

New York Power Authority
Security Department
P.O. Box 41
Lycoming, New York 13093

FACSIMILE COVER SHEET

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

Name: Mr. Barry Letz

Company: United States Nuclear Regulatory Commission

Department: _____

Facsimile #: 610-337-5131

From: [REDACTED]

Company: James A. FitzPatrick Nuclear Power Plant

Facsimile #: (315) 349-[REDACTED] or Office Phone 349-[REDACTED]

Date: February 9, 1995

RE: ([REDACTED]) Incident

We are transmitting a total number of 14 pages including this cover letter.

If you do not receive all the pages shown above, please contact [REDACTED] as soon as possible at (315) 349-6400.

Thanks!

Information in this document is unclassified
Exemption from automatic downgrading and
declassification is hereby authorized
Authority: 7C
Date: 99-076

CASE NO. 1 - 95 - 012

EXHIBIT 5
PAGE 1 OF 14 PAGE(S)

There is no letter to [REDACTED] informing her of her suspension. This was done verbally by [REDACTED] and [REDACTED]
[REDACTED]

7C

REPORT OF () INCIDENT

7C

On February 1, 1995 this writer received an E-mail message on my computer. The author was one () a Fire Systems Engineer at the FitzPatrick Nuclear Power Plant. The E-mail topic was () requesting my advice concerning his legal options when his signature was forged on a Combustible Control Permit. I immediately sent Security Coordinator () to see () Fire Protection Supervisor who was () supervisor. The date of the E-mail was January 30, 1995 and I had just detected its presence on the above date of February 1, 1995.

7C

I then went to my daily 7:30 a.m. meeting and asked my supervisor () if he was aware of an incident which involved a falsified document concerning Fire Protection. () indicated that it seemed familiar to him but could not place it. He said that he would inquire to see if anyone else knew anything about it.

7C

During that day (2/1/95) () interviewed () to see what information he could obtain in that () was named in () initial E-mail. () told () that he was conducting a critique and would be finished on February 4, 1995. () said that he would contact () when the critique was complete. () reported to me his finding which was skimpy at the least.

7C

On February 1, 1995 I also telephoned () as he was also named in the E-mail. () also indicated that he and () reported the falsification issue to () and () the first week of January, 1995. I asked () what he knew about the matter and he also stated that he indeed met with () and (). At this meeting () advised the two individuals to write a DER to address the matter (it should be pointed out at this time all involved parties were aware of the fact that a plant document was falsified but that the actual person who committed the falsification was not identified.) I asked () why Quality Assurance did not write the DER when they learned of such a serious incident and he replied that he thought the Fire Protection people would handle it. () also indicated that he advised the two men to discuss the incident with acting (). () further stated that he felt confident that () would report the matter up the chain of command to (). This was not done it was later learned.

7C

Actual firm date of discovery by () could not be ascertained but it is believed to be some time around the end of October or early November, 1995. () did state that he had originally taken the matter to () and () who was () supervisor. They both told () that they would investigate the matter. Subsequent statements from the two men detail their investigation.

7C

REPORT OF [REDACTED] INCIDENT (Continued) 7C

On February 2, 1995 this writer obtained a printout of the E-mail and took it again to the morning meeting and presented it to [REDACTED]. He examined the document and stated at that time that he was not familiar with its contents. He said that he would take it to his 8:00 a.m. meeting with the [REDACTED]. At that meeting the [REDACTED] directed Security to begin a thorough investigation (which was already begun per my instructions on 2/1/95). Immediately after the Department Manager's meeting [REDACTED] requested to see me and relay the [REDACTED] orders. I told [REDACTED] that I had already begun my investigation. 7C

I took [REDACTED] with me to meet with [REDACTED] and [REDACTED]. The meeting lasted for about an hour where many questions were asked concerning the matter of the falsification and the several interviews they had with [REDACTED] the person whom they believed committed the falsification. They said that [REDACTED] flatly denied the allegations at first and lastly stated that [REDACTED] could have done this. At this point I requested a meeting with [REDACTED] with [REDACTED] being present. 7C

[REDACTED] came to the conference room and was met by myself and [REDACTED]. I had known [REDACTED] previously as had [REDACTED]. I informed [REDACTED] of the purpose of this interview and that [REDACTED] was here to be questioned about the possible involvement of [REDACTED] in the matter. I asked [REDACTED] several questions about the procedure for Fire Protection (Administrative Procedure AP-14.02, Rev. 0 and Combustible Control Permit #94-120). I then got to the part where someone had signed, in script, [REDACTED] name. At that time I advised [REDACTED] to just tell the truth. [REDACTED] admitted signing [REDACTED] name in script and that [REDACTED] did not have his permission to do so. When asked why [REDACTED] did this, [REDACTED] stated that [REDACTED] needed [REDACTED] signature and he was not around and [REDACTED] just wanted to get the job done. I then asked [REDACTED] if this was the truth to the best of [REDACTED] knowledge and [REDACTED] stated, yes. I then read the statement to [REDACTED] with [REDACTED] reading along with me. [REDACTED] corrected me on a matter and indicated [REDACTED] approval of the change with [REDACTED] initials. I then asked [REDACTED] to sign the statement which [REDACTED] did. A copy was made of the statement and given to [REDACTED]. Later that day, I noticed that [REDACTED] indicated that other Fire Inspectors also made it a practice of signing other names on the same type of forms. I went to [REDACTED] and asked [REDACTED] to clarify [REDACTED] remark which [REDACTED] did and again initialed the change. 7C

February 2, 1995 after obtaining the statement from [REDACTED] I met with [REDACTED] from [REDACTED] and [REDACTED]. The signature incident was discussed and to pre-develop a course of immediate action. [REDACTED] was asked by [REDACTED] why this matter was not reported to upper management. [REDACTED] responded that they did not have enough information at the time and that a DER had been initiated by [REDACTED] to address the incident (DER 94-1243). Upon reviewing the DER, it was learned that the falsification issue was not even mentioned. It was further learned that the response to DER 94-1243 also did not mention the falsification issue. It should be further mentioned that [REDACTED] was the one who was assigned the responsibility of answering the DER. 7C

REPORT OF [REDACTED] INCIDENT (Continued) 7C

[REDACTED] response was dated January 19, 1995 (JTS-95-0026) nowhere in the response was the issue mentioned. I could not get an answer as to why [REDACTED] was assigned this response in that [REDACTED] was considered the prime suspect in this matter. 7C

It was also decided that [REDACTED] would be suspended without pay pending the outcome of the investigation. At 3:00 p.m. on February 2, 1995, [REDACTED] was escorted offsite by [REDACTED] and [REDACTED] badge was voided in the security computer and pulled from the rack. 7C

February 2, 1995, at 3:15 p.m. a telephone call was made to NYPA legal [REDACTED] and [REDACTED] by [REDACTED] [REDACTED] [REDACTED] and myself. We were given legal advice on the situation and were also advised to report this to the Regional Administrator under a 50.9 phone call. [REDACTED] handled this detail. 7C

On February 3, 1995 a critique was held to establish a time line of events. The following personnel were present:

[REDACTED]
[REDACTED]
[REDACTED] - RES Technician [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] - Lead Performance Engineer Specialist - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] - Sr. Nuclear Licensing Engineer [REDACTED]
[REDACTED] - Technical Services [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] - Technical Services [REDACTED]
[REDACTED] - Fire Engineer [REDACTED]
[REDACTED]

 7C

February 3, 1995 [REDACTED], [REDACTED] and myself met with [REDACTED] NRC Senior Resident Inspector to apprise him of our preliminary findings. 7C

REPORT OF [REDACTED] INCIDENT (Continued)

7C

The following personnel gave written statements:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

7C

Still to be interviewed is [REDACTED] who is out of the State for a week. Will follow-up when possible.

7C

[REDACTED] is handling the investigation from this point on with assistance and guidance from this writer.

7C

James A. FitzPatrick
Nuclear Power Plant
P.O. Box 41
Lycoming, New York 13093
315 342.3840

Memorandum



January 19, 1995
JTS-95-0026

MEMORANDUM TO: [REDACTED]

FROM: [REDACTED]

SUBJECT: CLOSEOUT OF DER 94-1243/ACTS 13842

Reference: AP-14.02, Combustible and Flammable Material Controls*

The subject DER was written as a result of the Fire Protection Supervisor's informal review of the existing Combustible Control Permit (CCP) log book maintained per AP 14.02.

During this informal review it was identified that several issued permits contained minor omissions and lack of proper signatures. The purpose of this memorandum is to identify the cause of the discrepancies, identify corrective actions to eliminate future reoccurrences and ensure compliance with the CCP procedure.

Investigation of the issues conclude three factors contributed to the problems discussed below:

1. Lack of complete information within section 2 of the Fire Protection Department evaluation within AP 14.02 CCP.

It was identified that evaluation criteria was not fully documented. This is necessary to ensure that the permit reflects the actual field condition and is appropriately evaluated per the procedure.

CORRECTIVE ACTIONS:

Coincident with the initiation of this DER, the Fire Protection Inspectors were in the process of developing a comprehensive reference manual to support the technical bases in completing the evaluation check list of section 2. This manual was completed and issued on January 1, 1995. All inspectors reviewed this technical information and the reference manuals in order to ensure the completeness and accuracy of the check list.

No further action required at this time for issue number one.

MEMORANDUM TO: [REDACTED]
FROM: [REDACTED]
SUBJECT: CLOSURE OF DER 94-1243/ACTS 13842

January 19, 1995

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2. Lack of appropriate Fire Protection Supervisor designee or Fire Protection System Engineer review signatures within section 2 of the CCPs.

The permit requires the review and signature of the FP Supervisor or his designee for non exempt areas. The Fire Inspectors are authorized by the Fire Protection Supervisor to provide signature authority during his absence. The lack of attention to detail by the Fire Inspectors resulted in these errors.

This section also requires the review of the Fire Protection System Engineer for exemption areas as defined under 8.1.3 Section B. Inconsistencies in the transmittal of the permit to the Fire Protection System Engineer by the Fire Watch Inspector resulted in the lack of these required signature reviews.

CORRECTIVE ACTION:

The Fire Inspectors were reminded of the need to forward the CCP to the Fire Protection System Engineer(s) to ensure the timely review, approval and signoff by these individuals prior to the issuance of the permit. All Fire Inspectors were required to read AP-14.02, Combustibles and Flammable Materials Controls. This action has been completed.

No further action required at this time for issue number 2.

- 3) Inconsistencies and lack of timely review of CCP expiration date status:

It was noted during the review of these existing permits that several permits had expired. The majority of these expired permits were within the month of December 1994 and were outage related.

AP 14.02 requires the monthly review of the CCP Log per section 6.3.6 to ascertain if any permit has expired or needs to be closed out. At the time that this DER was initiated, the Fire Protection Group (FPG) had identified a weakness in the monitoring and review capabilities of the existing CCP Log. The FPG had undertaken, on their own initiative, a revision and modification of this form in order to facilitate improved tracking and review capabilities.

MEMORANDUM TO: [REDACTED]
FROM: [REDACTED]
SUBJECT: CLOSURE OF DER 94-1243/ACTS 13842

January 19, 1995
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CORRECTIVE ACTIONS:

The revised CCP Log was developed on December 27, 1994, and was incorporated into the updated 1995 CCP manual which is controlled and utilized by the Fire Inspector staff. This revised log went into effect 1/1/95 and provides enhanced tracking information to increase the effectiveness of the monthly review and permit closeout process. Furthermore, the Fire Inspectors have developed an open CCP permitting tracking list which provides for the timely identification of upcoming expiration dates for open CCPs. This tracking system was implemented on 1/4/95 and is currently in use.

No further action is required at this time for issue number 3.

This information should be utilized to close ACTS 13842.

CC :

Fire Inspectors
JTS File
RMS (JAF)

NYPA DEVIATION/EVENT REPORT FORM

DER NO. 94-1243

Part 1 - Initiation

- A. Discovery: 1. Date: 12/30/94 Time: 14:34 2. Event date/time (if different): 12/30/94 - 14:34
- B. DER Type: 2 Dept Initiated Deviation Dept: JTS
- C. Equipment: 1. Component ID: NONE MRL? N 2. System: N/A 3. NPRDS Code: 4. QA Cat: 5. Equipment Name:
- D. DER Description: (brief summary required regardless of attachments. Attachments may be faxed to ORG x6363.)
WHILE PERFORMING AN INFORMAL REVIEW OF EXISTING COMBUSTIBLE CONTROL PERMITS ISSUED PER AP-14.02, IT WAS IDENTIFIED THAT SEVERAL PERMITS DID NOT CONTAIN REQUIRED INFORMATION OR SIGNATURES.
- E. Requirement not met: AP-14.02
- F. Means of Discovery:
Procedure/Mod. No: AP-14.02 Inspection No: Other:
- G. Immediate Corrective Actions Taken:
CONTACTED TS MANAGER/MEMO TO FIRE INSPECTORS
- H. Possible Cause(s): ATTENTION TO DETAIL/PROCEDURAL ADEQUENCY
- I. Initiator: [REDACTED] Entered by: [REDACTED]
- J. Potentially Reportable / Inop: N (If Y to SS ASAP)

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Part 2 - Classification (SS) (required for all Operation Occurrences)

- A. Plant/System Status: 1. Percent Power: N/A: 2. Mode switch position: 3. Safety Classification: Safety Related: 4. Redundant System Available:
- B. Operability: 1. System/component: Operable: Inoperable: LCO entry: Action req'd: 3. Tech Spec Sect: NA: 4. ST(s): ST completed (time): 5. Operability Review performed by: Date: Reference:
- C. Reportability (under 10 CFR or other):
1. 1 hr reports: Part 50.72: Part 73.73: date/time: _____ - _____
2. 4 hr reports: Part 50.72: date/time: _____ - _____
3. 24 hr reports: Part 20: Part 26.73: date/time: _____ - _____
4. Any other reportability requirements: list: date/time: _____ - _____
- D. Modifications:
1. ENS: Call Made by: ENS Worksheet Completed: date/time: _____ - _____ MRC Log No.:
2. NRC person notified: date/time: _____ - _____
3. NYPA: NA Manager: date/time: _____ - _____
4. NRC: NA Res Insp: date/time: _____ - _____
- E. SS: SS log notation made: SS:

Part 3 - Initial Review (Ops Mgmt) (required for all Operating Occurrences)

Concurrence with Part 2: If No, new classification: _____
Reason for new classification: _____
Ops Mgr Init: _____

NYPDA DEVIATION/EVENT REPORT FORM

DER NO. 94-1243

Part 4 - Screening (ORG) (required for all DERs)

A. Program Codes: 1. Functional Area Code: FIRE PROT: ADMIN: DRILLS
 2. Resp. Dept: JTS Personnel Error (Y/N)? Y
 3. Cause Codes: A2B WRITTEN DOCUMENT - SCOPE, CONTENT

B. 1. Causal Screening: Level D 2. Analysis Req'd: Team RCA: N RCA: N RCA Short Form: N
 3. Screening Notes: RESPONSE REQ'D. Critique: N EPE: N Oper Exp. Eval: N
 Post Transient Review: N Other: Y

C. Assignments:
 1. Evaluating Organization: JTS Assignee: [REDACTED] Due Date: 01/21/95 ACTS: 13842
 2. ORG: DS Source Document: DER - 94-1243 Section:
 3. LER: N LER- Assignee: Due Date: ACTS:
 or 10CFR21

D. ORG Logon: [REDACTED] Screening Date: 12/31/94

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Part 5 - Evaluation Review (ORG) (for all DERs requiring follow-up)

A. Evaluation Summary:

B. Summary of Proposed Corrective Actions Due Date Dept. ACTS/WR #
 1.
 2.
 3.
 4.
 5.
 6.
 7.

C. Hardware Defects and Nonconformances: 10 CFR Review Req'd (NGP-10): No Yes ACTS: _____
 Disposition: 1. Use-as-is: Operability determination by: 2. Modify: Modification No.:
 3. Reject: 4. Repair: WR No.: 5. Model No.: Serial No.:

Part 6 - DER Closeout

A. Lessons Learned:

B. Corrective Actions Complete or Entered Into ACTS, DER Record Closed. Status: OPEN Status Date: 12/31/94
 File Ready for RMS: ORG Date:

Recollections of [REDACTED] and [REDACTED] of a conversation with [REDACTED] [REDACTED] and [REDACTED] regarding an unauthorized signature on a fire protection document. 76

Attendees: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] 76

Date: First week of January 1995.

Summary:

[REDACTED] and [REDACTED] came to [REDACTED] office and asked for advice in approaching a problem they identified. [REDACTED] indicated that he found a fire protection record with his name signed in script but it was not his signature. [REDACTED] was quite upset that someone would sign his name without his permission. [REDACTED] asked [REDACTED] and [REDACTED] if they would mind if [REDACTED] participated in the discussion. They indicated that it was fine with them and [REDACTED] had [REDACTED] come in to listen to their concern (the reason for including [REDACTED] was that if any Quality Assurance Department followup was required it would most likely involve someone from [REDACTED] group and [REDACTED] wanted [REDACTED] to hear first hand what [REDACTED] and [REDACTED] wanted to discuss). 76

[REDACTED] said that he had found a combustible control permit (which [REDACTED] said by procedure could only be signed by [REDACTED] and [REDACTED] which had his name signed by someone else and without his permission. [REDACTED] or [REDACTED] asked how this was found and [REDACTED] said that the Fire Protection group was reviewing paperwork for attention to detail issues related to resolving a DER (DER-94-1243) in an effort to determine the extent of condition, and during that review he found the subject form. [REDACTED] or [REDACTED] asked if [REDACTED] found other examples of invalid signatures on other forms and [REDACTED] said that he had not found any others but that he had not done an exhaustive search of every form. [REDACTED] or [REDACTED] asked if [REDACTED] had any idea why someone would sign his name and [REDACTED] said he didn't know of any reason. However, [REDACTED] said that there may have been some perceived job time pressure which could have stimulated someone to sign without authorization in order to expedite a job. [REDACTED] or [REDACTED] asked [REDACTED] if he ever gives oral authorization over the phone to sign his name and [REDACTED] said that he has never done that, and if a signature was urgently required during off working hours either he or [REDACTED] would come in and sign. 76

[REDACTED] told [REDACTED] that he should issue a DER to document this condition. [REDACTED] also informed [REDACTED] and [REDACTED] that management expects problems to be identified in the DER system and that initiation of a DER for this specific issue would start a process which would evaluate the issue and resolve it. After reviewing the Combustible Control Permit in question, [REDACTED] or [REDACTED] asked [REDACTED] if the second signature on the 76

form (RES individual) was valid because it looked like similar hand writing to [REDACTED] signature. [REDACTED] stated that he would do additional investigation including talking with the RES individual and clearly define the extent of the issue prior to issuing a DER. It was agreed that the DER description should be as accurate as possible and that upon clarification of specific information about this issue he should discuss the issue with Technical Services Management and proceed with a DER as appropriate. We then discussed what follow up would be appropriate including review of additional records for similar issues and discussions with the other people who signed the subject permit to determine what they know of the issue. 7C

[REDACTED] told [REDACTED] that he should immediately discuss this issue with the [REDACTED] and work with him to evaluate the issue and pursue appropriate action. [REDACTED] also told [REDACTED] that [REDACTED] should be notified so that the entire Fire Protection line management was informed. 7C

At the end of the discussions [REDACTED] asked [REDACTED] and [REDACTED] if they were satisfied with the response provided by Quality Assurance Management and they said that they were satisfied. [REDACTED] also informed them that if after they gathered more information they were not satisfied with the line organization's actions to evaluate and resolve the issue that they should come back and Quality Assurance would initiate a DER to resolve the issue. [REDACTED] and [REDACTED] thanked [REDACTED] and [REDACTED] for listening and said that if they needed action by Quality Assurance they would let us know. 7C

Follow up #1

The next day [REDACTED] had a brief discussed with [REDACTED] in the Technical Services office area where [REDACTED] asked [REDACTED] if he knew about [REDACTED] and [REDACTED] meeting with [REDACTED] and [REDACTED] and if [REDACTED] had discussed the issue with him. [REDACTED] said that he was aware of the meeting and that he was also aware of the issue and would pursue it. [REDACTED] said that [REDACTED] should be sure to notify [REDACTED] so that all line management was informed and if he needed any assistance by Quality Assurance that he should call. 7C

Follow up #2

Approximately 2 weeks later [REDACTED] received an E-Mail (a copy is not available because the E-Mail was automatically deleted from [REDACTED] waste basket) and a visit from [REDACTED] regarding the subject issue. [REDACTED] indicated that an investigation was being conducted and he felt it was close to resolution. [REDACTED] asked him if a DER was going to be issued for the signature issue brought up by [REDACTED] and [REDACTED] stated that since the signature issue was uncovered through corrective action related to an existing DER that it would be resolved through the existing DER and another DER was not necessary. 7C

Follow up #3

Approximately one week later based on the information noted in follow up #2, [REDACTED] contacted [REDACTED]. [REDACTED] provided a brief status of resolution of the issue and referred [REDACTED] to [REDACTED] who was conducting the investigation. [REDACTED] stated that he would be concluding the investigation in the next couple of days and would discuss those results with his supervision and take the appropriate actions. 76

Follow up #4

On February 1, 1995 [REDACTED] received a call from [REDACTED] about an E-Mail he received from [REDACTED] regarding possible Security implications of the subject issue. [REDACTED] asked [REDACTED] what he knew about this since his name was mentioned in the E-Mail. [REDACTED] responded with a general description of the discussion held with [REDACTED] and [REDACTED] and the subsequent followup with [REDACTED] and [REDACTED]. 76

Follow up #5

On February 2, 1995 [REDACTED] discussed the E-Mail received by [REDACTED] at the Plant Leadership Meeting. [REDACTED] asked [REDACTED] what he knew about it, since his name was mentioned in the E-Mail, and [REDACTED] gave a general description of his involvement to the Plant Leadership Team Meeting participants. 76

[REDACTED] 2/3/95

[REDACTED] 2/3/95 76