

May 4, 2001

IA-01-024

Mr. Michael Mennucci
[HOME ADDRESS DELETED
UNDER 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION
(OFFICE OF INVESTIGATIONS REPORT 3-2000-029)

Dear Mr. Mennucci:

This letter refers to an investigation by the NRC Region III Office of Investigations (OI) completed on February 27, 2001. The OI investigation concluded that you had falsified information on a corrective action document (Condition Report (CR) No. CPAL-99-0638). A summary of the information developed, based on the OI investigation, was provided to you by the NRC in a letter, dated April 6, 2001. In that letter, you were given the opportunity either to discuss this matter at a predecisional enforcement conference or reply to the NRC in writing within 30 days. During an April 11, 2001 telephone conversation, Mr. John Grobe and others of my staff discussed the purpose of the predecisional enforcement conference with you and the normal course of action for deliberate violations. During this telephone conversation you indicated that you: (1) agreed with the description of the event in our April 6, 2001 letter; (2) acknowledged that you were accountable for your actions; (3) apologized for your actions; and (4) would ensure that this would not happen in the future. On April 12, 2001, you informed Mr. Grobe that you did not wish to request a conference. That decision was based on your interview with OI, our April 6, 2001 letter to you, your recent conversation with NRC representatives, and that you did not have any additional information to present.

Based on the OI investigation, the NRC has determined that a deliberate violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice). In summary, while you were employed as a radioactive waste supervisor (a licensee official) at Consumer Energy's Palisades Nuclear Station, you falsified information on a corrective action document when you signed and dated a completion block (signed and dated on January 25, 2000) indicating that three radioactive material shipping procedures had been revised. However, one procedure had not been revised until February 23, 2000, and another of the named procedures remained unrevised until July 14, 2000. The final procedure was revised prior to January 25, 2000. Your deliberate actions placed you in violation of 10 CFR 50.5, "Deliberate Misconduct." Therefore, the violation is categorized in accordance with the "General Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, at Severity Level III.

After consultation with the Director, Office of Enforcement, and after considering the circumstances of this case, including the facts that: (1) your actions were deliberate; (2) you were a licensee official at the time of the deliberate actions; (3) the actual safety significance was low, since the procedure revisions were minor clarifications to the named procedures and did not establish new requirements; (4) you indicated during the April 11, 2001 telephone conversation, that you understand the significance of your actions and would follow procedures and perform tasks as expected in the future; and (5) Consumers Energy took action regarding your wrongdoing, including reassigning you from radioactive waste supervisor in the radiation protection department to a technical lead position in the maintenance department, I have decided to issue the enclosed Notice of Violation. You should be aware that if you are involved in NRC licensed activities in the future, engagement in any wrongdoing could result in more significant enforcement action.

The NRC has concluded that information regarding the reason for the violation and the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed above. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

Please feel free to contact Mr. Gary Shear of my staff if you have any questions. Mr. Shear can be contacted at telephone numbers (800) 522-3025 or (630) 829-9500.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to submit one, will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Sincerely,

/RA/ James L. Caldwell for

J. E. Dyer
Regional Administrator

Enclosure: Notice of Violation

cc w/encl: Mr. John Paul Cowan
Site Vice President
Palisades Nuclear Generating Plant
Consumers Energy Company
27780 Blue Star Memorial Highway
Covert, MI 49043-9530

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

M. Mennucci

-2-

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Site Vice President
Palisades Nuclear Generating Plant
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27780 Blue Star Memorial Highway
Covert, MI 49043-9530

CERTIFIED MAIL

RETURN RECEIPT REQUESTED *See Previous Concurrence

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Licensing Project Manager, NRR

Enforcement Coordinators

RI, RII, and RIV

R. Paul, OI:RIII

OEMAIL

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Docket File

Notice of Violation

Mr. Michael Mennucci
[HOME ADDRESS DELETED]
UNDER 10 CFR 2.790(a)]

IA-01-024

During an NRC investigation completed on February 27, 2001, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 50.5(a)(2) states, in part, that an employee of a licensee may not deliberately submit to the licensee information that the person knows to be incomplete or inaccurate in some respect material to the NRC.

Contrary to the above, on January 25, 2000, you signed and dated a completion block on a condition report indicating that three radioactive material shipping procedures had been reviewed and revised. You deliberately did this knowing that two of the three procedures had not been revised, therefore providing your management (the licensee) with inaccurate information, which would be material to the NRC in reviewing the corrective action associated with a previous non-cited violation.

This is a Severity Level III violation (Supplement VII).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately described in the letter transmitting this Notice of Violation. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region III, 801 Warrenville Road, Lisle, IL 60532-4351, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). Therefore, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Dated this 4th day of May 2001.