

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of

JEFFREY LEE BARNHART
aka GREGORY KENNETH BARNHART

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IA 97-022

DEMAND FOR INFORMATION

I

Jeffrey Lee Barnhart was a contract employee at Northern States Power Company's (NSP) Prairie Island Nuclear Generating Plant (PINGP), working under temporary unescorted access authorization. NSP holds license Nos. DPR-42 and DPR-60 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 50 on April 5, 1974 and October 29, 1974 respectively. The license authorizes the operation of PINGP in accordance with the conditions specified therein. The facility is located on the Licensee's site in Minnesota.

II

In February 1996, NSP received information that a temporary contract employee at PINGP, Jeffrey Lee Barnhart, could be working at the plant under the assumed name of his deceased brother, Gregory Kenneth Barnhart. NSP discovered this information before Mr. Barnhart's full background investigation had been completed. A subsequent NSP record review found that Mr. Barnhart's true identity was Jeffrey Lee Barnhart and that he had submitted falsified documents in his request for access authorization. NSP interviewed Mr. Barnhart and determined that he had obtained a driver's license under the assumed name and had been using a false identity for several years. Additionally, Mr. Barnhart admitted that, contrary to his response on

the NSP Nuclear Security Questionnaire, he had used and was once cited for possession of marijuana. Based on this information, NSP denied Barnhart's access on February 8, 1996.

Based upon the above, it appears that Mr. Barnhart engaged in deliberate misconduct by falsifying information on his NSP Nuclear Security Questionnaire and working under the assumed name of his deceased brother. Mr. Barnhart's deliberate misconduct was in violation of 10 CFR 50.5(a)(2), in that he provided to the facility licensee information that he knew to be inaccurate in some respect material to the NRC, specifically, a false identity, and false information regarding use and citation for possession of marijuana. Mr. Barnhart's actions also constitute a violation of 10 CFR 50.5(a)(1) in that he deliberately provided false information on his security questionnaire which, but for detection, would have caused the Licensee to be in violation of 10 CFR 50.9(a). This raises serious doubts as to whether Mr. Barnhart can be relied upon to comply with NRC requirements and to provide complete and accurate information to the NRC and its licensees. Therefore, further information is needed to determine whether the Commission can have reasonable assurance that in the future Mr. Barnhart will meet NRC requirements to provide complete and accurate information to NRC licensees and the Commission, and otherwise conduct his activities in accordance with the Commission's requirements.

III

Accordingly, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204, the

Commission needs the following information to determine whether enforcement action should be taken against you to ensure future compliance with NRC requirements:

- A. Information as to why the NRC should have confidence that you will provide complete and accurate information to NRC licensees and the Commission, and otherwise conduct your activities in accordance with the Commission's requirements.
- B. Whether you will agree to a five year prohibition from engaging in NRC-licensed activities and a five year notice period immediately following the five year period of prohibition. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20.

You may provide any information that you want the NRC to consider, including whether the statements made in Section II of this Demand for Information are correct. The information is to be submitted to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, within 30 days of the date of this Demand for Information, in writing and under oath or affirmation.

You may respond to this Demand for Information by filing a written answer under oath or affirmation or by setting forth your reasons why this Demand for

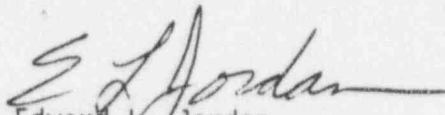
Information should not have been issued if the requested information is not being provided. Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address, and to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, Illinois, 60532-4351.

If you consent to the issuance of the Order prohibiting you from licensed activities for a period of five years, you are waiving your right to request a hearing on all or any part of the Order. In addition you must sign the Hearing Waiver (enclosed) indicating that you agree to being prohibited from licensed activities for a period of five years and that you agree to the five year notification provision to immediately follow the prohibition period. You will be consenting to the issuance of a Confirmatory Order addressing the above requirements. If you assent to the foregoing, return the attached Hearing Waiver within 30 days from the date of this Demand for Information to Mr. James Lieberman, Director, Office of Enforcement, at the above address. In addition, provide a copy of the Signed Waiver to the Regional Administrator, at the above address. After receiving written consent, the NRC will issue the aforementioned Order.

If you do not consent to the Order, upon review of your answer, or if no answer is filed, the Commission may institute a proceeding pursuant to 10 CFR 2.202 or to take such other action as may be necessary to ensure compliance

with regulatory requirements. If you do not consent to the Order, your response to the Demand for Information will be considered before a final decision is made in this matter. However, if no answer is filed within 30 days, we will proceed on the basis of available information.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in dark ink, appearing to read "E. L. Jordan", is written over the typed name.

Edward L. Jordan
Deputy Executive Director for
Regulatory Effectiveness, Program Oversight,
Investigations and Enforcement

Dated at Rockville, Maryland
this day of April, 1997

HEARING WAIVER

I, Jeffrey Lee Barnhart, aka Gregory Kenneth Barnhart, hereby agree to comply with the commitments described in the NRC's letter dated April XX, 1997, with the attached Demand for Information, and agree to the incorporation of these commitments into a Confirmatory Order prohibiting my involvement in licensed activities for a period of five years and requiring me to notify the NRC of my engagement in licensed activities for a subsequent five year period. I recognize that by signing below, I consent to the issuance of the above described Confirmatory Order with the commitments described in the NRC letter dated April XX, 1997, and Demand for Information, and, by doing so, pursuant to 10 CFR 2.202(d), I waive the right to request a hearing on all or any part of the Order.

Jeffrey Lee Barnhart

Date

April 24, 1997

Jeffrey Lee Barnhart

Distribution w/encl 1: * HOLD FOR 45 DAYS AND VERIFY THROUGH THE DIRECTOR,
OFFICE OF ENFORCEMENT, FOR PLACEMENT IN THE PDR.

* PUBLIC

* SECY

* CA

LJCallan, EDO

HThomson, DEDR

EJordan, DEDO

LChandler, OGC

JGoldberg, OGC

RZimmerman, NRR

Enforcement Coordinators

RI, RII, RIII, RIV

JLieberman, OE

OE:EA File (BSummers) (2 letterhead)

BBonser, OE

GCaputo, OI

DRoss, AEOD

HBell, OIG

BWetzel, NRR

JHannon, NRR

* NUDOCS

* see previous concurrence

OE*	RA:RIII*	OGC*	DD:OE <i>MS</i>	DEDO <i>MS</i>
BBonser	ABBeach	JGoldberg	MSatorius	EJordan
04/ /97	04/10/97	04/4/97	04/14/97	04/24/97

J
4/14/97

April 24, 1997

Jeffrey Lee Barnhart

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SECY

CA

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HBell, OIG

RCroteau, NRR

Fhebdon, NRR

NUDOCS

** RII CONCURRED VIA B. CLAYTON*

OE <i>BB</i>	RA:RIII	OGC <i>MRatky for</i>	DD:OE <i>me</i>	DEDO <i>me</i>
BBonser	ABBeach <i>*</i>	JGoldberg <i>Goldberg</i>	MSatorius	EJordan
04/4/97	04/10/97	04/14/97	04/16/97	04/24/97

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