

January 24, 1997

IA 97-003

Mr. George Risko, Jr.  
[HOME ADDRESS DELETED  
UNDER 10 CFR 2.790]

SUBJECT: LETTER OF REPRIMAND  
(NRC OFFICE OF INVESTIGATIONS REPORT NO. 2-96-005)

Dear Mr. Risko:

This letter refers to our decisions regarding the findings of an investigation conducted by the Nuclear Regulatory Commission (NRC) Office of Investigations (OI) during the period March 6 through December 13, 1996. The OI investigation consisted of a review of the circumstances surrounding the loss of control of a security badge at Florida Power Corporation's (FPC) Crystal River site on February 9, 1996. OI, in Investigation Report No. 2-96-005 issued on December 13, 1996, concluded that "contract security employees intentionally and deliberately conspired to cover up the loss of the security badge by placing the badge back in the rack." A copy of the synopsis to the OI investigation report is enclosed (Enclosure 1).

Based on the results of the OI investigation, your actions in this case appear to have violated NRC requirements. Specifically, it appears that you engaged in deliberate misconduct that caused FPC to be in violation of their NRC operating license. Based on the investigation, on February 9, 1996, you deliberately violated Section 5.4.3 of the FPC Physical Security Plan when a security access badge was found to have been improperly taken offsite outside the observation and control of security force personnel. When you were informed that the security badge had been taken offsite, you failed to deactivate the badge in the security access computer and initiate an investigation. You were also aware that another security guard had violated procedures related to the events of February 9, 1996.

Your actions on February 9, 1996, constitute an apparent violation of 10 CFR 50.5, Deliberate Misconduct (Enclosure 2). After serious consideration of this matter, we have decided that issuance of this Letter of Reprimand is warranted to emphasize the NRC's expectation that you will follow required procedures when involved in NRC licensed activities in the future. No further enforcement action will be taken against you regarding this matter since: (1) your work history did not indicate previous wrongdoing; (2) you have fully cooperated in the investigation of the incident; (3) you have expressed remorse for the incident; (4) your actions were condoned by a supervisor who should have directed you to follow procedures; and (5) you received a substantial disciplinary action from FPC as a result of your conduct.

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While formal enforcement action is not being taken against you, you should be aware that the NRC's regulations allow the issuance of civil sanctions to be taken directly against unlicensed persons who, through their deliberate misconduct, cause a licensee to be in violation of NRC requirements. Deliberate misconduct includes an intentional act or omission that the person knows constitutes a violation of a requirement, procedure or training instruction. An order may also be issued to an individual to prevent his or her engaging in licensed activities at all NRC licensed facilities. A violation of this regulation as set forth in 10 CFR 50.5, "Deliberate Misconduct", may also lead to criminal prosecution. Similar failures in the future could lead to formal NRC enforcement action against you. A copy of the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, is enclosed for your reference (Enclosure 3).

You are not required to respond to this letter. However, if you choose to provide a response, please provide it to me within 30 days of the date of this letter at U. S. Nuclear Regulatory Commission, Region II, 101 Marietta St., N.W., Suite 2900, Atlanta, Georgia, 30323.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, records or documents compiled for enforcement purposes are placed in the NRC Public Document Room (PDR). A copy of this letter with your address removed, and your response, if you choose to submit one, will be placed in the PDR (after 45 days unless you provide sufficient basis to withdraw this letter).

Should you have any questions concerning this letter, please contact Mr. Bruno Uryc at (404) 331-5505 or Mr. Paul Fredrickson at (404) 331-5596. Collect calls will be accepted. You may also contact us by calling 1-800-577-8510.

Sincerely,

Original Signed by  
Ellis W. Merschoff

Luis A. Reyes  
Regional Administrator

Enclosures: 1. Synopsis for OI Case No. 2-96-005  
2. 10 CFR 50.5  
3. NUREG-1600, Enforcement Policy

cc w/encl 1 [HOME ADDRESS DELETED]:  
Mr. P. M. Beard, Jr. (SA2A)  
Sr. VP, Nuclear Operations  
Florida Power Corporation  
Crystal River Energy Complex  
15760 West Power Line Street  
Crystal River, Florida 34428-6708

Distribution w/encl 1 [HOME ADDRESS DELETED]:

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NRC Resident Inspector

U.S. Nuclear Regulatory Commission

6745 N. Tallahassee Road

Crystal River, FL 34428

*for B. Summers*

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## SYNOPSIS

The U.S. Nuclear Regulatory Commission (NRC), Region II, Office of Investigations, initiated this investigation on March 6, 1996, to determine if a Florida Power Corporation contract security guard at the Crystal River Nuclear Plant, who lost control of a security badge, colluded with another security guard and security lieutenant to cover up the loss by placing the badge back in the rack.

The evidence developed during this investigation substantiated that the contract security employees intentionally and deliberately conspired to cover up the loss of a security badge by placing the badge back in the rack.