 4-95-004	Facility: ARKANSAS NUCLEAR ONE
Allegation No.: RIV-95-A-0009	Case Agent: KIRSPEL
Docket No.: 50/313	Date Opened: 01/31/95
Source of Allegation:	Priority: N (J. CALLAN, RA:RIV)
Notified by: SAC:RIV (WISE)	Staff Contact: PHIL QUALLS, DRS
Category: IH	Case Code: RP
Subject/Allegation: ALLEGED DISCRIMINATION AND TERMINATION FOR REFUSAL TO FALSIFY WORK STEPS (FIRE PROTECTION SEALS)	

Remarks: 10 CFR 50.7

Monthly Status Report:

01/31/95: On January 18, 1995, John SURGINER, insulator, formerly employed by the Bechtel Constructors Corporation at Entergy Operations, Inc., Arkansas Nuclear One, Russellville, Arkansas, reported to the Department of Labor that he was the subject of discrimination and was terminated on July 26, 1994, because he refused to sign off on controlled work packages (CWP) used to install fire barrier penetration seals. The alleged related the required work steps had not been completed. The alleged related that several times, in the fall of 1993, he was asked by his supervisor, Nathaniel PALMER, to sign off on work steps that had not been completed. The alleged stated that later, he was asked again to sign off on work packages he had not worked on. The alleged said PALMER went into his [SURGINER] locker, retrieved a CWP, and had Terry SITTMAN, Bechtel Superintendent, sign off as completing the work steps which the alleged had earlier refused to complete because he had not performed the work. Status: Field Work in Progress [FWP]

~~LIMITED DISTRIBUTION -- NOT FOR PUBLIC DISCLOSURE WITHOUT OI APPROVAL~~

February 26, 1996

MEMORANDUM TO: L. J. Callan, Regional Administrator
Region IV

FROM: E. L. Williamson, Director
Office of Investigations Field Office, Region IV

SUBJECT: ARKANSAS NUCLEAR ONE: ALLEGED DISCRIMINATION AND
TERMINATION FOR REFUSAL TO FALSIFY WORK STEPS (FIRE
PROTECTION SEALS) (CASE NO. 4-95-004)

Attached, for whatever action you deem appropriate, is the Office of Investigations (OI) Report of Investigation concerning the above matter.

This report is forwarded to the action office for information purposes. Since the action office has the responsibility for advising alleged of the status and disposition of allegations, they are authorized upon receipt of the Report of Investigation to advise the alleged that the investigation has been completed. After the NRC and/or other concerned Federal agencies have taken whatever action they deem appropriate, the action office will notify the alleged that his/her allegations were either substantiated, partially substantiated, or not substantiated and may, if required, furnish the alleged with a copy of the OI Report of Investigation after appropriate proprietary, privacy, and confidential source information has been deleted. Any additional information provided the alleged will be dispositioned through the Director, OI, and will be furnished on a case-by-case basis.

Neither this memorandum nor the report may be released outside the NRC without the permission of the Director, OI. Internal NRC access and dissemination should be on a need-to-know basis. Treat as "Official Use Only."

Attachment:
Report w/exhibits

cc w/attachment:
J. Lieberman, OE
L. Chandler, OGC

Distribution:
s/f (4-95-004)
c/f
D. Lewis, OI:HQ, w/encl
B. Barber, OI:HQ, title page & synopsis page

OI:RIV *W* OI:RIV *W*
RKirspel LWilliamson
02/26/96 02/26/96

51
BB/44



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NRC

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

P.O. Box 968 • 3000 George Washington Way • Richland, Washington 99352-0968 • (509) 372-5000

August 1, 1995
GO2-95-147

Docket No. 50-397

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Mail Station P1-37
Washington, D. C. 20555

Gentlemen:

Subject: WNP-2, OPERATING LICENSE NO. NPF-21
NRC INSPECTION REPORT 95-15
REPLY TO A NOTICE OF VIOLATION

Reference: Letter GI2-95-155, dated July 5, 1995, AB Beach (NRC) to JV Parrish (SS),
"NRC Inspection Report 50-397/95-15 and Notice of Violation"

The Supply System hereby replies to the referenced Notice of Violation. Our reply, pursuant to the provisions of Section 2.201, Title 10, Code of Federal Regulations, consists of this letter and Appendix A (attached).

If you have any questions or desire additional information regarding this matter please contact me or D. A. Swank at (509) 377-4563.

Sincerely,

J. V. Parrish (Mail Drop 1023)
Vice President, Nuclear Operations

BRH
Attachments

cc: LJ Callan - NRC RIV
KE Perkins, Jr. - NRC RIV, Walnut Creek Field Office
NS Reynolds - Winston & Strawn
JW Clifford - NRC
DL Williams - BPA/399
NRC Sr. Resident Inspector - 927N

EXHIBIT

Page 1 of 6

CASE NO. 4 - 000000000

Appendix A

Reply to a Notice of Violation

Violation

License Condition 2.C.(14) of the WNP-2 operating license requires the licensee to implement its approved fire protection program.

Section B.3 of the WNP-2 Fire Protection Program requires all work involving ignition sources to be performed in a controlled manner.

Contrary to the above, work involving ignition sources was not performed in a controlled manner. Specifically, on May 24, 1995, a craftsman performed grinding operations on Valve CRD-V-14B, but a fire watch was not stationed continuously for 30 minutes following the hot work.

This is a Severity Level IV violation (Supplement I) (397/9515-01).

Response

The Supply System denies this violation.

The Supply System does not agree this event was a failure to perform work involving ignition sources in a controlled manner. Although the craftsman's performance was not in conformance with his training, and did not meet management expectations, his actions were adequate to ensure prompt detection and response to a incipient fire.

The Supply System investigated this event using written statements prepared by the three craftsmen involved, computer records of keycard reader data, and interviews with the NRC inspectors, craft supervision, and the WNP-2 Fire Marshall. The craftsman who spoke with the NRC inspectors was also interviewed by phone (he no longer works at WNP-2) during the preparation of this response. Attachment 1 lists the key events, with times included when available from the written statements or computer records. The craftsman performing the fire watch duties is referred to as Pipefitter A in Attachment 1.

There was a brief period when the craftsman performing fire watch duties used a phone 25 feet away in the same room. He attempted to page a coworker who had left to get a tool. His statement indicates that he returned after about two minutes, which is a plausible amount of time to make a page and wait for a reply. Due to the proximity of the phone to the work site, the Supply System believes he was still capable of seeing or smelling the smoke from an incipient fire.

EXHIBIT 5
Page 2 of 6

CASE NO. 1 - 111 - 111 2

As a corrective action for this failure to meet management expectations for fire watch performance, a "Time Out" was held with workers qualified as fire watch to reinforce these expectations.

The cover letter accompanying the NRC inspection report requested that this response address the apparent differences between the inspectors' findings and the results of our followup of this issue. There are only three significant differences: the time the craftsman was gone from the immediate work site while paging his coworker, the presence of an individual behind the CRD motor, and the difference between the inspectors' discussion with the craftsman and his subsequent statement.

From the chronology on Attachment 1, the time the craftsman was at the phone cannot exceed the six minutes between 1040, when his coworker left to get a pipe wrench, and 1046 when the NRC inspectors left the reactor building after confronting Pipefitter A. The time of 1040 is consistent with the time recorded for his coworker leaving the reactor building. This six minute period includes additional work on the valve by the craftsman, the discussion between the NRC inspectors and the craftsman, and the time required for the NRC inspectors to travel between the work site and the reactor building door. The Supply System therefore believes the craftsman's time away from the work site was about two minutes as stated in his written statement rather than 5 minutes as described in the inspection report.

The second difference involves the presence of the apprentice at the work site behind the CRD pump while the craftsman was using the phone 25 feet away. As described above, this individual's presence is not necessary to demonstrate compliance with our requirement to control work involving ignition sources. The Supply System believes this fire watch qualified individual was present for the following reasons:

1. The workers provided written statements stating the individual was present, after having been reminded of the consequences of providing inaccurate information. The individuals were interviewed by the pipefitter foreman and the plant Fire Marshall the day the work was performed; the information obtained was consistent with the written statements.
2. The computer key card records support the written statements, including the times given for key events. In particular, the computer records show that the apprentice was in the reactor building during the time in question. Although the computer records cannot provide more specific location information, the apprentice was providing direct assistance to the craftsmen and did not have a reason to be anywhere else in the reactor building.
3. There was a logical reason (cleaning valve parts) for the apprentice to have been in a crouched position; this activity was associated with the work being

EXHIBIT

5

3

6

performed. The written statements explain that he had previously left to get the solvent to perform this task; the computer records recorded his exit and reentry at the proper time to support this.

4. The Supply System agrees that it would be difficult (but not impossible) to not see a person crouched behind the CRD pump. Followup discussions with the NRC inspectors and the inspection report description of the event confirmed that the inspectors had not specifically looked directly behind the pump.

The third discrepancy documented in the inspection report is the difference between the inspectors' conversation with the craftsman and his subsequent statement. The context of this comment is that during their conversation with the craftsman, the craftsman did not state that the apprentice was acting as the firewatch while he was paging the other pipefitter. During subsequent meetings with the NRC resident inspectors, Supply System staff apparently gave the inspectors the impression that the craftsman claimed the apprentice had assumed the firewatch duties while he was at the phone. The craftsman did not make this claim, because he did not believe using the phone compromised his ability to perform firewatch duties.

When the WNP-2 Fire Marshall and pipefitter foreman initially met with the NRC, they noted the apprentice had been present to allay concerns about the significance of the event. They did not realize that the inspectors had not seen the apprentice at the work site. Since the inspectors' observations and the craftsmen's accounts of the event did not agree, the Licensing department investigated the event. Because we were concerned about the potential that inaccurate information had been provided to the inspectors, our later meeting with the inspectors to provide the results of our investigation focused on facts supporting the presence of the apprentice. This discussion may have reinforced the inspectors' belief that we felt the presence of the apprentice was necessary to demonstrate compliance with our fire protection program requirements. Thus this discrepancy appears to have been due to a miscommunication on our part in our effort to provide accurate information.

Chronology of 22 May 95 Work on CRD-V-14B

Italics = access key card reader computer records

1025 Pipefitter A begins grinding on CRD-V-14B, Pipefitter B is the fire watch. The Apprentice is also present.

1025 *NRC inspectors enter the Reactor Building via door R105.*

NRC inspectors begin first observation of work.

Apprentice leaves to get solvent.

1034 *Apprentice exits the Reactor Building via door R204.*

1037 Pipefitter A stopped grinding, needs pipe wrench. No further hot work on this valve is performed during this period.

NRC inspectors leave job site and enter adjacent pump room.

1037 *Apprentice enters the Reactor Building via door R204.*

1040 Pipefitter B leaves to get pipe wrench from tool room just as the Apprentice returns. Pipefitter A is now the fire watch.

1042 *Pipefitter B exits the Reactor Building via door R105.*

Apprentice kneels at the base of CRD-P-1B to clean valve parts.

Pipefitter A walks to tool box to get punch to remove the bonnet. He realizes a pipe wrench will not be needed.

Pipefitter A walks to phone 25' away to page Pipefitter B since pipe wrench is not needed now. He is at the phone for about two minutes.

NRC inspectors return to the work site from the adjacent pump room, they do not see anyone in the area.

Pipefitter A returns and is questioned by an inspector, states he is the fire watch. Inspector asks him if it is "legal" for him to have relieved Pipefitter B as fire watch. Pipefitter A answers yes. The inspector repeats the question. Pipefitter A tells the inspector he can be the fire watch.

NRC inspectors leave.

1046 NRC inspectors exit Reactor Building via door R105.

1048 Pipefitter B enters Reactor Building via door R105.

Pipefitter B returns to work site.

1055 Pipefitter A instructs Apprentice to remain in the area until 1110. Pipefitter A and Pipefitter B leave for lunch.

1055 Pipefitter A and Pipefitter B leave the Reactor Building via door R105.

1112 The Apprentice leaves the Reactor Building via door R105.

EXHIBIT 1

CASE NO. - 15 - 032

BB/33

EXHIBIT 1

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INVESTIGATION STATUS RECORD

Case No.: 4-95-032 Facility: WNP-2
Allegation No.: RIV-95-A-0101 Case Agent: GIETL
Docket No.: 50-397 Date Opened: 6/27/95
Source of Allegation: NRC Inspector/
Technical Staff (I) Priority: N (J Callan, RA, RIV)
Notified by: SAC:RIV (Wise) Staff Contact:
Category: OR Case Code: RP
Subject/Allegation: ALLEGED FALSE STATEMENTS BY FIRE WATCHES TO NRC
INSPECTORS
Remarks: 10 CFR 50.9

Monthly Status Report:

06/27/95: During May 1995, at Washington Public Power Supply System's Washington Nuclear Power 2 (WNP-2) inspection, Region IV Nuclear Regulatory Commission inspectors identified a fire watch that did not remain in the area for the required 30 minutes following the completion of "hot work." The inspectors questioned an individual who had previously performed the "hot work," and he stated he had relieved the fire watch. The inspectors reported that the individual was not in clear view of the area to perform the fire watch. The licensee submitted three signed statements that attest to the presence of the fire watch. The inspectors did not see the fire watch. One of the statements was from the individual who had informed the inspectors that he had assumed the duties of the fire watch. The statements are inconsistent with both the observations of the inspectors and the oral statement provided the inspectors at the time of the event. Status: Field Work in Progress [FWP]
ECD: (90 days) 09/95

CASE NO. 4-95-032

Exhibit 1
Page 1 of 1

October 5, 1995

MEMORANDUM FOR: L. J. Callan, Regional Administrator
Region IV

FROM: E. L. Williamson, Director
Office of Investigations Field Office, Region IV

SUBJECT: WASHINGTON NUCLEAR POWER 2: ALLEGED FALSE STATEMENTS BY
FIRE WATCHES TO NRC INSPECTORS (CASE NO. 4-95-032)

Attached, for whatever action you deem appropriate, is the Office of Investigations (OI) Report of Investigation concerning the above matter. Neither this memorandum nor the report may be released outside the NRC without the permission of the Director, OI. Internal NRC access and dissemination should be on a need-to-know basis. Treat as "Official Use Only."

Attachment:
Report w/exhibits

cc w/attachment:
J. Lieberman, OE

Distribution:
s/f (4-95-032)
c/f
D. Lewis, OI:HQ, w/encl
L. Gallop, OI:HQ
B. Barber, OI:HQ, title page & synopsis page

OI:RIV	OI:RIV
DGietj <i>46</i>	LWilliamson <i>46</i>
10/05/95	10/05/95

BB/59

CASE CHRONOLOGY

DATE OPENED 6-27-95 OPENED BY GLETTL

ACTIVITY

6-1-95 Site inspection of ... on field house
by ... & ... with ... findings ...
22 closed

6/27/95

INVESTIGATION STATUS RECORD

Case No.: 4-95-032 Facility: WNP-2
Allegation No.: RIV-95-A-0101 Case Agent: GIETL
Docket No.: 50-397 Date Opened: 6/27/95
Source of Allegation: NRC Inspector/
Technical Staff (I) Priority: N (J Callan, RA, RIV)
Notified by: SAC:RIV (Wise) Staff Contact:
Category: OR Case Code: RP
Subject/Allegation: ALLEGED FALSE STATEMENTS BY FIRE WATCHES TO NRC
INSPECTORS
Remarks: 10 CFR 50.9

Monthly Status Report: Page 2

07/31/95: Awaiting RIV inspection report and licensee response to the report.
Status: FWP ECD: 09/95 (90-day)

08/31/95: Inquiries made with SAC:RIV. Awaiting RIV inspection report and
licensee's response. Status: FWP ECD: 09/95 (90-day)

09/30/95: 90-day decision has been met; Draft ROI in FOD review. Status: RIO
ECD: 12/95

10/31/95: Case FOD closed on 10/05/95.

Closed: 10/05/95 Closed Action: P Staff days to completion (WAR):

Issued: 10/05/95

BTB/SB

INVESTIGATION STATUS RECORD

Case No.: 4-95-032 Facility: WNP-2
Allegation No.: RIV-95-A-0101 Case Agent: GIETL
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ECD: (90 days) 09/95

CASE No. 4-95-070

United States
Nuclear Regulatory Commission



Report of Investigation

WATERFORD 3 STEAM ELECTRIC STATION:

**ALLEGED DISCRIMINATION/REVOCATION OF ACCESS OF A FIRE
WATCH BY A SUPERVISOR FOR REFUSING TO VIOLATE SITE
SECURITY PROCEDURES**

Office of Investigations

Reported by OI: **RIV**

BB/57

Title: WATERFORD 3 STEAM ELECTRIC STATION:

ALLEGED DISCRIMINATION/REVOCATION OF ACCESS OF A FIRE WATCH BY
A SUPERVISOR FOR REFUSING TO VIOLATE SITE SECURITY PROCEDURES

Licensee:

Entergy Operations, Inc.
P.O. Box B
Kilona, LA 70066

Docket No.: 50-00382

Case No.: 4-95-070

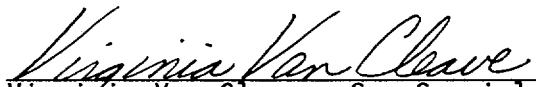
Report Date: April 3, 1996

Control Office: OI:RIV

Status: CLOSED

Reported by:

Reviewed and Approved by:



Virginia Van Cleave, Sr. Special Agent
Office of Investigations
Field Office, Region IV



E. L. Williamson, Director
Office of Investigations
Field Office, Region IV

WARNING

The attached document/report has not been reviewed pursuant to
10 CFR Section 2.790(a) exemptions nor has any exempt material been
deleted. Do not disseminate or discuss its contents outside NRC.
Treat as "OFFICIAL USE ONLY."

SYNOPSIS

This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), to determine if a fire watch at Entergy's Waterford 3 was terminated for refusing to violate site security procedures by moving a Morse Watchman Key during patrol.

Based on the evidence developed during this investigation, it is concluded that the fire watch was terminated for refusing to comply with his supervisor's instructions. The allegation that he was terminated for refusing to violate site procedures was not substantiated.

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TABLE OF CONTENTS

	<u>Page</u>
SYNOPSIS.....	1
LIST OF INTERVIEWEES.....	5
DETAILS OF INVESTIGATION.....	7
Allegation (Alleged Discrimination/Revocation of Access of a Fire Watch by a Supervisor for Refusing to Violate Site Security Procedures).....	7
Applicable Regulations.....	7
Purpose of Investigation.....	7
Background.....	7
Interview of Allegor.....	7
Coordination with NRC Staff.....	8
Conclusions.....	9
LIST OF EXHIBITS.....	11

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LIST OF INTERVIEWEES

	<u>Exhibit</u>
DEXTER, Thomas W., NRC:RIV Senior Physical Security Specialist...	4
HANSON, Sonny E., TWC former Fire Watch.....	5
TURNBULL, Christopher L., TWC Security Officer.....	2

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DETAILS OF INVESTIGATION

Allegation

Alleged Discrimination/Revocation of Access of a Fire Watch by a Supervisor for Refusing to Violate Site Security Procedures

Applicable Regulations

10 CFR 50.7: Employee Protection (1995 Edition)

Purpose of Investigation

This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), to determine if a fire watch at Entergy's Waterford 3 was terminated for refusing to violate site security procedures by moving a Morse Watchman Key during patrol (Exhibit 1).

Background

On December 4, 1995, NRC:RIV Waterford 3 Resident Inspector, Troy PRUETT, received an allegation from Christopher L. TURNBULL, a security officer for The Wackenhut Corporation (TWC), that a fire watch was directed by a security shift supervisor (SSS) to relocate a Morse Watchman Key while the fire watch was on patrol. The alleged stated that to move this key, it has to be pried off the wall and glued to another wall, and for a fire watch to do that, while on patrol, would be a violation of Waterford 3 Procedure FP-001-014, Section 6.1.5. The alleged further stated that when the fire watch refused to move the key, his badge was deactivated and he was sent home. On December 11, 1995, an Allegation Review Panel requested that the OI:RIV interview the alleged to obtain further information regarding the circumstances surrounding the fire watch's access revocation.

Interview of Allegor (Exhibit 2)

On January 17, 1996, TURNBULL was interviewed by telephone by OI:RIV regarding the allegations he reported to PRUETT. TURNBULL provided substantially the following information.

TURNBULL said he was his security shift's union representative. In approximately November or December 1995, Sonny HANSON, a temporary fire watch hired for refueling outage 7, asked him [TURNBULL] if fire watch personnel were required to perform other duties. HANSON said that he was asked by SSS Edward AVILES, an Entergy employee, to change the position of a Morse Watchman Key while he [HANSON] was performing a fire watch patrol. HANSON refused to do so because he believed he was not supposed to perform any duties except fire watch duties during patrol. TURNBULL said this was a 35 to 40 minute patrol which had to be completed within 45 minutes to 1 hour. After HANSON completed his patrol, AVILES again asked him to move the Morse Watchman Key, HANSON again refused, and AVILES sent him home for refusal to comply with his supervisor's orders. TURNBULL said he did not believe HANSON provided AVILES with a reason for refusing his [AVILES's] second request. HANSON was subsequently fired or allowed to resign as a result of this incident.

TURNBULL said Waterford 3 procedures [FP-001-014, Section 6.1.5 (Exhibit 3)] prohibited the performance of other duties during the performance of fire watch duties.

AGENT'S NOTE: FP-001-014, Section 6.1.5 prohibits the performance of simultaneous duties that could detract from the fire watch function during the performance of fire watch duties.

TURNBULL said he reported the incident with HANSON to Tim BROOKS, TWC's Site Representative at Waterford 3, but BROOKS told him HANSON should have complied with AVILES' request. TURNBULL said he was not present during either discussion between HANSON and AVILES, and the information he was providing was as given to him by HANSON.

Coordination with NRC Staff

On January 19, 1996, DEXTER was interviewed by OI:RIV (Exhibit 4). He stated that he had reviewed an incident report at Waterford 3 involving HANSON that stated AVILES had asked HANSON to move a Morse Watchman Key, but HANSON refused to do so, stating this was not part of his fire watch duties. According to the incident report, HANSON had time to move the key without interfering with his fire watch duties. DEXTER said HANSON could have followed AVILES' instruction by moving the key at the completion of his fire watch patrol without violating procedures. In addition, DEXTER said he believed moving this key, which related to the fire watch function, could reasonably be included within the duties of fire watch personnel. DEXTER said he had no concerns with Entergy's handling of this event as related in the incident report.

Interview of HANSON (Exhibit 5)

On March 12, 1996, HANSON was interviewed by telephone by OI:RIV regarding TURNBULL's allegations. HANSON provided substantially the following information.

HANSON said that in November 1995, his supervisor, Woody [NFI], told him AVILES wanted him [HANSON] to move a Morse Watchman Key further back in one of the rooms. HANSON said he refused to do so and told Woody that moving the Morse Watchman Keys was AVILES' job; he did not get paid to do AVILES' job; he did not want to do it; and he was not going to do it. Woody asked him two more times that evening to move the key, and each time he refused to do so. The third time Woody told him he would have to leave if he refused to move the key, and HANSON said "good" and left the site. HANSON said he could have moved the key in about 5 minutes, but refused to do so out of "principle."

HANSON said he reported to work the next evening and was told to report to BROOKS who told him he [HANSON] needed to perform job duties as assigned. HANSON said he told BROOKS he was not paid to move Morse Watchman Keys, this was not part of his specific assigned duties, and he would not do anything other than the specific duties assigned to a fire watch. BROOKS said he would be terminated if he refused this type of request, and he and BROOKS reached a "mutual agreement" that he would be terminated by TWC.

Conclusions

Based on the evidence developed during this investigation, it is concluded that HANSON was terminated for refusing to comply with his supervisor's instructions. The allegation that he was terminated for refusing to violate site procedures was not substantiated.

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated December 12, 1995.
2	Report of Interview with TURNBULL, dated January 17, 1996.
3	Waterford 3 Procedure FP-001-014 6.1.5, Revision 9.
4	Report of Interview with DEXTER, dated January 18, 1996.
5	Report of Interview with HANSON, dated March 12, 1996.

EXHIBIT 1

BB/58

EXHIBIT 1

~~LIMITED DISTRIBUTION -- NOT FOR PUBLIC DISCLOSURE~~
INVESTIGATION STATUS RECORD

Case No.: 4-95-070

Facility: WATERFORD 3

Allegation No.: RIV-95-A-0237

Case Agent: VAN CLEAVE

Docket No.: 50-382

Date Opened: 12/12/95

Source of Allegation: ALLEGER (A)

Priority: N (L. J. CALLAN, RA:RIV)

Notified by: SAC (WISE)

Staff Contact: T. PRUETT, RI, W-3

Category: IH

Case Code: RP

Subject/Allegation: ALLEGED DISCRIMINATION/REVOCATION OF ACCESS OF A FIRE WATCH BY A SUPERVISOR FOR REFUSING TO VIOLATE SITE SECURITY PROCEDURES

Remarks: 10 CFR 50.7

Monthly Status Report:

12/12/95: On December 4, 1995, the Nuclear Regulatory Commission (NRC), Region IV (RIV) received an allegation, through Troy Pruett, Waterford 3 Resident Inspector, that a firewatch was directed by a security shift supervisor to relocate a "Morse Watchman Key" while the firewatch was on patrol. The allegor stated that to move this key, it has to be pried off the wall and glued to another wall, and for a fire watch to do that while on patrol would be a violation of FP-001-014, Section 6.1.5. The allegor further stated that when the fire watch refused to move the key, his badge was deactivated and he was sent home. An Allegation Review Panel held on December 11, 1995, requested that the Office of Investigations interview the allegor to obtain further information regarding the circumstances surrounding the fire watch's access revocation. Status: FWP ECD: 03/96 (90-day)

To: J.J. Ledet

From: [REDACTED]

Subj: Sonny Hanson

On 11/30/95 SSS Edward Aviles wanted F.W. Hanson to change the position of a "Morse Watchman Key" while he was on a Firewatch patrol. This is in violation of FP-001-014 6.1.5. In order to move this key properly it has to be pried off the wall and then glued to another wall. Since this particular glue has to cure for 3-5 minutes before it will adhere properly, we feel that this is an unreasonable request. Since the F.W. patrol is not completed until the morse reader is checked in CAS, we also feel that it was unreasonable to expect F.W. Hanson to go all the way back to the +46 FHB after walking a 25 minute patrol. We feel that since supervision was responsible for putting the "Morse Keys" in the proper location then they should also be responsible for moving them to any "proper" new locations.

When F.W. Hanson refused to change the location of the "Morse Key" because it violated F.W. procedures, Hanson's badge was inactivated and he was sent home. Hanson was only doing what he was trained to do and what he felt was correct according to the F.W. procedures.

We feel that this is outright harrassment and typical of the laziness of security supervision that got the F.W. program so messed up in the first place. We thought that this type of laziness was in the past. However, it seems that all supervision wants to do is to sit back collect a check and let an hourly do his job.

[REDACTED]

cc: J.J.Ledet, Eddie Beckendorf, Timothy Brooks and Troy Pruett

>25 min each hour
>pr baby [unclear] [unclear]

1353/59

On 14 Jul-95, at approximately 0936 hrs,
FW SCOTTY HANSON, while on post at +21
Floor plug, I was approached by (SSS)
M. SLATE who proceeded to address my
person in a strong and negative voice. The
reasoning behind his displeasure with me,
was based on the fact that I had been
sitting down. Prior to incident I was
uninformed of any policy and/or procedures
that disallow us to sit on ~~the~~^{stn.} post. I
informed him that I had only sat down for
only a short time after standing for 3 1/2 hrs,
arriving at post at 0545 hrs. Earlier. While
I have to admit my ignorance in this
circumstance, I am not admitting to any flagrant
disregard to the policy set forth by my management,
and that the only reason for me sitting was
to relieve my sore legs, feet, and knees that
had cramped up after a long stand. I found
SSS SLATE demeanor in addressing me to be very
rude and hostile. It was not necessary for
him to stand 2 ft. away, pointing two of his
fingers in my face, and yelling at the same
time just to inform me of management policy
about sitting on post. While it was necessary
to correct my action, Constructive Criticism
would have been in order; not the yelling and
profanity I experienced.

BSG/60

He was unprofessional and obnoxious,
and such a display of character should not
be carried out in the work place by senior
employees offering criticism. State
to junior ones having an attitude problem,
out on this day, in regard to this incident,
the only attitude I seen was his own.

Scouty E. Hanson

~~Scouty E. Hanson~~

EXHIBIT 4

BTB/61

EXHIBIT 4

REPORT OF INTERVIEW
WITH
THOMAS W. DEXTER

DEXTER, Nuclear Regulatory Commission (NRC), Region IV (RIV) Senior Physical Security Specialist, was interviewed on January 19, 1996, at NRC:RIV by NRC Senior Special Agent Virginia Van Cleave. He related the following information in substance:

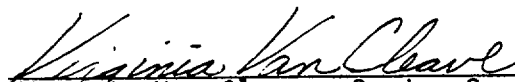
DEXTER said he had performed inspections and reviews of the physical security program at Entergy's Waterford 3 as a result of several allegations received from The Wackenhut Corporation (TWC) security officers. TWC has a contract to provide security and fire watch personnel to Waterford 3.

DEXTER said he had met and spoken with Christopher L. TURNBULL, TWC Security Officer, but TURNBULL had never related any allegations or concerns to him regarding TWC or Entergy. DEXTER said he had seen the name Sonny HANSON on an incident report at Waterford 3, but he had never met or spoken with HANSON.

INVESTIGATOR'S NOTE: DEXTER reviewed his inspection file on Waterford 3 but was unable to locate a copy of the incident report involving HANSON. However, he did locate a copy of a letter from HANSON regarding an incident that allegedly occurred between him [HANSON] and Entergy Security Shift Supervisor (SSS) [Marion] SLATE. DEXTER said he was not pursuing any issues mentioned in HANSON's letter.

DEXTER recalled that the incident report stated SSS Edward AVILES asked HANSON to move a "Morse Watchman Key" after HANSON had completed his fire watch duties. HANSON apparently refused to do so, stating this was not part of his fire watch duties. According to the incident report, HANSON had completed his fire watch rounds and had time to move the key without interfering with his fire watch duties. In addition, DEXTER said he believed moving this key, which related to the fire watch function, could reasonably be included within the duties of fire watch personnel. DEXTER stated HANSON could have followed AVILES' instruction by moving the key at the completion of his fire watch patrol without violating procedures. DEXTER believed HANSON was allowed to resign as a result of refusing to comply with AVILES' order. DEXTER said he had no concerns or problems with Entergy's handling of this event as related in the incident report.

This report prepared on January 19, 1996, from special agent's notes.


Virginia Van Cleave, Senior Special Agent
Office of Investigations Field Office, RIV

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INVESTIGATION STATUS RECORD

Case No.: 4-95-070

Facility: WAT 3

Allegation No.: RIV-95-A-0237

Case Agent: Van Cleve

Docket No.: 50/382

Date Opened: 12 Dec 95

Source of Allegation: Alleg. (A)

Priority: NCL J. CALLAN, RA

Notified by: SAC: RZ (wise)

Staff Contact:

Category: HI

Case Code: RP

Subject/Allegation: ALLEGED ~~DELIBERATE~~ Discrimination / Revocation of

Remarks:

Access for Refusing to Violate Site Security Procedures

10 CFR 50.7

Monthly Status Report:

01/00/95:

BS/62

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~~LIMITED DISTRIBUTION -- NOT FOR PUBLIC DISCLOSURE~~

INVESTIGATION STATUS RECORD

Case No.: 4-95-070	Facility: WATERFORD 3
Allegation No.: RIV-95-A-0237	Case Agent: VAN CLEAVE
Docket No.: 50-382	Date Opened: 12/12/95
Source of Allegation: ALLEGER (A)	Priority: N (L. J. CALLAN, RA:RIV)
Notified by: SAC (WISE)	Staff Contact: T. PRUETT, RI, W-3
Category: IH	Case Code: RP

Subject/Allegation: ALLEGED DISCRIMINATION/REVOCATION OF ACCESS OF A FIRE WATCH BY A SUPERVISOR FOR REFUSING TO VIOLATE SITE SECURITY PROCEDURES

Remarks: 10 CFR 50.7

Monthly Status Report:

12/12/95: On December 4, 1995, the Nuclear Regulatory Commission (NRC), Region IV (RIV), received an allegation, through Troy Pruett, Waterford 3 Resident Inspector, that a fire watch was directed by a security shift supervisor to relocate a "Morse Watchman Key" while the fire watch was on patrol. The alleged stated that to move this key, it has to be pried off the wall and glued to another wall, and for a fire watch to do that while on patrol would be a violation of FP-001-014, Section 6.1.5. The alleged further stated that when the fire watch refused to move the key, his badge was deactivated, and he was sent home. An Allegation Review Panel held on December 11, 1995, requested that the Office of Investigations interview the alleged to obtain further information regarding the circumstances surrounding the fire watch's access revocation. Status: FWP
ECD: 03/96 (90-day)

Exhibit _____
Page ____ of ____

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45/103

April 3, 1996

MEMORANDUM TO: L. J. Callan, Regional Administrator
Region IV

FROM: E. L. Williamson, Director
Office of Investigations Field Office, Region IV

SUBJECT: WATERFORD 3 STEAM ELECTRIC STATION: ALLEGED
DISCRIMINATION/REVOCATION OF ACCESS OF A FIRE WATCH BY A
SUPERVISOR FOR REFUSING TO VIOLATE SITE SECURITY PROCEDURES
(CASE NO. 4-95-070)

Attached, for whatever action you deem appropriate, is the Office of Investigations (OI) Report of Investigation concerning the above matter.

This report is forwarded to the action office for information purposes. Since the action office has the responsibility for advising alleged of the status and disposition of allegations, they are authorized upon receipt of the Report of Investigation to advise the alleged that the investigation has been completed. After the NRC and/or other concerned Federal agencies have taken whatever action they deem appropriate, the action office will notify the alleged that his/her allegations were either substantiated, partially substantiated, or not substantiated and may, if required, furnish the alleged with a copy of the OI Report of Investigation after appropriate proprietary, privacy, and confidential source information has been deleted. Any additional information provided the alleged will be dispositioned through the Director, OI, and will be furnished on a case-by-case basis.

Neither this memorandum nor the report may be released outside the NRC without the permission of the Director, OI. Internal NRC access and dissemination should be on a need-to-know basis. Treat as "Official Use Only."

Attachment:
Report w/exhibits

cc w/attachment:
J. Lieberman, OE
L. Chandler, OGC

Distribution:
s/f (4-95-070)
c/f
D. Lewis, OI:HQ, w/encl
B. Barber, OI:HQ, title page & synopsis page

OI:RIV *V4V* OI:RIV *W*
VVanCleave LWilliamson
04/03/96 04/03/96

BB/04

Title: JAMES A. FITZPATRICK NUCLEAR POWER PLANT:
POTENTIAL FALSIFICATION OF FIRE PROTECTION RECORDS

Licensee:

James A. FitzPatrick Nuclear Power Plant
New York Power Authority
1633 Broadway
New York, NY 10019

Docket No.: 50-333

Case Number: 1-95-012

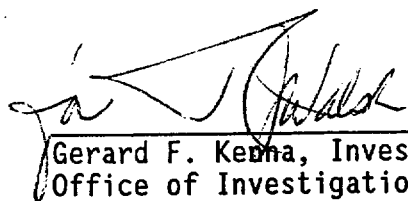
Report Date: May 30, 1995

Control Office: OI:RI

Status: CLOSED

Reported by:

Reviewed and Approved by:



Gerard F. Keena, Investigator
Office of Investigations
Field Office, Region I



Barry R. Letts, Director
Office of Investigations
Field Office, Region I

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in accordance with the Freedom of Information
Act, exemptions 7C
FOIA- 99-76

WARNING

The attached document/report has not been reviewed pursuant to
Title 10 CFR Subsection 2.790(a) exemptions nor has any exempt
material been deleted. Do not disseminate or discuss its contents
outside NRC. Treat as "OFFICIAL USE ONLY."

cc11

SYNOPSIS

This investigation was initiated by the Office of Investigations (OI) on February 9, 1995, to determine whether a fire protection supervisor forged the signature of the fire protection system engineer on a Combustion Control Permit at the James A. FitzPatrick Nuclear Power Plant. The individual suspected of forging the signature confessed to the licensee to doing so and was subsequently fired.

After a preliminary OI review of this matter, and in coordination with the Regional Administrator, it has been determined that this matter is of low priority. Due to OI:RI pursuing other investigations with higher priorities, this matter is being closed.

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TABLE OF CONTENTS

	<u>Page</u>
SYNOPSIS	1
DETAILS OF INVESTIGATION	4
Purpose of Investigation	4
Background	4
Coordination with NRC Staff	4
Closure Information	4
Supplemental Information	5
LIST OF EXHIBITS	6

DETAILS OF INVESTIGATION

Applicable Regulations

- 10 CFR 50.5: Deliberate misconduct (1994 Edition)
10 CFR 50.9: Completeness and accuracy of information (1994)

Purpose of Investigation

This investigation was initiated by the Office of Investigations (OI) on February 9, 1995, to determine whether a fire protection supervisor forged the signature of the fire protection system engineer on a Combustion Control Permit at the James A. FitzPatrick Nuclear Power Plant (FNPP) (Exhibit 1).

Background

On January 30, 1995, Joe PECHACEK, the FNPP fire systems engineer, complained to the FNPP Security Department that his signature was forged on a Combustion Control Permit dated October 18, 1994 (Exhibit 2 and Exhibit 5).

On February 2, 1995, the FNPP General Manager Site Support notified the NRC of a potential forgery of FNPP records (Exhibit 2, p. 1).

It was suspected that [REDACTED], a fire protection supervisor, had forged PECHACEK's signature. [REDACTED] was interviewed and at first denied the forgery but, later, admitted to forging PECHACEK's signature. [REDACTED] said [REDACTED] did not have permission to sign PECHACEK's signature. [REDACTED] signed PECHACEK's name because PECHACEK was not around and [REDACTED] wanted to get the job done. [REDACTED] submitted a written statement to FNPP security personnel detailing the forgery (Exhibit 5 and Exhibit 2, pp. 5-9). 7C

Thomas TEIFKE, FNPP Security Safety Manager, stated that he personally interviewed [REDACTED] relative to the allegations that [REDACTED] forged PECHACEK's signature. [REDACTED] admitted to TEIFKE that [REDACTED] forged PECHACEK's signature on a Combustion Control Permit. According to TEIFKE, [REDACTED] signed PECHACEK's signature without PECHACEK's permission. As a result of this incident, [REDACTED] was escorted off FNPP and subsequently fired from [REDACTED] job. TEIFKE said he obtained a written statement from [REDACTED] relative to the incident (Exhibits 2, 3, and 4). 7C

Coordination with the NRC Staff

On April 24, 1995, the Field Office Director, OI:RI, met with the Regional Administrator, NRC:RI, to discuss the prioritization of the OI:RI case inventory. During a discussion of this investigation, the Regional Administrator indicated that this investigation should be reduced from a normal priority to a low priority.

Closure Information

Based on the determination that this investigation is of low priority, higher

priority cases take precedence, and this case is being closed. If, at a future date, information is developed which raises the priority of this case, OI:RI will re-evaluate the matter.

Supplemental Information

On May 30, 1995, William SELLERS, Esquire, Senior Legal Advisor for Regulatory Affairs, U.S. Department of Justice, was apprised of the facts of this case. SELLERS verbally declined criminal prosecution of [REDACTED] 7C

LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	OI Investigation Status Record, dated February 9, 1995.
2	Allegation Receipt Report, dated February 2, 1995.
3	Report of Interview with Thomas TEIFKE, dated March 7, 1995.
4	Report of Interview with Thomas TEIFKE, dated April 26, 1995.
5	Facsimile forwarded to NRC, dated February 9, 1995.

REPORT OF INTERVIEW
WITH
THOMAS TEIFKE

On March 7, 1995, Thomas TEIFKE, Security Safety Manager, New York Power Authority (NYPA), at the James A. Fitzpatrick Nuclear Power Plant (FNPP), Lycoming, NY, was interviewed via telephone by U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Investigator Gerard Kenna. TEIFKE was interviewed regarding the allegation that [REDACTED] Fire Protection Supervisor/Fire Inspector, forged the signature of Joseph PECHACEK on a Combustion Control Permit. The interview started at about 12:45 p.m., and TEIFKE provided the following information in response to questions: 7C

He resides at [REDACTED] and has been employed at FNPP for the last fifteen years. His date of birth is [REDACTED] Social Security Number [REDACTED] He graduated from the State University of New York in [REDACTED] His supervisor is Mike COLOMB; his office telephone number is 315-349-6401. 7C

TEIFKE stated that he personally interviewed [REDACTED] relative to the allegations that [REDACTED] forged PECHACEK's signature. [REDACTED] admitted that [REDACTED] directly forged PECHACEK's signature on a Combustion Control Permit; he obtained a written statement from [REDACTED] relative to the incident. It would have been permissible for [REDACTED] to sign PECHACEK's signature if he gave [REDACTED] permission or if [REDACTED] signed [REDACTED] own name for PECHACEK. According to TEIFKE, [REDACTED] signed PECHACEK's signature without his permission. As a result of this incident, [REDACTED] was escorted off FNPP and was suspended from [REDACTED] job. TEIFKE stated that he has known [REDACTED] about twenty years as a neighbor, and he does not believe [REDACTED] forged PECHACEK's signature with any malicious intent. He believes [REDACTED] forged PECHACEK's signature in an effort to complete [REDACTED] job assignment. TEIFKE stated that employees that are suspended usually are fired at a later date, after the investigation is completed. TEIFKE said that he previously forwarded all documents obtained during his investigation to OI. 7C

The interview was concluded at approximately 1:05 p.m.

The interview was reported on March 7, 1995.

Reported by:

Gerard Kenna

Gerard Kenna, Investigator
Office of Investigations
Field Office, Region I

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Case No. 1-95-012

EXHIBIT 3
PAGE 1 OF 1 PAGE(S) 100/2

REPORT OF INTERVIEW
WITH
THOMAS TEIFKE

On April 26, 1995, Thomas TEIFKE, Security Safety Manager, New York Power Authority (NYPA), at the James A. Fitzpatrick Nuclear Power Plant (FNPP), Lycoming, NY, was interviewed via telephone by U.S. Nuclear Regulatory Commission (NRC), Office of Investigations. (OI), Investigator Gerard Kenna. TEIFKE was interviewed regarding the allegation that [REDACTED] Fire Protection Supervisor/Fire Inspector, forged the signature of Joseph PECHACEK on a Combustion Control Permit. In addition, TEIFKE was interviewed regarding [REDACTED] statement that [REDACTED] signed permits for fire inspectors in that past without their permission. TEIFKE provided the following information in response to questions: 7C

He acknowledged that he was previously interviewed by OI regarding [REDACTED]. He said that [REDACTED] signed a statement dated February 2, 1995, regarding [REDACTED] forgery of PECHACEK'S signature on a Combustion Control Permit. In part, [REDACTED] said the following in [REDACTED] statement: 7C

Q.... Have you or others signed permits for PECHACEK or Matchak or McDonald in the past? (all the fire inspectors)

A.....Yes.

Q.....Did you have permission to do this?

A.....No

According to TEIFKE, [REDACTED] got confused during the preparation of the statement. [REDACTED] told TEIFKE that [REDACTED] had permission to sign some forms on prior occasions. It would have been permissible for [REDACTED] to sign PECHACEK's signature if he gave [REDACTED] permission, or if [REDACTED] signed [REDACTED] own name for PECHACEK. The signing for, or with the permission of, is a procedure permitted at NYPA. This time, however, according to TEIFKE, [REDACTED] signed PECHACEK's signature without his permission. This was the only known incident in which [REDACTED] forged a fire inspector's signature. As a result of this incident, [REDACTED] was escorted off FNPP and subsequently fired. TEIFKE said that he does not believe that [REDACTED] signed PECHACEK's signature with any malicious intent. 7C

The interview was reported on April 28, 1995.

Reported by:

Gerard Kenna

Gerard Kenna, Investigator
Office of Investigations
Field Office, Region I

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CCC
Case No. 1-95-012

EXHIBIT ✓

PAGE 1 OF 1 PAGE(S)

~~SUMMARY~~ 6/9/94 @ TVA/OIG. HQS.

OIG # 2D-130 ALGR. DOUGLASS HARRISON

HARRISON did appeal DOL Wage & Hour
Finding Against him — Coer draft
OIG Report

OIG Investigator — Fred P. VICHICH

Opened — 6/11/93 — ~~INTERVIEWS JAN. 94~~
Interviews:



— Smev + Affid.

7C

7-

← WINSTON & STRAWN "Reply" to DOL Wage &
Hour Mediation/Inv.
w/ "declarations" by:

EHELE

TENNYSON

SERTWAY

FORTE

* BUTTS — Supplemental w/ 5 examples of
other SWEC cutbacks fr. 1/27 — 3/11/93

CC/4

DOL - 93-ERA-44
D. HARRISON v. SAME. C.

HARRIS Sched. for 2/23 & 24/94

U.S. Dist. Court HUNTSVILLE, AL.
vs Richard K. MALAMPH

BUTTS

1

EHLE

SETHWAT FORTIE

TENNISON - HANNAH
HARRISON

HARRISON acknowledges phone was 'temporary'

2-93-030 as of 4/22/94
Wage & Hour

6-16-93 - DOL Dist. Director
SWEC denied by
clear/convicting evid.
that they would have
taken pers. action Alsd.
to be retaliatory, Absent
"protected activity" he
alleged occurred
No indication that dec. appealed so DOL
dec. stands

1/17/94 - RII EICS Advise AGR
per Insp. 93-07 cont.
3/5/93 - "Unable to
substantiate the Alleg."

4/22/94 - TVA OIG Report still being
written

ARP - 4/21/94

Re: 3-94-002

DOTSON

From: James D. Dockery (JDD)

To: PAT1

Date: Monday, December 12, 1994 8:23 am

Subject: 2-93-003 DRAFT ROI

ATTACHED, FOR REVISION, REDACTING, EDITING, FINALIZATION AND
PERFECTING IS DRAFT 1, REV. 0, OF THE ROI FOR CASE # 2-93-003.

NOTHING LIKE A BLEAK, RAINY, FREEZING WEEKEND [REDACTED]

[REDACTED] TO STIMULATE THE CREATIVE JUICES

Files: A:\30ROIDR.FT

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Act; exemptions 7C
FOIA 99-70

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CASE CHRONOLOGY

FILE NUMBER	DATE OPENED	OPENED BY
2-93-030		
DATE	ACTIVITY	
6/22/94	Copy of TVA/OIG final report (ROI) Rec. @ OI/RTI - placed in case file. - Allegation by ALGER HARRISON <u>Not</u> substantiated by TVA/OIG -	
8/8/94	AM - Attempt to review EICS DOL file to try and locate ALT briefs - EICS DOL file could not be located	
8/18/94	Wp file Review	
8/22/94	Review EICS DOL File for HARRISON - no additional action/documentation since 6/15/94 CASE CHRON entry.	
9/6/94	REVIEW EICS DOL FILE ON HARRISON most recent document is ALT Order dated 6/28/94 granting permission for each party to the SVES To File, within 10 days, "Reply briefs" apparently Responding to initial brief submissions.	
11/14/94	Request to EICS to check DOL file for any recent activity on HARRISON - (see copy of E-mail in file)	
11/16/94	Per 11/15 E-mail fr. EICS L. WATSON - DOL ALT found for STONE & WEBSTER (re Against ALGER) on Nov. 8, 1994 - EICS to rev. documentation fr. ALT & provide to OI (see E-mail in file)	
11/16/94	BEGIN DRAFT ROI/CLOSURE AS UNSUBSTANTIATED	
12/6/94	Rev. DOL/ALT Order/Decision from EICS -	
12/12/94	FINALIZE FIRST DRAFT ROI 12/10 & 12/11 (E-Res.) - DRAFT E-mailed to PAT 1 for Final 12/12 8:20am.	
12/13/94	Revised DRAFT ROI to FOD for review & final E-mailed to PAT 1 - see E-mail in file.	
<div>ACTIVITY CODES</div> <div> L/M = LETTER OR MEMO TC = TELEPHONE CALL INSP = INSPECTION MTG = MEETING INV = INVESTIGATION REP = REPORT ISSUED </div>		

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16

CASE CHRONOLOGY

FILE NUMBER
2-93-030

DATE OPENED

OPENED BY

DATE

ACTIVITY

5/18/94

PER FOD, will meet w/ TVA/OIG in Chatanooga 5/19/94
Request he obtain copy of OIG Report of Invest-
igation if Available yet.

5/23/94

FOD attempted to obtain copy of TVA/OIG Rpt. of
Inv. re: ALGR HARRISON - Investigation is complete
but ROI still being drafted.

6/9/94

TO TVA/OIG HQS - Review OIG Investigative
File No. 2D-130 - PER OIG S/A B. BUCK, IG
Investigation is completed & final ROI is written
but not yet issued. (NOTE: According to BUCK,
this investigation was delayed because Investigator
Agent S/A FRED P. VICHICH underwent [REDACTED]

[REDACTED] Also noted from memo to file
that early in invest. VICHICH was assigned
for 4 weeks to another investigation. Review
draft ROI and extensive Reports of Interview
OIG Invest. does not substantiate allegation
that ALGR was demoted in retaliation for
voicing fire watch concerns - Noted in
IG file that ALGR did appeal BOL wage &
HARR decision & was granted ALJ hearing
scheduled for Feb. 94. No info in OIG file
as to outcome of ALJ hearing. - Will check
RTJ EJCS BOL file.

6/15/94

Review EJCS BOL file - Most recent document fr
ALGR, ATTY. to ALJ requesting extension of time
to file trial briefs until 6-7-94 - was prob.
granted since S&W ATTY's had agreed to exten-
sion.

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CASE CHRONOLOGY

FILE NUMBER	DATE OPENED	OPENED BY
2-93-030		
DATE	ACTIVITY	
8/30/93	INV. Assigned to DOCKERY by FOD VORSE	
9/7/93	SINCE DOL IS INVESTIGATING - we will NOT do anything unless the Region requests ADDITIONAL INFO FOR ENFORCEMENT ONCE DOL HAS PROCESS HAS RUN ITS COURSE - JTV	
9/7/93	WE SHOULD CONTACT TVA OIG TO OBTAIN INVEST. RPT. IF THEY ARE WORKING - JTV	
9/9/93	TEJCON - D. HICKMAN - TVA/IG - IG investigation of HARRISON'S claim is still on-going. Don believes that DOL W&H investigation resulted in NO PRIMA FACIE finding for ALGR - does NOT know whether W&H finding appealed by ALGR - W&H investigator is JOHN SLOAN in either Huntsville or Birmingham AL. - 6:30p - 8p - draft memo to TVA/IG requesting copy of report of INV. re: HARRISON when complete - AND = 1 1/2 hr. PP	
9/13/93	Request to TVA IG finalized/sent	
9/18/93	Re: Alleg. File - letter denying complaint based on "clear & convincing" showing by employer - dated 6/16/93 sent by DOL W&H to ALGR - unknown whether Alleg. appealed W&H decision to ALJ - Will await TVA IG ROI then check.	
2/9/94	Review EICS Allegation file - New Activity: 1/17/94 ltr. sent to ALGR HARRISON advising NRC staff "unable to substantiate the allegation." w/ attached "Allegation Evaluation Report" concluding "the allegations are unsubstantiated and are closed" - Documents copied & inserted in OI file.	
1/22/94	FOD return fr. Liaison visit w/ TVA OIG - OIG report of INV. in this matter still in write-up - PER FOD await OIG ROI - before taking any further action.	

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From: James D. Dockery (JDD)
To: LJW2 *Linda Watson, EICS/RTT*
Date: Tuesday, May 23, 1995 9:03 am
Subject: DOL File -Reply

Linda, I think I can help you out. Just reviewed our file and I think we have all the DOL documentation you'll need (Original Complaint, Wage & Hour report, ALJ RD&O) to reconstruct your files. I've got the OI file and you are welcome to take a look.

~~On the subject of DOL files. The W&H report of findings in the matter of *[REDACTED]* (Watts Bar NP) was due to be issued on May 17, 1995. Could you check to see if EICS has received a copy of that W&H report yet so I can review it.~~ *47C*

Jim D. (X16549)

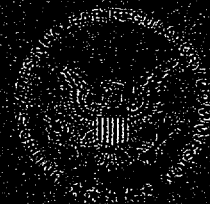
*OI FILE w/ DOL Documents tassed &
TOT Ann BOLAND 5/24/95 9:30AM
for copying of DOL Docs.*

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 7C
FOIA 99-76

cc/7

CASE No. 8-93-001

United States
Nuclear Regulatory Commission



Report of Investigation

THERMAL SCIENCE, INC.

Alleged Employment Discrimination Against An
Employee For His Refusal To Falsify Records

Office of Investigations

Reported by: CI, RMI

Title: THERMAL SCIENCE, INC.:

ALLEGED EMPLOYMENT DISCRIMINATION AGAINST AN EMPLOYEE FOR HIS
REFUSAL TO FALSIFY RECORDS

Vendor:

Thermal Science, Inc.
2200 Cassens Drive
St. Louis, Missouri 63026

Docket No.:

Case Number: 3-93-001

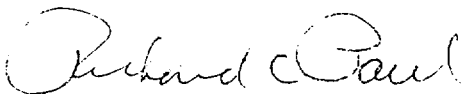
Report Date: March 30, 1995

Control Office: OI:RIII

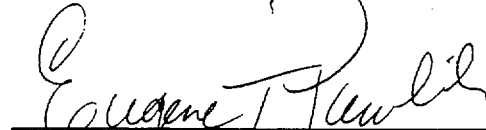
Status: CLOSED

Reported by:

Reviewed and Approved by:



Richard C. Paul, Senior Investigator
Office of Investigations
Field Office, Region III



Eugene T. Pawlik, Director
Office of Investigations
Field Office, Region III

Participating Personnel:

Joseph M. Ulie, Investigator
OI:RIII

George A. Mulley, Supervisory
Special Agent, OIG

WARNING

The attached document/report has not been reviewed pursuant
to Title 10 CFR Subsection 2.790(a) exemptions nor has any
exempt material been deleted. Do not disseminate or discuss
its contents outside NRC. Treat as "OFFICIAL USE ONLY."

SYNOPSIS

This investigation was initiated by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region III (RIII), on January 13, 1993, to determine if Paul H. WYATT, a production worker, for THERMAL SCIENCE, INC. (TSI), a vendor of fire barrier material to the nuclear power industry, was discriminated against and terminated for engaging in protected activities.

Assistant U.S. Attorney Stuart A. Berman, Greenbelt, Maryland, has requested that further investigation into this allegation be held in abeyance until the conclusion of the ongoing criminal case against TSI. The criminal case is scheduled for trial beginning May 23, 1995, at U.S. District Court, Greenbelt, Maryland. Upon completion of the criminal case, this allegation will be reviewed for possible further action. However, in the interim, this case is being administratively closed.

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TABLE OF CONTENTS

	<u>Page</u>
SYNOPSIS	1
DETAILS OF INVESTIGATION	5
Applicable Regulations	5
Purpose of Investigation	5
Background	5
Interview of Allegor	5
Review of NRC Request for Additional Information From TU	6
Coordination with the NRC Staff	6
Coordination with Regional Counsel	6
Closure Information	7
Supplemental Information	9
LIST OF EXHIBITS	11

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DETAILS OF INVESTIGATION

Applicable Regulations

Allegation: Alleged Employment Discrimination Against an Employee for His Refusal to Falsify Records

10 CFR 50.5: Deliberate misconduct (1993 Edition)

10 CFR 50.7: Employee protection (1993 Edition)

10 CFR 50.9: Completeness and accuracy of information (1993 Edition)

ERA Section 211 Whistleblower Protection

Purpose of Investigation

This investigation was initiated by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region III (RIII), on January 13, 1993, to determine if Paul H. WYATT, a production worker, for THERMAL SCIENCE, INC. (TSI), a vendor of fire barrier material to the nuclear power industry, was discriminated against and terminated for engaging in protected activities.

Background

On November 20, 1992, WYATT filed an employment discrimination complaint with the U.S. Department of Labor (DOL) as a result of his termination by TSI (Exhibits 1-2).

On December 15, 1992, DOL closed their investigation based on TSI reinstating WYATT with full back pay and benefits (Exhibits 1, 3).

Interview of Allegor

On October 28, 1992, WYATT was interviewed by OI/OIG investigators. WYATT stated he was employed as a production worker at TSI in St. Louis, Missouri, starting on September 29, 1992. WYATT said on October 22, 1992, his supervisor, Ted (Not further identified), called all the plant production workers to a meeting, and he (Ted) told the workers that one of TSI's customers, whom WYATT knew was involved with nuclear power, was having problems with the THERMO-LAG (a TSI product) conduit wrap. Apparently, the conduit wrap was exhibiting cracks, gaps, and voids, and the customer requested that all TSI workers involved in the production of THERMO-LAG conduit wrap receive training in the proper repair of the conduit wrap and that TSI prepare certificates to document this training. TED, allegedly, told the production workers that TSI wanted all employees to sign forms that indicated they had received training on how to properly repair conduit sections and that they were qualified to perform the repairs. WYATT stated the forms the TSI workers were directed to sign were blank (Exhibit 4).

INVESTIGATOR'S NOTE: In October 1992, TSI and its product, THERMO-LAG, were the subject of much scrutiny by the NRC and the nuclear power industry for alleged false claims in the product's performance. Information regarding the NRC's actions was widely reported in the news media.

WYATT continued that when he was told to sign the form, he replied to TED that he could not because he did not receive the training indicated by the form. In fact, he told TED that he had not even worked on the conduit sections; therefore, he was not qualified to do any repairs. He suggested to TED that he would be able to sign the form if he was provided at least some training on how to properly repair conduit wrap. However, Ted allegedly stated that TSI could not take the time to train the employees. WYATT stated he was also concerned that the forms were blank and TSI could fill in any information they wanted (Exhibit 4).

WYATT had a further discussion with TED and fearing he would be fired, he finally signed the blank training certification form. WYATT then had second thoughts about signing and requested that TED give it back to him. WYATT got the form and tore it up, explaining to TED he had reservations on completing the forms because of the false statements. At this point WYATT said he was put on indefinite suspension. On October 23, 1992, WYATT said he was fired by TED for his alleged poor attitude toward TSI (Exhibit 4).

WYATT also commented on the poor quality of, and defects in, the THERMO-LAG conduit sections he was working on (Exhibit 4).

INVESTIGATOR'S NOTE: It was later learned that at this time Texas Utilities (TU) was purchasing the conduit wrap for its COMANCHE PEAK STEAM ELECTRIC STATION (CPSES). CPSES was trying to get their NRC operating license and meeting schedules related to acceptance of its fire barriers by the NRC was an issue of urgency with TU.

Review of NRC Request for Additional Information From TU

On October 20, 1992, the NRC was notified by Rubin FELDMAN, president of TSI, that TU had uncovered delamination and occluded porosity in cross sections of THERMO-LAG conduit sections provided to TU by TSI (Exhibit 3, Enclosure 1).

As a result of receiving the TSI concern on THERMO-LAG material, the NRC requested additional information from TU on the purchase and related quality control issues regarding the use of THERMO-LAG at CPSES (Exhibit 5). On December 3, 1992, TSI advised the NRC by letter that the concerns raised to the NRC on October 20, 1992, regarding the porosity and delamination did not "comprise a safety hazard." As a part of the corrective actions taken, FELDMAN wrote that TSI had conducted additional training of (TSI) personnel (Exhibit 6).

Coordination with the NRC Staff

The alleged discrimination against WYATT by TSI was discussed with the NRC:RIII staff at an Allegation Review Board on August 22, 1994.

In January 1995, the information related to TSI's potential false statements to the NRC was referred to both NRR and the NRC Enforcement Staff by OIG.

Coordination with the Regional Counsel

On August 22, 1994, the discrimination allegation was discussed with Bruce A. BERSON, Regional Counsel, RIII. BERSON [REDACTED] 5

Closure Information

Assistant U.S. Attorney Stuart A. Berman, Greenbelt, Maryland, has requested that further investigation into this allegation be held in abeyance until the conclusion of the ongoing criminal case against TSI. The criminal case is scheduled for trial beginning May 23, 1995, at U.S. District Court, Greenbelt, Maryland. Upon completion of the criminal case, this allegation will be reviewed for possible further action. However, in the interim, this case is being administratively closed.

Supplemental Information

Based on the information supplied to NRC staff by the OIG, a Request for Additional Information under 10 CFR 50.54(f) has been issued to all utilities which utilize THERMO-LAG.

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated January 13, 1993.
2	DOL letter to WYATT from Kenneth M. KELLY, dated November 25, 1992.
3	DOL letter to TSI from KELLY, dated December 15, 1992.
4	Report of Interview with WYATT, dated October 28, 1992.
5	NRC letter to William J. CAHILL from Brian E. HOLIAN, dated November 25, 1992, with enclosures.
6	TSI letter to the NRC from FELDMAN, dated December 3, 1992, with enclosures.

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