



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION II  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET, SW, SUITE 23T85  
ATLANTA, GEORGIA 30303-3415  
June 18, 1999

IA 99-29

Mr. Ronnie R. Johnson  
[HOME ADDRESS DELETED  
UNDER 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION (NRC INTEGRATED INSPECTION REPORT  
NOS. 50-250, 251/99-02)

The Nuclear Regulatory Commission (NRC) conducted an inspection on March 21 through May 1, 1999, at the Turkey Point Nuclear Plant. The inspection included a review of the licensee's Access Authorization Program for compliance with 10 CFR 73.56 and the Physical Security Plan. As part of this inspection, the NRC reviewed an incident identified by Florida Power and Light Company (FPL) involving your failure to disclose your criminal history during the pre-employment screening process at the Turkey Point Nuclear Plant. An excerpt from the report documenting the inspection in this area is provided as Enclosure 1.

The NRC's review of this matter indicated that you falsified an FPL "Personal History Questionnaire for Unescorted Access Authorization" (PHQ) when you failed to include a number of prior criminal charges. Based on the information you provided on the PHQ, you were granted temporary, unescorted access to both protected and vital areas at the Turkey Point Plant from September 21 through October 8, 1998. Subsequently, the licensee received your Federal Bureau of Investigation (FBI) fingerprint information which revealed four criminal charges not included on your PHQ. On December 21, 1998, the licensee terminated your access authorization as unfavorable based on the results of its review which revealed that you failed to disclose your complete criminal history on the PHQ. Also, when entering your information into the Plant Access Data System (PADS), FPL discovered that you possessed an active badge at the Virginia Electric and Power Company (VEPCO) Surry plant. Apparently, you also did not list criminal charges on your Security Questionnaire Update for Bartlett Nuclear which was used as the basis for granting your access to the Surry Nuclear Plant from October 14 through November 9, 1998.

Part 50.5 (a)(2) of Title 10 of the Code of Federal Regulations (10 CFR) provides, in part, that an employee of a licensee, or employee of a contractor or subcontractor of a licensee, may not deliberately submit to the licensee, or the licensee's contractor or subcontractor, information that the employee knows to be incomplete or inaccurate in some respect material to the NRC. You violated this requirement when you deliberately failed to report your full criminal history on the PHQ. Specifically, Page 4 of the FPL PHQ required that you list each incident of arrest, indictment, charge, conviction or detention for violating any criminal law, and you failed to do so. A copy of 10 CFR 50.5 is provided as Enclosure 2. When interviewed by FPL regarding this matter, you stated that you were not sure why you did not completely list your criminal history.

The objective of the NRC's access authorization regulation, 10 CFR 73.56, is to provide a high degree of assurance that individuals granted unescorted access are trustworthy and reliable. One required element of this program is the completion of a background investigation including verification of criminal history. Failure to complete a full and accurate PHQ (one of the documents licensees review and evaluate as part of the background investigation) is material to the NRC, for the decision to grant unescorted access authorization is based on the licensee's

assessment of information submitted by licensee employees and contractors. The NRC relies on accurate records of activities and the integrity of individual workers to ensure the health and safety of the public, and therefore, expects no less than full compliance with all applicable requirements.

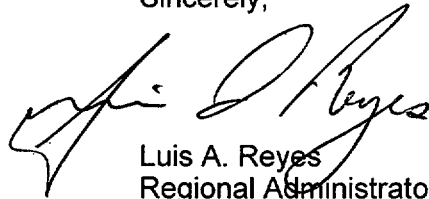
In this case, your failure to provide complete and accurate information regarding your criminal history circumvented the regulatory process. Therefore, after consultation with the Director, Office of Enforcement, the NRC has decided to issue the enclosed Notice of Violation (Notice), included as Enclosure 3. This decision was based not only on the fact that you violated the NRC's regulations regarding deliberate misconduct, but that you did it on more than one occasion. Under the circumstances of this case, considering the age and nature of the information not provided, this violation has been classified at Severity Level IV in accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions."

You are not required to respond to this letter. However, given your actions in this case, the Notice is being issued to you to emphasize the NRC's expectation that you provide complete and accurate information in all aspects of work at NRC licensed facilities. Should there be evidence of similar conduct on your part in the future, you may be subject to further enforcement action that could possibly include an Order prohibiting your involvement in NRC licensed activities for a term of years. A violation of 10 CFR 50.5 may also lead to criminal prosecution. Should you choose to provide additional information to the NRC regarding this matter, you should follow the instructions specified in the enclosed Notice and provide it to me within 30 days of the date of this letter.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, the enclosed Notice, and any response you provide, with personal privacy information removed, will be placed in the Public Document Room (PDR) after 45 days unless you provide a sufficient basis to withdraw this violation. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

If you have any questions regarding this letter, please contact Kenneth P. Barr, Chief, Plant Support Branch at (404) 562-4653.

Sincerely,



Luis A. Reyes  
Regional Administrator

- Enclosures: 1. Excerpt from Inspection Report  
No. 50-250, 251/99-02  
2. 10 CFR 50.5  
3. Notice of Violation

## NOTICE OF VIOLATION

Ronnie R. Johnson  
[HOME ADDRESS DELETED]  
UNDER 10 CFR 2.790(a)]

IA 99-029

During an NRC inspection conducted on March 1 - May 1, 1999, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

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

10 CFR 73.56 (b), requires in part, that nuclear power plant licensees establish and maintain an access authorization program which provides a high degree of assurance that individuals granted unescorted access to protected and vital areas of a nuclear power plant are trustworthy and reliable. The unescorted access authorization program must include a background investigation that verifies information concerning an individual's criminal history.

Contrary to above, you deliberately submitted information to Florida Power and Light Company (FPL) that you knew to be incomplete. Specifically, as of September 21, 1998, you failed to list four criminal charges on the FPL "Personal History Questionnaire for Unescorted Access Authorization" (PHQ) during the pre-employment screening process at the Turkey Point Nuclear plant. The charges you failed to list included: [10 CFR 2.790 Information] (March 8, 1992); [10 CFR 2.790 Information] (January 25, 1994); [10 CFR 2.790 Information] (August 3, 1996); and [10 CFR 2.790 Information] (July 4, 1997), as evidenced by the Federal Bureau of Investigation fingerprint information. As a result, you were granted unescorted access authorization to protected and vital areas of the Turkey Point Nuclear Plant between September 21 and October 8, 1998, and FPL was precluded from all pertinent information on which to conduct a full background investigation in accordance with 10 CFR 73.56 (b). Similar information was also omitted from your Bartlett Nuclear PHQ which was used as the basis for your access to protected and vital areas at the Surry Nuclear Plant from October 14 through November 9, 1998. (01014)

This is a Severity Level IV violation (Supplement VII).

The NRC has concluded that information regarding the violation and the circumstances surrounding it are already known as addressed in the letter transmitting this Notice and Inspection Report 50-250; 251/99-02. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the descriptions therein do not accurately reflect the circumstances surrounding the violation. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation" and send it to the U. S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region II, Atlanta Federal Center, 61 Forsyth Street, S. W., Suite 23T69, Atlanta, Georgia 30303-3415.

Enclosure 3

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and the Enforcement Officer, Region II.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR 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 2.790(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.

Dated at this 18th day of June, 1999

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NAME	CCASTO	BMALLETT	CEvans	JLIEBERMAN	JJohnson	Boband	
DATE	6/15/99	6/15/99	6/15/99	6/15/99	1/99	6/18/98	1/98
COPY?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO

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