



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION I
2100 RENAISSANCE BLVD., SUITE 100
KING OF PRUSSIA, PA 19406-2713

August 3, 2015

EA-15-079

Mr. Eric A. Larson
Site Vice President
First Energy Nuclear Operating Company
Beaver Valley Power Station
P. O. Box 4
Shippingport, PA 15077-0004

SUBJECT: NRC INVESTIGATION REPORT NO. 1-2014-023

Dear Mr. Larson:

This letter refers to the subject investigation by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) conducted at First Energy Operating Company's (FENOC's) Beaver Valley Power Station (Beaver Valley). The investigation, which was completed on March 31, 2015, was conducted to determine whether a former senior reactor operator (SRO) deliberately provided incomplete and inaccurate information to FENOC on June 22, 2014. The investigation was initiated after the NRC received notification from FENOC on June 27, 2014, indicating that the SRO had failed to report a June 22, 2014, arrest within the timeline specified in FENOC implementing procedures, as required by NRC regulations. Namely, NRC access authorization requirements, specified in Title 10 of the Code of Federal Regulations (CFR) 73.56(g), specify, in part, that any individual maintaining UAA shall promptly report, to the personnel designated in site procedures, any legal action(s) taken by a law enforcement authority. FENOC procedure NOP-LOP-1001 specifies that individuals maintaining UAA shall notify the Access Authorization Supervisor within 48 hours of an arrest, or immediately upon returning to work following the incident.

On the early morning of June 22, 2014, the SRO was arrested for driving under the influence (DUI). When he arrived at Beaver Valley later that day, rather than report the arrest, the SRO told the on-site Unit Supervisor that his car had been towed as the result of parking next to a fire hydrant the night before. Throughout the next 4 days of working on site, the SRO repeated to several coworkers that his car had been impounded because it was parked illegally. On June 27, 2014, the SRO informed site management of the arrest, and resigned from FENOC shortly thereafter.

During an interview with OI, the SRO testified that he knew he had been arrested, that he was aware of FENOC's arrest reporting requirements, and that he chose to not report his arrest until June 27, 2014, in part, for fear of losing his job. Based on the results of the OI investigation,

the NRC determined that, contrary to 10 CFR 50.5(a)(2), the SRO deliberately provided incomplete and inaccurate information to FENOC that was material to the NRC when he did not report the arrest and, instead, informed licensee staff that his vehicle had been impounded as a result of parking it illegally, when his vehicle had actually been impounded as a result of the arrest. The information was material to the NRC because the NRC requires that individuals report legal actions so that licensees may evaluate the circumstances and re-determine the reported individual's unescorted access or UAA status.

The NRC did not identify any violations of regulatory requirements by FENOC associated with this event. Please note that final NRC investigation documents, such as the OI report described in this letter, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information appropriate under the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, "Requests for Records," a copy of which is enclosed for your information.

You are not required to respond to this letter. However, should you choose to respond, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406, and marked "Open by Addressee Only," within 30 days of the date of this letter, with a copy to the NRC Senior Resident Inspector at Beaver Valley. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide one, will be 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>.

Should you have any questions regarding this letter, please contact Mr. Silas Kennedy at 610-337-5046.

Sincerely,

A handwritten signature in black ink, appearing to read "Ho K. Nieh" followed by a stylized flourish and the word "for".

Ho K. Nieh, Director
Division of Reactor Projects

Enclosures: As stated

Docket Nos. 50-334; 50-412
License Nos. DPR-66, NPF-73

cc: Distribution via ListServ

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Sincerely,
/RA Michael Scott for:/
 Ho K. Nieh, Director
 Division of Reactor Projects

Enclosures: As stated
 Docket Nos. 50-334; 50-412
 License Nos. DPR-66, NPF-73
 cc: Distribution via ListServ
ML15215A047

DOCUMENT NAME:S:\Enf-all\Enforcement\Proposed-Actions\Region1\Beaver Valley LICENSEE SRO Arrest No Viol EA-15-079.docx

X SUNSI Review/ MMM*		X Non-Sensitive □ Sensitive		X Publicly Available □ Non-Publicly Available		
OFFICE	RI/ORA	RI/ORA	RI/DRS	RI/DRP	RI/DRS	RI/ORA
NAME	M McLaughlin/ MMM*	N Warnek/ NW*	A Dimitriadis/ AD*	S Kennedy/ SRK*	R Lorson/ RKL*	B Klukan/ BMK*
DATE	7/07/15	7/07/15	7/09/15	7/10/15	7/15/15	7/20/15
OFFICE	RI/ORA	OGC	OE	NRR	NSIR	RI/DRP
NAME	B Bickett/ BAB*	C Hair via OE email	G Figueroa via email	D Willis via OE email	S Coker via OE email	H Nieh/MScott for
DATE	7/21/15	7/28/15	7/28/15	7/28/15	7/28/15	7/30/15

*See concurrence on previous page

OFFICIAL RECORD

§ 9.23 Requests for Records

(a)(1) A person may request access to records routinely made available by the NRC under § 9.21 in person, by telephone, by e-mail, facsimile, or U.S. mail from the NRC Public Document Room, One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852-2738.

(i) Each record requested must be described in sufficient detail to enable the NRC Public Document Room staff to locate the record.

(ii) To obtain copies of records expeditiously, a person may open an account with the NRC Public Document Room reproduction contractor. Payment for reproduction services will be made directly to the contractor.

(2) [Reserved]

(b) A person may request agency records by submitting a request authorized by 5 U.S.C. 552(a)(3) to the Freedom of Information Act and Privacy Act Officer by an appropriate method listed in § 9.6 of this chapter. The request must be in writing and clearly state on the envelope and in the letter that it is a "Freedom of Information Act request." The NRC does not consider a request as received until the date it is actually received by the Freedom of Information Act and Privacy Act Officer.

(1) A Freedom of Information Act request covers only agency records that are in existence on the date the Freedom of Information Act and Privacy Act Officer receives the request. A request does not cover agency records destroyed or discarded before receipt of a request or which are created after the date of the request.

(2) All Freedom of Information Act requests for copies of agency records must reasonably describe the agency records sought in sufficient detail to permit the NRC to identify the requested agency records. Where possible, the requester should provide specific information regarding dates, titles, docket numbers, file designations, and other information which may help identify the agency records. If a requested agency record is not described in sufficient detail to permit its identification, the Freedom of Information Act and Privacy Act Officer will contact the requester within 10 working days after receipt of the request and inform the requester of the additional information or clarification needed to process the request.

(3) Upon receipt of a request made under paragraph (b) of this section, the NRC will provide written notification to the requester that indicates the request has been received, the name and telephone number of the NRC point of contact to find out the status of the request, and other pertinent matters regarding the processing of the request.

(4)(i) The NRC shall advise a requester that fees will be assessed if--

(A) A request involves anticipated costs in excess of the minimum specified in § 9.39; and

(B) Search and duplication is not provided without charge under § 9.39; or

(C) The requester does not specifically state that the cost involved is acceptable or acceptable up to a specified limit.

(ii) The NRC has discretion to discontinue processing a request made under this paragraph until--

(A) A required advance payment has been received;

(B) The requester has agreed to bear the estimated costs;

(C) A determination has been made on a request for waiver or reduction of fees; or

(D) The requester meets the requirements of § 9.39.

(c) If a requested agency record that has been reasonably described is located at a place other than at the NRC Web site, <http://www.nrc.gov>, the NRC Public Document Room, or the NRC headquarters, the NRC may, at its discretion, make the record available for inspection and copying at either of the locations.

(d) Except as provided in § 9.39--

(1) If the record requested under paragraph (b) of this section is a record available through the National Technical Information Service, the NRC shall refer the requester to the National Technical Information Service; and

(2) If the requested record has been placed on the NRC Internet Web site, under § 9.21, the NRC may inform the requester that the record is available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room, and that the record may be obtained in accordance with the procedures set forth in paragraph (a) of this section.

(e) The Freedom of Information Act and Privacy Act Officer will promptly forward a Freedom of Information Act request made under paragraph (b) of this section for an agency record to the head of the office(s) primarily concerned with the records requested, as appropriate. The responsible office will conduct a search for the agency records responsive to the request and compile those agency records to be reviewed for initial disclosure determination and/or identify those that have already been made publicly available at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room.

[63 FR 2876, Jan. 20, 1998, as amended at 64 FR 48950, Sept. 9, 1999; 67 FR 67098, Nov. 4, 2002; 68 FR 58800, Oct. 10, 2003, 70 FR 34306, June 14, 2005]