



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

February 16, 2012

IA-11-069

Mr. Jerry Edwards
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

SUBJECT: NOTICE OF VIOLATION - NRC Office of Investigations Report No. 1-2011-015

Dear Mr. Edwards:

On September 29, 2011, the U. S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) completed an investigation used to determine, in part, whether your actions willfully contributed to a finding issued to Constellation Energy Nuclear Group, LLC (Constellation) on August 30, 2011. The finding involved security-related issues which are considered to be sensitive security information and are unavailable to the public, details of which are not described herein. The details were also excluded from the publicly available portion of the correspondence sent to Constellation regarding an enforcement action which was issued to them today.

In an NRC letter to you, dated January 11, 2012, you were informed that based on evidence gathered during the OI investigation, the NRC concluded that you willfully, with deliberate misconduct, contributed to the issues identified in the finding, and escalated enforcement action was being considered against you, in accordance with the NRC Enforcement Policy, for an apparent violation of 10 CFR 50.5, deliberate misconduct. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-rc/regulatory/enforcement/enforce-pol.html>. The letter also offered you the opportunity to respond to the issues in writing, by attending a predecisional enforcement conference, or by participating in an alternative dispute resolution mediation session.

Since you have not requested a predecisional enforcement conference, an alternative dispute resolution mediation session, nor replied in writing, the NRC is proceeding with its enforcement action based on the results of the OI investigation. The NRC has determined that you are personally responsible for a deliberate violation of NRC requirements. This violation is cited in the enclosed Notice of Violation (Notice, Enclosure 1). Your deliberate actions placed Constellation in violation of NRC requirements, and a copy of the publicly available cover letter to Constellation conveying the enforcement action taken to Constellation is enclosed (Enclosure 2). Given the significance of the underlying issue and the deliberate nature of your actions, your violation has been categorized in accordance with the NRC Enforcement Policy Section 6.13 at Severity Level III.

Although you are no longer employed by Constellation, should you again become involved in NRC-licensed activities in the future, and again engage in deliberate misconduct, additional or more significant enforcement action or criminal action could be taken against you.

You are not required to respond to this letter at this time. However, should you apply for unescorted access with an NRC-licensure in the future, you will be required, pursuant to the provisions of 10 CFR 2.201, to submit a written response within 30 days of being granted unescorted access. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, your response, if you choose to provide one, should not include any personal privacy or proprietary information so that it can be made available to the Public without redaction. The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>). In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Please feel free to contact Mr. James Trapp of my staff at 610-337-5186 if you have any questions.

Sincerely,

/RA/

William M. Dean
Regional Administrator

Enclosures:

1. Notice of Violation
2. Publicly-available cover letter to Constellation's enforcement action

cc w/encl:

D. Bartnik, Director, Nuclear Security

T. Levering, Emergency Response Director, State of Maryland

A. Lauland, Director, Department of Homeland Security, State of Maryland

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Mr. Jerry Edwards
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

IA-11-069

During an investigation completed by the NRC Office of Investigations on September 29, 2011, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 50.5, "Deliberate misconduct," requires in part, that any employee of a licensee may not engage in deliberate misconduct that causes or would have caused, if not detected, 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.

Contrary to the above, on occasions prior to May 2011, you deliberately caused Constellation Entergy Nuclear Group, LLC to violate NRC regulations set forth in 10 Part 73. Security-related issues related to the violation, which are considered to be sensitive information and are unavailable to the public, are not described herein; as such, the specific section(s) of Part 73 that were violated are being withheld.

This is a Severity Level III violation (Supplement 6.13).

You are not required to respond to this Notice of Violation at this time. However, should you apply for unescorted access authorization to an NRC-licensed nuclear power reactor in the future, you will be required, pursuant to the provisions of 10 CFR 2.201, to submit a written response within 30 days of being granted unescorted access. This reply should be clearly marked as a "Reply to a Notice of Violation; IA-11-069" and should include: (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 was/will be achieved. 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 such other action as may be proper should not be taken. The reply should be addressed to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region I, 475 Allendale Rd. King of Prussia, PA 19406, and marked "Open by Addressee Only." 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.

Because your response will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's Agency-wide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy or proprietary information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the

information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

In addition, this Notice will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Dated this 16th day of February 2012

You are not required to respond to this letter at this time. However, should you apply for unescorted access with an NRC-licensee in the future, you will be required, pursuant to the provisions of 10 CFR 2.201, to submit a written response within 30 days of being granted unescorted access. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

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Please feel free to contact Mr. James Trapp of my staff at 610-337-5186 if you have any questions.

Sincerely,
/RA/

William M. Dean
Regional Administrator

Enclosures:

1. Notice of Violation
2. Publicly-available cover letter to Constellation's enforcement action

cc w/encl:

D. Bartnik, Director, Nuclear Security

T. Levering, Emergency Response Director, State of Maryland

A. Lauland, Director, Department of Homeland Security, State of Maryland

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

SUNSI Review Complete: AED (Reviewer's Initials)

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OFFICE	RI/RC	RI/ORA	HQ/NSIR	HQ/OE	RI/ORA
NAME	KFarrar	DHolody	JMarshall	REul	WDean
DATE	1/26/2012	1/30/2012	2/15/12	2/16/12	02/16/12

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Region I OE Files (with concurrences)