



UNITED STATES
NUCLEAR REGULATORY COMMISSION

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

August 3, 2015

IA-15-032

Mr. Jesse Meyer
HOME ADDRESS DELETED
UNDER 10 CFR 2.390

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Meyer:

On March 31, 2015, the U. S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) completed an investigation to determine, in part, whether you deliberately provided incomplete and inaccurate information to First Energy Nuclear Operations Inc. (FENOC) on June 22, 2014. At that time, you were working at FENOC's Beaver Valley Power Station (Beaver Valley) as a Senior Reactor Operator (SRO) with unescorted access authorization (UAA) to the facility. The investigation was initiated after the NRC received notification from FENOC on June 27, 2014, indicating that you had failed to report a June 22, 2014, arrest within the timeline specified in NRC requirements and FENOC implementing procedures. 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, you were arrested for driving under the influence (DUI), and your vehicle was impounded as a result of your arrest. When you arrived at Beaver Valley later that day, rather than report the arrest as required, you told the on-site Unit Supervisor that your 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, you repeated to several coworkers that your car had been impounded because it was parked illegally. On June 27, 2014, you informed your management of the arrest, and you resigned from FENOC shortly thereafter.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

During your interview with OI, you testified that you knew you had been arrested, that you were aware of FENOC's arrest reporting requirements, and that you chose to not report your arrest until June 27, 2014, in part, for fear of losing your job. Based on the results of the OI investigation, the NRC determined that, contrary to 10 CFR 50.5(a)(2), you deliberately provided incomplete and inaccurate information to FENOC that was material to the NRC when you did not report the arrest and, instead, informed licensee staff that your vehicle had been impounded as a result of parking it illegally, when your 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.

During a telephone conversation with Marjorie McLaughlin of my staff on July 6, 2015, you were provided the results of the NRC investigation. You were also provided the opportunity to address the apparent violation by either attending a pre-decisional enforcement conference (PEC) or by providing a written response before the NRC made its final enforcement decision. In that conversation, you indicated that you did not intend to submit a written response and that a PEC was not necessary. Accordingly, based on the evidence obtained through the NRC OI investigation, the NRC has determined that a violation of NRC requirements occurred. The purpose of the Commission's access authorization requirements is to provide reasonable assurance that individuals granted UAA to nuclear power plants are trustworthy and reliable. Failing to report your arrest in accordance with NRC and FENOC requirements undermines the special trust and confidence placed in you, particularly as a licensed Senior Reactor Operator. Because of the significance of the underlying issue, the deliberate nature of your actions, and your position as a Senior Reactor Operator at Beaver Valley, the violation is categorized as a Severity Level III violation in accordance with the NRC Enforcement Policy. The current NRC Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation is cited in the enclosed Notice of Violation (Notice).

Since you are no longer employed by FENOC, 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. Please note that, 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.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if one is provided, 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>. The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

J. Meyer

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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." This system, which is not publicly accessible, includes all records pertaining to individuals who are being considered for, or have been considered for enforcement action, whether such action was taken or not. 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 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Dorman", written in a cursive style.

Daniel H. Dorman
Regional Administrator

Enclosures: As Stated

cc (w/encl):

Mr. Eric Larson, Site Vice President, Beaver Valley Power Station

J. Meyer

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Sincerely,

/RA/

Daniel H. Dorman
Regional Administrator

Enclosures: As Stated

cc (w/encl):

Mr. Eric A. Larson, Site Vice President
Beaver Valley Power Station

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ADAMS Document Accession No. **ML15215A075**

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OFFICE	RI/ORA	RI/DRS	RI/DRP	RI/DRP	RI/ DRS	RI/ORA
NAME	M McLaughlin/ MMM*	A Dimitriadis/ AD*	S Kennedy/ SRK*	H Nieh/ M Scott for*	R Lorson/ RKL*	B Klukan/ BMK*
DATE	7/07/15	7/09/15	7/10/15	7/13/15	7/15/15	7/20/15
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NAME	B Bickett/ BAB*	G Figueroa via email	C Hair NLO via OE email	D Willis via OE email	S Coker via OE email	D Dorman/
DATE	7/21/15	7/28/15	7/28/15	7/28/15	7/28/15	7/30/15

*See previous concurrence page OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Jesse Meyer
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

IA-15-032

Based on the results of an NRC investigation completed on May 8, 2015, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

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

10 CFR 73.56(g) requires, in part, that any individual who is maintaining unescorted access (UA) or unescorted access authorization (UAA) under this section promptly report to the reviewing official, his or her supervisor, or other designated management personnel any legal action(s) taken by a law enforcement authority or court of law to which the individual has been subject that could result in incarceration or a court order or that requires a court appearance, including but not limited to an arrest, an indictment, the filing of charges, or a conviction.

FENOC access authorization implementing procedure NOP-LOP-1001, "UA Requirements," specifies that individuals applying for or maintaining UAA shall notify the Access Authorization Supervisor whenever a situation, to include arrest, occurs, within 48 hours or immediately upon returning to work following the incident.

Contrary to the above, from June 22, 2014 through June 27, 2014, while employed at Beaver Valley Power Station as a licensed Senior Reactor Operator with UA to the site, you deliberately submitted to the licensee information that you knew to be incomplete or inaccurate in some respect material to the NRC. Specifically, on the morning of June 22, 2014, you were arrested, and your vehicle was impounded as a result of the arrest. When reporting to work later that day, rather than report the arrest as required, you informed licensee staff that your vehicle had been impounded because you had parked it illegally. You did not report the arrest until June 27, 2014, even though your first day back to work following the arrest was June 22, 2014. 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.

This is a Severity Level III violation (Policy Example 6.9)

Since you are no longer employed by FENOC, 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. This response should be clearly marked as a "Reply to a Notice of Violation; IA-15-032" 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.

In such case, the reply should be addressed to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region I, 2100 Renaissance Boulevard, 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, proprietary, or safeguards 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). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

This letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." This system, which is not publicly-accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. 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 3rd day of August, 2015.

§ 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]