



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST

99-076

12

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Mr. Paul Gunter

DATE

AUG 09 2000

PART I. -- INFORMATION RELEASED

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
- APPENDICES Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- APPENDICES **Y** Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, NW, Washington, DC.
- APPENDICES **Y,Z** Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

PART I.A -- FEES

AMOUNT *

\$

You will be billed by NRC for the amount listed.

You will receive a refund for the amount listed.

None. Minimum fee threshold not met.

Fees waived.

* See comments for details

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- No agency records subject to the request have been located.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES
Z, AA

Records subject to the request that are described in the enclosed Appendices are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

- Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.
- Exemption 2: The withheld information relates solely to the internal personnel rules and procedures of NRC.
- Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated.
 - Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
 - Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
 - 41 U.S.C., Section 253(b), subsection (m)(1), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), except when incorporated into the contract between the agency and the submitter of the proposal.
- Exemption 4: The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated.
 - The information is considered to be confidential business (proprietary) information.
 - The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.790(d)(1).
 - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.790(d)(2).
- Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:
 - Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
 - Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)
 - Attorney-client privilege. (Confidential communications between an attorney and his/her client)
- Exemption 6: The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
 - (A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators).
 - (C) Disclosure would constitute an unwarranted invasion of personal privacy.
 - (D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
 - (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
 - (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- OTHER (Specify)

PART II.B -- DENYING OFFICIALS

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
Guy Caputo	Director, Office of Investigations	Agencies Z & AA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

**APPENDIX Y
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
<u>OI Case 4-95-035</u>		
1.	2/20/96	Allegation Assignment Form RIV-95-A-0113 (1 page)
2.	8/10/95	Investigation Status Record (1 page)
3.	1/17/96	Case Chronology (1 page)
4.	1/17/96	Memorandum to L. Callan, RIV, from L. Williamson, OI, Subject: Waterford 3 Steam Electric Station: Alleged Deliberate Falsification of Fire Watch Records (Case No. 4-95-035) (Att.-Concurrence Copy) (2 pages)
<u>OI Case 1-96-033</u>		
5.	9/19/96	Exhibit 1 to OI Case 1-96-033, Investigation Status Record (2 pages)
6.	1/23/97	Exhibit 3 to OI Case 1-96-033, Conversation Record with Dave Neff, PECO, Atts.-Letter to G. Hunger, PECO, from F. Rinaldi, NRR, Subject: Removal of Fire Protection Requirements from License and Technical Specifications, Limerick, License Amendments 104 to NPF-39, 68 to NPF-85, and Safety Evaluation (41 pages)
7.	1/16/97	E-mail to N. Perry, RI, from K. Monroe, OI, Subject: Conversation Record (1 page)
8.	1/23/97	Handwritten notes of K. Monroe, OI, Conversation with D. Neff, PECO Explaining Tech Specs/Fire Protection Requirements (6 pages)
9.	1/28/97	E-mail to K. Monroe, OI, from B. Letts, OI, Subject: Conversation with U.S. Attorney's Office (1 page)
10.	2/1/97	Case Chronology (1 page)
11.	2/27/97	Memorandum to H. Miller, RI, from B. Letts, OI, Subject: OI Report of Investigation 1-96-033, Limerick Generating Stations Units 1 and 2: Falsification of Fire Protection Surveillance Test Documentation by a PECO Technical Assistant (1 page)
12.	2/28/97	Investigation Status Record: Monthly Status Report (2 pages)

**APPENDIX Y
(continued)
RECORDS BEING RELEASED IN THEIR ENTIRETY**

NO.	DATE	DESCRIPTION/(PAGE COUNT)
13.	*8/7/97	Times Herald Article, PECO fined \$80,000 for Altering Records (1 page)
14.	*8/7/99	The Mercury Article, PECO is fined by NRC (2 pages)
15.	03/12/97	Memo from J. Lee, NRC to S. Varga, NRC Re: Transmittal of Investigative Material (1 page)
16.	04/03/97	Review of OI Report (1 page)
<u>OI Case 4-95-044</u>		
17.	8/29/95	Exhibit 1 to OI Case 4-95-044, Investigation Status Record (2 pages)
18.	2/8/96	Memorandum to L. Callan, RIV, from L. Williamson, RIV, Subject: Waterford 3 Steam Electric Station: Alleged Deliberate Falsification of Fire Watch Records (Case No. 4-95-044) (1 page)
19.	2/29/96	Investigation Status Record (2 pages)
20.	8/28/95	Allegation Assignment Form RIV-95-A-0147 (1 page)
21.	1/22/96	Allegation Assignment Form RIV-95-A-0147 (1 Page)
22.	2/23/96	Note to G. Sanborn, RIV, from P. Harrell, RIV, Subject: Waterford 3 OI Reports: OI 4-95-044 And OI 4-95-047 (1 page)
23.	3/4/96	Allegation Assignment Form RIV-95-A-0147 (1 page)
<u>OI Case 4-95-047</u>		
24.	1/31/96	Memorandum to L. Callan, RIV, from L. Williamson, RIV, Subject: Waterford 3 Steam Electric Station: Alleged Discrimination for Reporting Fire Watch Concerns to Site Management (Case No. 4-95-047) (1 page)
25.	02/23/96	Note to G. F. Sanborn, from P. H. Harrell, Subject: Waterford 3 OI Reports OI 4-95-044 and OI 4-95-047 (1 page)

**APPENDIX Y
(continued)
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
<u>OI Case 4-97-027</u>		
26.	4/21/97	Exhibit 2 to OI Case 4-97-027, Allegation Assignment Form RIV-97-A-0086 (2 pages)
27.	5/21/97	Exhibit 3 to OI Case 4-97-027, Letter to R. Wise, RIV, from C. Terry, TU Electric, Subject: Comanche Peak Steam Electric Station Request for Response to Allegation No. RIV-97-A-0086-2.790 Letter (Att.-Results of Investigation) (4 pages)
28.	6/17/97	Exhibit 4 to OI Case 4-97-027, E-mail to Allegations, from C. Vandenburg, DRS/RIV, Subject: RIV-1997-A-0086 (1) (2 pages)
29.	7/7/97	Exhibit 5 to OI Case 4-97-027, Allegation Assignment Form RIV-97-A-0086 (Atts.-E-mail from L. Williamson, RIV, to R. Mullikin, R. Wise, EICS/RIV, Subject: Comanche Peak-RIV-1997-A-0086///OI 4-97-027, E-mail to Allegations, from C. Vandenburg, DRS/RIV, Subject: RIV-1997-A-0086 (1)) (4 pages)
30.	9/15/97	Exhibit 6 to OI Case 4-97-027, Memorandum to R. Wise, RIV, from W. Wagner, DRS/RIV, Subject: Allegation Concerning Comanche Peak Steam Electric Station (RIV-97-A-0086) (4 pages)
31.	1/97	E-mail to R. Wise, RIV, from H. Freeman, RIV, Subject: Potential Falsification of Records (1 page)
32.	4/7/97	Allegation Receipt Form (4 pages)
33.	11/10/97	Allegation Assignment Form RIV-1997-A-0086 (1 page)
<u>OI Case 4-94-003</u>		
34.	1/21/97	Allegation Assignment Form RIV-97-A-0007 (1 page)
<u>OI Case 2-96-008</u>		
35.	3/18/96	Exhibit 1 to OI Case 2-96-008, Investigation Status Record (2 pages)

**APPENDIX Y
(continued)
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
36.	11/6/96	Exhibit 6 to OI Case 2-96-008, Memorandum to File, from J. Dockery, OI, Subject: Discussion with DOL Wage and Hour Division Investigator C. Mack Casey (3 pages)
37.	11/5/96	Exhibit 8 to OI Case 2-96-008, Memorandum to File, from J. Dockery, OI, Subject: Information Provided by Stone and Webster Engineering Corporation Legal Counsel (2 pages)
38.	7/17/96	E-mails to Anne Boland, RII from J. Dockery, OI and return reply, Subject: DOL ERA 211 Files (1 page)
39.	11/12/96	E-mail to P. Thompson, OI, from J. Dockery, OI, Subject: Report of Investigation (1 page)
40.	11/20/96	Memorandum to S. Ebnetter, RII, from W. McNulty, OI, Subject: Browns Ferry Nuclear Plant: Continuing Discrimination Against Former Stone and Webster Ironworker for Raising Safety Concerns in the Past Regarding Firewatches (Case No. 2-96-008/RII-96-A-0038) (1 page)
41.	11/20/96	OI Case 2-96-008, Investigation Status Record (2 pages)
<u>OI Case 2-96-009</u>		
42.	Undated	Escalated Enforcement Panel Questionnaire (1 page)
43.	3/22/96	Exhibit 1 to OI Case 2-96-009, Investigation Status Record (2 pages)
44.	2/20/96	Exhibit 2 to OI Case 2-96-009, Licensee Event Report (5 pages)
45.	3/13/96	Handwritten Notes of Investigator L. Robinson, OI, of Enforcement Meeting (1 page)
46.	10/30/96	Fax cover sheet to R. Walker, TVA, from V. Selewski, OI (1 page)
47.	11/1/96	Fax cover sheet to R. Walker, TVA, from V. Selewski, OI (1 page)
48.	11/7/96	E-mail to M. Lesser, RII, from V. Selewski, OI, Subject: SQN/Falsification of QA Documents/OI Case 2-96-009 (1 page)

**APPENDIX Y
(continued)
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
49.	11/7/96	Handwritten Notes of Investigator V. Selewski, OI, documenting conversation with M. Lesser, RII (2 pages)
50.	11/14/96	Fax cover sheet to R. Walker, TVA, from V. Selewski, OI and transmission verification (2 pages)
51.	1/21/97	Memorandum to File, from V. Selewski, OI, Subject: Documenting Conversation with M. Lesser, RII (1 page)
52.	1/24/97	Investigation Status Record (2 pages)
53.	2/28/97	E-mail to J. Hunt, OI, from P. Thompson, OI, Subject: Release of Synopsis (1 page)

**APPENDIX Z
RECORDS BEING WITHHELD IN PART**

NO.	DATE	DESCRIPTION/(PAGE COUNT)/EXEMPTIONS
<u>OI Case 4-95-035</u>		
1.	7/24/95	Allegation Assignment Form RIV-95-A-0113 (1 page) (EX 7C)
2.	1/22/96	Allegation Assignment Form RIV-95-A-0113 (1 page) (EX 7C)
3.	1/17/96	OI Report of Investigation Waterford 3 Steam Electric Station: Alleged Deliberate Falsification of Fire Watch Records (9 pages) (EX. 7C)
4.	7/24/95	Exhibit 1 to OI Case 4-95-035, Investigation Status Record (2 pages) (EX. 7C)
5.	9/13/95	Exhibit 2 to OI Case 4-95-035, Letter to an Individual (3 pages) (EX. 7C)
6.	7/17/95	Record of Conversation with an Individual (1 page) (EX. 7C)
7.	10/2/95	Report of Interview with an Individual (1 page) (EX. 7C)
8.	10/2/95	Report of Interview with an Individual (1 page) (EX. 7C)
9.	10/4/95	Report of Interview with an Individual, (2 pages) (EX. 7C)
10.	1/31/96	Investigation Status Record (2 pages) (EX. 7C)
<u>OI Case 1-96-033</u>		
11.	2/1/97	Exhibit 10 to OI Case 1-96-033, Telephone Conversation Record with an Individual, PECO (2 pages) (EX 7C)
12.	8/15/96	Telephone Conversation Record of Telecon with an Individual, PECO, by OI Investigator (1 page) (EX 7C)
<u>OI Case 4-95-044</u>		
13.	2/8/96	OI Report of Investigation Waterford 3 Steam Electric Station: Alleged Deliberate Falsification of Fire Watch Records (13 pages) (EX. 7C)
14.	10/2/95	Exhibit 2 to OI Case 4-95-044, Report of Interview with an Individual (2 page) (EX. 7C)

**APPENDIX Z
(continued)
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
15.	10/4/95	Exhibit 3 to OI Case 4-95-044, Report of Interview with an Individual, EOI (3 pages) (EX. 7C)
16.	10/4/95	Handwritten Notes of Interview with an Individual, EOI (3 pages) (EX. 7C)
17.	Undated	Handwritten Notes of Interview with an Individual, RIV (1 page) (EX. 7C)
18.	10/2/95	Report of Interview with an Individual (1 page) (EX. 7C)
19.	2/8/96	Case Chronology (1 page) (EX. 7C)
<u>OI Case 4-95-047</u>		
20.	1/31/96	OI Report of Investigation Waterford 3 Steam Electric Station: Alleged Discrimination for Reporting Fire Watch Concerns to Site Management (11 pages) (EX. 7C)
21.	9/6/95	Exhibit 1 to OI Case 4-95-047, Investigation Status Record (2 pages) (EX. 7C)
22.	9/29/95	Exhibit 2 to OI Case 4-95-047, Report of Interview with an Individual (2 pages) (EX. 7C)
23.	10/2/95	Exhibit 3 to OI Case 4-95-047, Report of Interview with an Individual (2 pages) (EX. 7C)
24.	Undated	Handwritten Notes of Interview with an Individual (2 pages) (EX. 7C)
25.	9/29/95	Notes of Discussion with an Individual (1 page) (EX. 7C)
26.	10/4/95	Report of Interview with an Individual (2 pages) (EX. 7C)
27.	1/31/96	Case Chronology (1 page) (EX. 7C)
28.	1/31/96	Investigation Status Record (2 pages) (EX. 7C)
29.	7/24/95	Allegation Assignment Form RIV-95-A-0113 (1 page) (EX. 7C)
30.	8/31/95	Notes of Contact with Alleger (3 pages) (EX. 7C)

**APPENDIX Z
(continued)
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
31.	9/5/95	Allegation Assignment Form RIV-95-A-0153 (2 pages) (EX. 7C)
32.	10/10/95	Allegation Assignment Form RIV-95-A-0153 (1 page) (EX. 7C)
33.	1/22/96	Allegation Assignment Form RIV-95-A-0153 (1 page) (EX. 7C)
34.	2/20/96	Allegation Assignment Form RIV-95-A-0153 (1 page) (Ex. 7C)
<u>OI Case 4-97-003</u>		
35.	4/11/97	OI Report of Investigation, 4-97-003, River Bend Station: Failure to Conduct Fire Watch Rounds and Falsification of Fire Watch Logs Personnel (Case No. 4-97-003) (13 pages) (EX. 7C)
36.	1/23/97	Exhibit 1 to OI Case 4-97-003, Investigation Status Record (1 page) (EX. 7C)
37.	3/12/97	Exhibit 6 to OI Case 4-97-003, Memorandum to R. Wise, RIV, from T. Dexter, RIV, Subject: Allegation 97-A-007 River Bend Station (2 pages) (EX. 5)
38.	4/7/97	Allegation Assignment Form RIV-97-A-0007 (1 page) (EX. 5)
<u>OI Case 2-96-008</u>		
39.	11/20/96	OI Report of Investigation 2-96-008, Browns Ferry Nuclear Plant: Continuing Discrimination Against Former Stone and Webster Ironworker for Raising Safety Concerns in the Past Regarding Firewatches (13 pages) (EX. 5-Attorney/Client)
40.	11/20/96	OI Case 2-96-008, Case Chronology (4 pages) (EX. 7C)
<u>OI Case 2-96-009</u>		
41.	1/24/97	OI Report of Investigation, 2-96-009, Sequoyah Nuclear Plant: Alleged Falsification of Firewatch Journals (13 pages) (EX. 7C)
42.	8/16/96	Exhibit 4 to OI Case 2-96-009, Report of Interviews of an Individual, TVA, and an Individual; TVA (Pages 1-4 pages) (Note: Pages 5-21 have been referred to TVA) (EX. 7C)

APPENDIX Z
(continued)
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
43.	10/9/96	Exhibit 5 to OI Case 2-96-009, Interview Transcript of an Individual, TVA (39 pages) (EX. 7C)
44.	10/9/96	Exhibit 6 to OI Case 2-96-009, Interview Transcript of an Individual, TVA (43 pages) (EX. 7C)
45.	1/24/97	Case Chronology (2 pages) (EX. 7C)
46.	Undated	Internet Listing of Name, Address, and Telephone Numbers for Hutsell's and Ware's and Other Similar Names (3 pages) (EX. 7C)

APPENDIX AA
RECORDS BEING WITHHELD IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
<u>OI Case 4-95-047</u>		
1.	Undated	Handwritten Notes of OI Investigator Showing an Address (1 page) (EX. 7C)

Case file

ALLEGATION ASSIGNMENT FORM

Allegation Number: **RIV-95-A-0113**

Licensee/Facility or Location: **RIVER BEND**

Discussed at ARP meeting on: **2/20/96**

Assigned to: **DRP, DRS, DNMS, SAC** Branch:

OI involvement? **YES** OI tracking number: **4-95-035**

Allegation Summary: *Region IV office was informed that contract fire watches were placing tape on doors without cardreaders and instead of entering all of the doors, they only entered doors when the tape has been broken, permitting faster rounds to be performed. Another issue regarding compensatory posting was identified, but insufficient information was provided to assist in our review. The alleged never supplied additional information as agreed to. RIB:OI closed the investigation which has been reviewed by OE and no further action is recommended.*

ARP instructions/guidance:

ARP Chairman: _____ Date: _____

Allegation Resolution Plan (return to the SAC within 10 days of ARP meeting):

ARP Uncommute clause

Submitted by: _____ Date: _____

cc: Allegation File, ARP Meeting File, OI

2/1

LIMITED DISTRIBUTION -- NOT FOR PUBLIC DISCLOSURE

INVESTIGATION STATUS RECORD

Case No.: 4-95-035 Facility: WATERFORD III
Allegation No.: RIV-95-A-0113 Case Agent: BOAL
Docket No.: 50-382 Date Opened: July 24, 1995
Source of Allegation: ALLEGER (A) Priority: N(L.J. CALLAN, RA, RIV)
Notified by: SAC:RIV (WISE) Staff Contact:
Category: WR Case Code: RP
Subject/Allegation: ALLEGED DELIBERATE FALSIFICATION OF FIRE WATCH RECORDS
Remarks: 10 CFR 50.9

Monthly Status Report:

07/25/95:

Results of Interview

obtain names, specifics →

- 7/25/95 left message to call us on recorder 8:00 am
- 7/25/95 talked wife said she would leave message to call us.
- 7/26/95 left message on answering machine
- 7/27/95 calls (3) reached only answering machine
- 7/28/95 calls (2) reached only answering machine
- 8/8, 8/9,
8/10 calls only ext answering machine

3/2



UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF INVESTIGATIONS FIELD OFFICE, REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8084

Williamson

January 17, 1996

MEMORANDUM TO: L. J. Callan, Regional Administrator
Region IV

FROM: E. L. Williamson, Director *ELW*
Office of Investigations Field Office, Region IV

SUBJECT: WATERFORD 3 STEAM ELECTRIC STATION: ALLEGED DELIBERATE
FALSIFICATION OF FIRE WATCH RECORDS (CASE NO. 4-95-035)

Attached, for whatever action you deem appropriate, is the Office of Investigations (OI) Report of Investigation concerning the above matter.

This report is forwarded to the action office for information purposes. Since the action office has the responsibility for advising alleged of the status and disposition of allegations, they are authorized upon receipt of the Report of Investigation to advise the alleged that the investigation has been completed. After the NRC and/or other concerned Federal agencies have taken whatever action they deem appropriate, the action office will notify the alleged that his/her allegations were either substantiated, partially substantiated, or not substantiated and may, if required, furnish the alleged with a copy of the OI Report of Investigation after appropriate proprietary, privacy, and confidential source information has been deleted. Any additional information provided the alleged will be dispositioned through the Director, OI, and will be furnished on a case-by-case basis.

Neither this memorandum nor the report may be released outside the NRC without the permission of the Director, OI. Internal NRC access and dissemination should be on a need-to-know basis. Treat as "Official Use Only."

Attachment:
Report w/exhibits

cc w/attachment:
J. Lieberman, OE
L. Chandler, OGC

4/4

January 17, 1996

MEMORANDUM FOR: L. J. Callan, Regional Administrator
Region IV

FROM: E. L. Williamson, Director *ELW*
Office of Investigations Field Office, Region IV

SUBJECT: WATERFORD 3 STEAM ELECTRIC STATION: ALLEGED DELIBERATE
FALSIFICATION OF FIRE WATCH RECORDS (CASE NO. 4-95-035)

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Attachment:
Report w/exhibits

cc w/attachment:
J. Lieberman, OE
L. Chandler, OGC

Distribution:
s/f (4-95-035)
c/f
D. Lewis, OI:HQ, w/encl
B. Barber, OI:HQ, title page & synopsis page

OI:RIV *ELW*
DBoal
01/08/96

OI:RIV *ELW*
LWilliamson
01/17/96

EXHIBIT 1

9/5

INVESTIGATION STATUS RECORD

Case No.: 1-96-033

Facility: LIMERICK GENERATING STATION

Allegation No.:

Case Agent: MONROE

Docket Nos.: 50-352/353

Date Opened: 09/19/96

Source of Allegation: LICENSEE (L)

Notified by: N. PERRY (DRP)

Priority: NORMAL

Category: WR

Case Code: RP

Subject/Allegation: FALSIFICATION OF A SURVEILLANCE TEST BY A FIRE PROTECTION TECHNICIAN

Remarks:

Monthly Status Report:

09/19/96: On or about August 16, 1996, the licensee identified that a fire protection technician, a PECO employee, intentionally falsified a surveillance test (ST) record. Specifically, the monthly fire protection hose inspection was not completed; however, the technician signed the procedure as being completed and satisfactory. The individual admitted to falsifying the ST record, and the licensee subsequently suspended the employee without pay. The licensee also initiated an independent investigation.

On August 18, 1996, a PECO special investigator contacted OI and advised that PECO had completed their investigation. PECO identified four more STs that the individual had falsified. When confronted by PECO security, the individual admitted to falsifying the documents. The investigation later identified one more falsified ST; however, PECO security did not go back to the individual, because they felt they had enough information to take the appropriate action. On September 10, 1996, the individual was terminated.

The scope of the PECO investigation identified two other "irregularities." One individual put the wrong date on a ST (off by 3 days). That individual, a PECO employee, will receive some level of discipline for lack of attention to detail. The last individual is a contractor to PECO employed by Bartlett. The irregularity was in the area of not properly performing a hose inspection. The individual, when confronted, admitted that he may not have done an adequate inspection. Because the individual is a contractor, PECO can not take any disciplinary action. Bartlett will be notified by PECO that they are dissatisfied with the individual.

PECO will forward to OI a copy of the investigative report for review by OI and the staff, with an allegation review panel likely to follow. Status: FWP ECD (90 days): 12/96.

EXHIBIT 1PAGE 1 OF 1 PAGE(S)

CASE NO. 1-96-033

EXHIBIT 3

9/6

OI Case No. 1-96-033

Conversation Record

Thursday, January 23, 1997

8:30 a.m.

at PECO Security Office, Limerick Generating Station

Dave Neff, Regulatory Engineer, Limerick Generating Station
also present Ron Bixler, PECO Security

NEFF stated substantially as follows:

Via a letter to George A. Hunger, Jr., Director-Licensing, PECO, from Frank Rinaldi, Project Manager, Division of Reactor Projects, Office of Nuclear Reactor Regulation, dated November 20, 1995, subject: "Removal Of Fire Protection Requirements From License and Technical Specifications, Limerick Generating Station, Units 1 and 2 (TAC NOS. M91631 and M91632)," PECO received permission from the NRC to change the Fire Protection License Condition, and relocate the Fire Protection Technical Specification requirements to the Updated Final Safety Analysis Report. NEFF continued that the change was in accordance with Generic Letter (GL) 88-12, "Removal of Fire Protection Requirements from Technical Specifications." NEFF advised that PECO had 30 days to implement the change, which was completed on December 20, 1995. As of December 20, 1995, the LGS Fire Protection Technical Specification requirements became part of the LGS Technical Requirements Manual.

Attachment

1. Copy of a letter to Hunger, from Rinaldi, dated November 20, 1995, with attachment.

Reported by:



Kristin L. Monroe, Special Agent
Office of Investigations
Field Office, Region I



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 20, 1995

Mr. George A. Hunger, Jr.
Director-Licensing, MC 62A-1
PECO Energy Company
Nuclear Group Headquarters
Correspondence Control Desk
P.O. Box No. 195
Wayne, PA 19087-0195

SUBJECT: REMOVAL OF FIRE PROTECTION REQUIREMENTS FROM LICENSE AND TECHNICAL SPECIFICATIONS, LIMERICK GENERATING STATION, UNITS 1 AND 2 (TAC NOS. M91631 AND M91632)

Dear Mr. Hunger:

The Commission has issued the enclosed Amendment No. 104 to Facility Operating License No. NPF-39 and Amendment No. 68 to Facility Operating License No. NPF-85 for the Limerick Generating Station, Units 1 and 2. These amendments consist of changes to the Technical Specifications (TS) in response to your application dated December 2, 1994, as supplemented May 12, 1995.

These amendments change the Fire Protection License Condition and relocate the Fire Protection TS requirements to the Updated Final Safety Analysis Report in accordance with Generic Letter (GL) 86-10, "Implementation of Fire Protection Requirements," and GL 88-12, "Removal of Fire Protection Requirements from Technical Specifications."

A copy of our Safety Evaluation is also enclosed. Notice of Issuance will be included in the Commission's biweekly Federal Register notice.

Sincerely,

Frank Rinaldi, Project Manager
Project Directorate I-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket Nos. 50-352/50-353

- Enclosures: 1. Amendment No. 104 to
License No. NPF-39
Amendment No. 68 to
License No. NPF-85
2. Safety Evaluation

cc w/encls: See next page

EXHIBIT 3
PAGE 2 OF 40 PAGE(S)

1/22/97
[Handwritten initials]

Mr. George A. Hunger, Jr.
PECO Energy Company

Limerick Generating Station,
Units 1 & 2

cc:

J. W. Durham, Sr., Esquire
Sr. V.P. & General Counsel
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Philadelphia, Pennsylvania 19101

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Chairman
Board of Supervisors
of Limerick Township
646 West Ridge Pike
Linfield, PA 19468



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

PHILADELPHIA ELECTRIC COMPANY

DOCKET NO. 50-352

LIMERICK GENERATING STATION, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 104
License No. NPF-39

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Philadelphia Electric Company (the licensee) dated December 2, 1994, as supplemented May 12, 1995, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, Facility Operating License No. NPF-39, paragraph 2.C.(3) is hereby amended to read as follows:

Fire Protection (Section 9.5, SSER-2,-4)*

- a. Philadelphia Electric Company shall implement and maintain in effect all provisions of the approved Fire Protection Program as described in the Updated Final Safety Analysis Report for the facility, and as approved in the NRC Safety Evaluation Report dated August 1983 thru Supplement 9, dated August 1989, and Safety Evaluation dated November 20, 1995, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

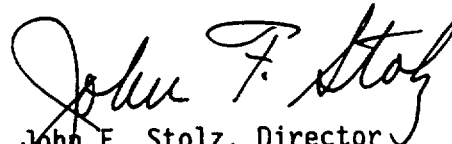
3. Further, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-39 is hereby amended to read as follows:

Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 104, are hereby incorporated into this license. Philadelphia Electric Company shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

4. This license amendment is effective as of its date of issuance and shall be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION



John F. Stolz, Director
Project Directorate I-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Attachments: 1. Page 4 of License*
2. Changes to the
Technical Specifications

Date of Issuance: November 20, 1995

*Page 4 is attached, for convenience, for the composite license to reflect this change.

(3) Fire Protection (Section 9.5, SSER-2,-4)*

Philadelphia Electric Company shall implement and maintain in effect all provisions of the approved Fire Protection Program as described in the Updated Final Safety Analysis Report for the facility, and as approved in the NRC Safety Evaluation Report dated August 1983 through Supplement 9, dated August 1989, and Safety Evaluation dated November 20 , 1995, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

*The parenthetical notation following the title of many license conditions denotes the section of the Safety Evaluation Report and/or its supplements wherein the license condition is discussed.

LIMERICK - UNIT 1

Amendment No. 104

EXHIBIT 3
PAGE 6 OF 40 PAGE(S)

ATTACHMENT TO LICENSE AMENDMENT NO. 104

FACILITY OPERATING LICENSE NO. NPF-39

DOCKET NO. 50-352

Replace the following pages of the Facility Operating License (FOL), and the Appendix A Technical Specifications with the attached pages. The revised pages are identified by Amendment number and contain vertical lines indicating the area of change.

	<u>Remove</u>	<u>Insert</u>
FOL	4	4
Appendix A	ix	ix
	xiv	xiv
	xix	xix
	xxi	xxi
	3/4 3-92	3/4 3-92
	3/4 3-93	-
	3/4 3-94	-
	3/4 3-95	-
	3/4 3-96	-
	3/4 7-19	3/4 7-19
	3/4 7-20	-
	3/4 7-21	-
	3/4 7-22	-
	3/4 7-23	-
	3/4 7-24	-
	3/4 7-25	-
	3/4 7-26	-
	3/4 7-27	-
	3/4 7-28	-
	3/4 7-29	-
	3/4 7-30	-
	3/4 7-31	-
	3/4 7-32	-
	B 3/4 3-6	B 3/4 3-6
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	6-8	6-8

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INSTRUMENTATION

Section 3/4.7.9 (Deleted)

THE INFORMATION FROM THIS TECHNICAL SPECIFICATIONS SECTION
HAS BEEN RELOCATED TO THE TECHNICAL REQUIREMENTS MANUAL (TRM) FIRE
PROTECTION SECTION. TECHNICAL SPECIFICATIONS PAGES 3/4 3-92 THROUGH
3/4 3-96 OF THIS SECTION HAVE BEEN INTENTIONALLY OMITTED.

PLANT SYSTEMS

Section 3/4.7.6 through 3/4.7.7 (Deleted)

THE INFORMATION FROM THESE TECHNICAL SPECIFICATIONS SECTIONS
HAVE BEEN RELOCATED TO THE TECHNICAL REQUIREMENTS MANUAL (TRM) FIRE
PROTECTION SECTION. TECHNICAL SPECIFICATIONS PAGES 3/4 7-19 THROUGH
3/4 7-32 HAVE BEEN INTENTIONALLY OMITTED.

INSTRUMENTATION

BASES

3/4.3.7.7 TRAVERSING IN-CORE PROBE SYSTEM

The OPERABILITY of the traversing in-core probe system with the specified minimum complement of equipment ensures that the measurements obtained from use of this equipment accurately represent the spacial neutron flux distribution of the reactor core.

The TIP system operability is demonstrated by normalizing all probes (i.e., detectors) prior to performing an LPRM calibration function. Monitoring core thermal limits may involve utilizing individual detectors to monitor selected areas of the reactor core, thus all detectors may not be required to be OPERABLE. The OPERABILITY of individual detectors to be used for monitoring is demonstrated by comparing the detector(s) output in the resultant heat balance calculation (P-1) with data obtained during a previous heat balance calculation (P-1).

3/4.3.7.8 CHLORINE AND TOXIC GAS DETECTION SYSTEMS

The OPERABILITY of the chlorine and toxic gas detection systems ensures that an accidental chlorine and/or toxic gas release will be detected promptly and the necessary protective actions will be automatically initiated for chlorine and manually initiated for toxic gas to provide protection for control room personnel. Upon detection of a high concentration of chlorine, the control room emergency ventilation system will automatically be placed in the chlorine isolation mode of operation to provide the required protection. Upon detection of a high concentration of toxic gas, the control room emergency ventilation system will manually be placed in the chlorine isolation mode of operation to provide the required protection. The detection systems required by this specification are consistent with the recommendations of Regulatory Guide 1.95, "Protection of Nuclear Power Plant Control Room Operators against an Accidental Chlorine Release," February 1975.

There are three toxic gas detection subsystems. The high toxic chemical concentration alarm in the Main Control Room annunciates when two of the three subsystems detect a high toxic gas concentration. An Operate/Inop keylock switch is provided for each subsystem which allows an individual subsystem to be placed in the tripped condition. Placing the keylock switch in the INOP position initiates one of the two inputs required to initiate the alarm in the Main Control Room.

Specified surveillance intervals and maintenance outage times have been determined in accordance with GENE-770-06-1, "Bases for Changes to Surveillance Test Intervals and Allowed Out-of-Service Times for Selected Instrumentation Technical Specifications," as approved by the NRC and documented in the SER (letter to R.D. Binz, IV, from C.E. Rossi dated July 21, 1992).

3/4.3.7.9 (Deleted) - INFORMATION FROM THIS SECTION RELOCATED TO THE TRM.

EXHIBIT 3
PAGE 14 OF 40 PAGE(S)

INSTRUMENTATION

BASES

3/4.3.7.10 LOOSE PART DETECTION SYSTEM

The OPERABILITY of the loose-part detection system ensures that sufficient capability is available to detect loose metallic parts in the primary system and avoid or mitigate damage to primary system components. The allowable out-of-service times and surveillance requirements are consistent with the recommendations of Regulatory Guide 1.133, "Loose-Part Detection Program for the Primary System of Light-Water-Cooled Reactors," May 1981.

3/4.3.7.11 (Deleted) - INFORMATION FROM THIS SECTION RELOCATED TO THE ODCM.

3/4.3.7.12 OFFGAS MONITORING INSTRUMENTATION

This instrumentation includes provisions for monitoring the concentrations of potentially explosive gas mixtures and noble gases in the off-gas system.

3/4.3.8 (Deleted) - INFORMATION FROM THIS SECTION RELOCATED TO THE UFSAR.

3/4.3.9 FEEDWATER/MAIN TURBINE TRIP SYSTEM ACTUATION INSTRUMENTATION

The feedwater/main turbine trip system actuation instrumentation is provided to initiate action of the feedwater system/main turbine trip system in the event of failure of feedwater controller under maximum demand.

PLANT SYSTEMS

BASES

3/4 7.6 (Deleted) - INFORMATION FROM THIS SECTION RELOCATED TO THE TRM.

3/4.7.7 (Deleted) - INFORMATION FROM THIS SECTION RELOCATED TO THE TRM.

ADMINISTRATIVE CONTROLS

6.2.2 UNIT STAFF

- a. Each on duty shift shall be composed of at least the minimum shift crew composition shown in Table 6.2.2-1;
- b. At least one licensed Operator shall be in the control room when fuel is in the reactor. In addition, while the unit is in OPERATIONAL CONDITION 1, 2, or 3, at least one licensed Senior Operator shall be in the control room;
- c. A Health Physics Technician* shall be on site when fuel is in the reactor;
- d. ALL CORE ALTERATIONS shall be observed and directly supervised by either a licensed Senior Operator or licensed Senior Operator Limited to Fuel Handling who has no other concurrent responsibilities during this operation;
- e. (Deleted) - INFORMATION FROM THIS SECTION RELOCATED TO THE TRM.
- f. Administrative procedures shall be developed and implemented to limit the working hours of unit staff who perform safety-related functions (e.g., licensed Senior Operators, licensed Operators, health physicists, auxiliary operators, and key maintenance personnel).

Adequate shift coverage shall be maintained without routine heavy use of overtime. The objective shall be to have operating personnel work a normal 8-hour day, 40-hour week while the unit is operating. However, in the event that unforeseen problems require substantial amounts of overtime to be used, or during extended periods of shut-down for refueling, major maintenance, or major unit modifications, on a temporary basis the following guidelines shall be followed:

1. An individual should not be permitted to work more than 16 hours straight, excluding shift turnover time.
2. An individual should not be permitted to work more than 16 hours in any 24-hour period, nor more than 24 hours in any 48-hour period, nor more than 72 hours in any 7-day period, all excluding shift turnover time.
3. A break of at least 8 hours should be allowed between work periods, including shift turnover time.
4. Except during extended shutdown periods, the use of overtime should be considered on an individual basis and not for the entire staff on a shift.

* The Health Physics Technician position may be less than the minimum requirements for a period of time not to exceed 2 hours, in order to accommodate unexpected absence, provided immediate action is taken to fill the required position.

ADMINISTRATIVE CONTROLS

RESPONSIBILITIES

6.5.1.6 The PROC shall be responsible for:

- a. Review of (1) Administrative Procedures and changes thereto, (2) new programs or procedures required by specification 6.8 and requiring a 10 CFR 50.59 safety evaluation, and (3) proposed changes to programs or procedures required by Specification 6.8 and requiring a 10 CFR 50.59 safety evaluation;
- b. Review of all proposed tests and experiments that affect nuclear safety;
- c. Review of all proposed changes to Appendix A Technical Specifications;
- d. Review of all proposed changes or modifications to unit systems or equipment that affect nuclear safety;
- e. DELETED.
- f. Investigation of all violations of the Technical Specifications, including the preparation and forwarding of reports covering evaluation and recommendations to prevent recurrence, to the Vice President, Limerick Generating Station, Plant Manager, and to the Nuclear Review Board;
- g. Review of all REPORTABLE EVENTS;
- h. Review of unit operations to detect potential hazards to nuclear safety;
- i. Performance of special reviews, investigations, or analyses and reports thereon as requested by the Vice President, Limerick Generating Station, plant Manager or the Chairman of the Nuclear Review Board;
- j. Review of the Security Plan and implementing procedures and submittal of recommended changes to the Nuclear Review Board; and
- k. Review of the Emergency Plan and implementing procedures and submittal of the recommended changes to the Nuclear Review Board.
- l. Review of every unplanned onsite release of radioactive material to the environs including the preparation and forwarding of reports covering evaluation, recommendations and disposition of the corrective action to prevent recurrence to the Vice President, Limerick Generating Station, Plant Manager, and to the Nuclear Review Board.
- m. Review of changes to the PROCESS CONTROL PROGRAM, OFFSITE DOSE CALCULATION MANUAL, and radwaste treatment systems.
- n. Review of the Fire Protection Program and implementing procedures and the submittal of recommended changes to the Nuclear Review Board.

6.5.1.7 The PORC shall:

- a. Recommend in writing to the Plant Manager approval or disapproval of items considered under Specification 6.5.1.6a. through d. prior to their implementation.
- b. Render determinations in writing with regard to whether or not each item considered under Specification 6.5.1.6b. through f. constitutes an unreviewed safety question.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

PHILADELPHIA ELECTRIC COMPANY

DOCKET NO. 50-353

LIMERICK GENERATING STATION, UNIT 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 68
License No. NPF-85

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Philadelphia Electric Company (the licensee) dated December 2, 1994, as supplemented May 12, 1995, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, Facility Operating License No. NPF-85, paragraph 2.C.(3) is hereby amended to read as follows:

Fire Protection (Section 9.5, SSER-2,-4)*

Philadelphia Electric Company shall implement and maintain in effect all provisions of the approved Fire Protection Program as described in the Updated Final Safety Analysis Report for the facility, and as approved in the NRC Safety Evaluation Report dated August 1983 thru Supplement 9, dated August 1989, and Safety Evaluation dated November 20, 1995, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

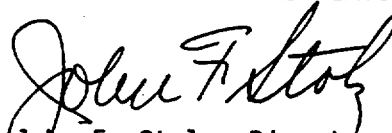
3. Further, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-85 is hereby amended to read as follows:

Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 68, are hereby incorporated into this license. Philadelphia Electric Company shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

4. This license amendment is effective as of its date of issuance and shall be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION



John F. Stolz, Director
Project Directorate I-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

- Attachments: 1. Pages 3 and 4 of License*
2. Changes to the Technical Specifications

Date of Issuance: November 20, 1995

*Pages 3 and 4 are attached, for convenience, for the composite license to reflect this change.

- (4) Pursuant to the Act and 10 CFR Parts 30, 40, 70, to receive, possess, and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
 - (5) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility, and to receive and possess, but not separate, such source, byproduct, and special nuclear materials as contained in the fuel assemblies and fuel channels from the Shoreham Nuclear Power Station.
- (C) This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I (except as exempted from compliance in Section 2.D. below) and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

Philadelphia Electric Company is authorized to operate the facility at reactor core power levels of 3458 megawatts thermal (100 percent rated power) in accordance with the conditions specified herein.

(2) Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. , are hereby incorporated into this license. Philadelphia Electric Company shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) Fire Protection (Section 9.5, SSER-2,-4)*

Philadelphia Electric Company shall implement and maintain in effect all provisions of the approved Fire Protection Program as described in the Updated Final Safety Analysis Report for the facility, and as approved in the NRC Safety Evaluation Report dated August 1983 through Supplement 9, dated August 1989, and Safety Evaluation dated November 20, 1995, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

*The parenthetical notation following the title of license conditions denotes the section of the Safety Evaluation Report and/or its supplements wherein the license condition is discussed.

(4) Physical Security and Safeguards

The licensee shall fully implement and maintain in effect all provisions of the physical security, guard training and qualification and safeguards contingency plans previously approved by the Commission and all amendments and revisions to such plans made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Limerick Generating Station, Units 1 & 2, Physical Security Plan," with revisions submitted through October 31, 1988; "Limerick Generating Station, Units 1 & 2, Plant Security Personnel Training and Qualification Plan," with revisions submitted through October 1, 1985; and "Limerick Generating Station, Units 1 & 2, Safeguards Contingency Plan," with revisions submitted through November 15, 1986.

- D. The facility requires exemptions from certain requirements of 10 CFR Part 50 and 10 CFR Part 70. These include (a) exemption from the requirement of paragraph III.D.2.(b)(ii) of Appendix J, the testing of containment air locks at times when the containment integrity is not required (Section 6.2.6.1 of the SER and SSER-3) (b) exemption from the requirements of paragraphs II.H.4 and III.C.2 of Appendix J, the leak rate testing of the Main Steam Isolation Valves (MSIVs) at the peak calculated containment pressure, Pa, and exemption from the requirements of paragraph III.C.3 of Appendix J that the measured MSIV leak rates be included in the summation for the local leak rate test (Section 6.2.6.1 of SSER-3), (c) exemption from the requirement of paragraphs II.H.1 and III.C.2 of Appendix J,

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THE INFORMATION FROM THIS TECHNICAL SPECIFICATIONS SECTION
HAS BEEN RELOCATED TO THE TECHNICAL REQUIREMENTS MANUAL (TRM) FIRE
PROTECTION SECTION. TECHNICAL SPECIFICATIONS PAGES 3/4 3-92 THROUGH
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LIMERICK - UNIT 2

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Amendment No. 25, 68

EXHIBIT 3
PAGE 28 OF 40 PAGE(S)

PLANT SYSTEMS

Section 3/4.7.6 through 3/4.7.7 (Deleted)

THE INFORMATION FROM THESE TECHNICAL SPECIFICATIONS SECTIONS
HAVE BEEN RELOCATED TO THE TECHNICAL REQUIREMENTS MANUAL (TRM) FIRE
PROTECTION SECTION. TECHNICAL SPECIFICATIONS PAGES 3/4 7-19 THROUGH
3/4 7-32 HAVE BEEN INTENTIONALLY OMITTED.

LIMERICK - UNIT 2

3/4 7-19

Amendment No. 68

EXHIBIT 3
PAGE 29 OF 110 PAGE(S)

BASES

3/4.3.7.7 TRAVERSING IN-CORE PROBE SYSTEM

The OPERABILITY of the traversing in-core probe system with the specified minimum complement of equipment ensures that the measurements obtained from use of this equipment accurately represent the spacial neutron flux distribution of the reactor core.

The TIP system operability is demonstrated by normalizing all probes (i.e., detectors) prior to performing an LPRM calibration function. Monitoring core thermal limits may involve utilizing individual detectors to monitor selected areas of the reactor core, thus all detectors may not be required to be OPERABLE. The OPERABILITY of individual detectors to be used for monitoring is demonstrated by comparing the detector(s) output in the resultant heat balance calculation (P-1) with data obtained during a previous heat balance calculation (P-1).

3/4.3.7.8 CHLORINE AND TOXIC GAS DETECTION SYSTEMS

The OPERABILITY of the chlorine and toxic gas detection systems ensures that an accidental chlorine and/or toxic gas release will be detected promptly and the necessary protective actions will be automatically initiated for chlorine and manually initiated for toxic gas to provide protection for control room personnel. Upon detection of a high concentration of chlorine, the control room emergency ventilation system will automatically be placed in the chlorine isolation mode of operation to provide the required protection. Upon detection of a high concentration of toxic gas, the control room emergency ventilation system will manually be placed in the chlorine isolation mode of operation to provide the required protection. The detection systems required by this specification are consistent with the recommendations of Regulatory Guide 1.95, "Protection of Nuclear Power Plant Control Room Operators against an Accidental Chlorine Release," February 1975.

There are three toxic gas detection subsystems. The high toxic chemical concentration alarm in the Main Control Room annunciates when two of the three subsystems detect a high toxic gas concentration. An Operate/Inop keylock switch is provided for each subsystem which allows an individual subsystem to be placed in the tripped condition. Placing the keylock switch in the INOP position initiates one of the two inputs required to initiate the alarm in the Main Control Room.

Specified surveillance intervals and maintenance outage times have been determined in accordance with GENE-770-06-1, "Bases for Changes to Surveillance Test Intervals and Allowed Out-of-Service Times for Selected Instrumentation Technical Specifications," as approved by the NRC and documented in the SER (letter to R.D. Binz, IV, from C.E. Rossi dated July 21, 1992).

3/4.3.7.9 (Deleted) - INFORMATION FROM THIS SECTION RELOCATED TO THE TRM.

INSTRUMENTATION

BASES

3/4.3.7.10 LOOSE PART DETECTION SYSTEM

The OPERABILITY of the loose-part detection system ensures that sufficient capability is available to detect loose metallic parts in the primary system and avoid or mitigate damage to primary system components. The allowable out-of-service times and surveillance requirements are consistent with the recommendations of Regulatory Guide 1.133, "Loose-Part Detection Program for the Primary System of Light-Water-Cooled Reactors," May 1981.

3/4.3.7.11 (Deleted) - INFORMATION FROM THIS SECTION RELOCATED TO THE ODCM.

3/4.3.7.12 OFFGAS MONITORING INSTRUMENTATION

This instrumentation includes provisions for monitoring the concentrations of potentially explosive gas mixtures and noble gases in the off-gas system.

3/4.3.8 (Deleted) - INFORMATION FROM THIS SECTION RELOCATED TO THE UFSAR.

3/4.3.9 FEEDWATER/MAIN TURBINE TRIP SYSTEM ACTUATION INSTRUMENTATION

The feedwater/main turbine trip system actuation instrumentation is provided to initiate action of the feedwater system/main turbine trip system in the event of failure of feedwater controller under maximum demand.

PLANT SYSTEMS

BASES

3/4 7.6 (Deleted) - INFORMATION FROM THIS SECTION RELOCATED TO THE TRM.

3/4.7.7 (Deleted) - INFORMATION FROM THIS SECTION RELOCATED TO THE TRM.

ADMINISTRATIVE CONTROLS

6.2.2 UNIT STAFF

- a. Each on duty shift shall be composed of at least the minimum shift crew composition shown in Table 6.2.2-1;
- b. At least one licensed Operator shall be in the control room when fuel is in the reactor. In addition, while the unit is in OPERATIONAL CONDITION 1, 2, or 3, at least one licensed Senior Operator shall be in the control room:
- c. A Health Physics Technician* shall be on site when fuel is in the reactor;
- d. ALL CORE ALTERATIONS shall be observed and directly supervised by either a licensed Senior Operator or licensed Senior Operator Limited to Fuel Handling who has no other concurrent responsibilities during this operation;
- e. (Deleted) - INFORMATION FROM THIS SECTION RELOCATED TO THE TRM.
- f. Administrative procedures shall be developed and implemented to limit the working hours of unit staff who perform safety-related functions (e.g., licensed Senior Operators, licensed Operators, health physicists, auxiliary operators, and key maintenance personnel).

Adequate shift coverage shall be maintained without routine heavy use of overtime. The objective shall be to have operating personnel work a normal 8-hour day, 40-hour week while the unit is operating. However, in the event that unforeseen problems require substantial amounts of overtime to be used, or during extended periods of shut-down for refueling, major maintenance, or major unit modifications, on a temporary basis the following guidelines shall be followed:

1. An individual should not be permitted to work more than 16 hours straight, excluding shift turnover time.
2. An individual should not be permitted to work more than 16 hours in any 24-hour period, nor more than 24 hours in any 48-hour period, nor more than 72 hours in any 7-day period, all excluding shift turnover time.

* The Health Physics Technician position may be less than the minimum requirements for a period of time not to exceed 2 hours, in order to accommodate unexpected absence, provided immediate action is taken to fill the required position.

ADMINISTRATIVE CONTROLS

RESPONSIBILITIES

6.5.1.6 The PROC shall be responsible for:

- a. Review of (1) Administrative Procedures and changes thereto, (2) new programs or procedures required by Specification 6.8 and requiring a 10 CFR 50.59 safety evaluation, and (3) proposed changes to programs or procedures required by Specification 6.8 and requiring a 10 CFR 50.59 safety evaluation;
- b. Review of all proposed tests and experiments that affect nuclear safety;
- c. Review of all proposed changes to Appendix A Technical Specifications;
- d. Review of all proposed changes or modifications to unit systems or equipment that affect nuclear safety;
- e. DELETED.
- f. Investigation of all violations of the Technical Specifications, including the preparation and forwarding of reports covering evaluation and recommendations to prevent recurrence, to the Vice President, Limerick Generating Station, Plant Manager, and to the Nuclear Review Board;
- g. Review of all REPORTABLE EVENTS;
- h. Review of unit operations to detect potential hazards to nuclear safety;
- i. Performance of special reviews, investigations, or analyses and reports thereon as requested by the Vice President, Limerick Generating Station, plant Manager or the Chairman of the Nuclear Review Board;
- j. Review of the Security Plan and implementing procedures and submittal of recommended changes to the Nuclear Review Board; and
- k. Review of the Emergency Plan and implementing procedures and submittal of the recommended changes to the Nuclear Review Board.
- l. Review of every unplanned onsite release of radioactive material to the environs including the preparation and forwarding of reports covering evaluation, recommendations and disposition of the corrective action to prevent recurrence to the Vice President, Limerick Generating Station, Plant Manager, and to the Nuclear Review Board.
- m. Review of changes to the PROCESS CONTROL PROGRAM, OFFSITE DOSE CALCULATION MANUAL, and radwaste treatment systems.
- n. Review of the Fire Protection Program and implementing procedures and the submittal of recommended changes to the Nuclear Review Board.

6.5.1.7 The PORC shall:

- a. Recommend in writing to the Plant Manager approval or disapproval of items considered under Specification 6.5.1.6a. through d. prior to their implementation.
- b. Render determinations in writing with regard to whether or not each item considered under Specification 6.5.1.6b. through f. constitutes an unreviewed safety question.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NOS. 104 AND 68 TO FACILITY OPERATING
LICENSE NOS. NPF-39 AND NPF-85
PHILADELPHIA ELECTRIC COMPANY
LIMERICK GENERATING STATION, UNITS 1 AND 2
DOCKET NOS. 50-352 AND 50-353

1.0 INTRODUCTION

Section 50.48, "Fire protection," of Part 50 of Title 10 of the Code of Federal Regulations (10 CFR Part 50) requires that each operating nuclear power plant have a fire protection plan that satisfies Criterion 3 (GDC 3), "Fire protection," of Appendix A to 10 CFR Part 50. The fire protection plan must describe the overall fire protection program for the facility, outline the plans for fire protection, fire detection, and fire suppression capability, and limitations of fire damage. The program must also describe specific features necessary to implement the program, such as administrative controls and personnel requirements for fire prevention and manual fire suppression activities, automatic and manually operated fire detection and suppression systems, and the means to limit fire damage to structures, systems, or components important to safety so that the capability to safely shut down the plant is ensured. The U.S. Nuclear Regulatory Commission (NRC) staff approved the Limerick Generating Station (LGS), Units 1 and 2, fire protection program in Safety Evaluation Reports dated August 1983, October 1984, May 1985, and August 1989.

By letter dated December 2, 1994, as supplemented by letter dated May 12, 1995, the Philadelphia Electric Company (the licensee) submitted a request for changes to the LGS, Units 1 and 2, fire protection program in accordance with the guidance provided in Generic Letter (GL) 86-10, "Implementation of Fire Protection Requirements," and GL 88-12, "Removal of Fire Protection Requirements from Technical Specifications." Specifically, the licensee proposed to incorporate the NRC-approved fire protection program and major commitments, including the fire hazard analysis, into the Updated Final Safety Analysis Report (UFSAR), and to revise the Operating Licenses to include the NRC's standard fire protection license condition. In addition, the licensee proposed to: 1) relocate the requirements of Technical Specifications (TS) Section 3/4.3.7.9, "Fire Detection Instrumentation," TS Section 3/4.7.6, "Fire Suppression Systems," TS Section 3/4.7.7, "Fire Rated Assemblies," and TS Section 6.2.2.e, "Unit Staff" and "Fire Brigade" from the TS to the revised fire protection program, LGS Technical Requirements Manual (TRM) Fire Protection Section; insert new pages 3/4.3-92 and 3/4.7-19 noting that fire protection LCOs and SRs have been relocated to the TRM; and revise TS Section

6.5.1.6 to include on-site review (Plant Operations Review Committee) for the Fire Protection Program, and implementing procedures and the submittal of recommended changes to the Nuclear Review Board (NRB).

GL 86-10 and GL 88-12 referred to removing fire protection requirements from TS. License amendments that relocate the fire protection requirements to the UFSAR in accordance with GL 86-10 and GL 88-12 do not revise the requirements for fire protection operability, testing, or inspections. Such amendments simply replace the fire protection TS sections with the standard fire protection license condition. The license condition implements and maintains the NRC-approved fire protection program, including the fire protection requirements previously specified in the TS, in accordance with 10 CFR 50.48. Therefore, such amendments, including the one proposed by the licensee, are administrative in nature and have no effect on the public health and safety.

The letter of May 12, 1995, provided clarifying information within the scope of the original submittal and did not change the staff's initial proposed no significant hazards consideration determination.

2.0 BACKGROUND

Section 182a of the Atomic Energy Act (the "Act") requires applicants for nuclear power plant operating licenses to state TS to be included as part of the license. The Commission's regulatory requirements related to the content of TS are set forth in 10 CFR 50.36. That regulation requires that the TS include items in five specific categories, including (1) safety limits, limiting safety system settings and limiting control settings; (2) limiting conditions for operation; (3) surveillance requirements; (4) design features; and (5) administrative controls. However, the regulation does not specify the particular requirements to be included in a plant's TS.

The Commission has provided guidance for the contents of TS in its "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors" ("Final Policy Statement"), 58 FR 39132 (July 22, 1993), in which the Commission indicated that compliance with the Final Policy Statement satisfies Section 182a of the Act. In particular, the Commission indicated that certain items could be relocated from the TS to licensee-controlled documents, consistent with the standard enunciated in *Portland General Electric Co.* (Trojan Nuclear Plant), ALAB-531, 9 NRC 263, 273 (1979). In that case, the Atomic Safety and Licensing Appeal Board indicated that "technical specifications are to be reserved for those matters as to which the imposition of rigid conditions or limitations upon reactor operation is deemed necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety." The criteria set forth in the policy statement have been incorporated into 10 CFR 50.36 (60 FR 36953).

Following the fire at the Browns Ferry Nuclear Power Plant on March 22, 1975, the Commission undertook a number of actions to ensure that improvements were implemented in the fire protection programs for all power reactor facilities. Because of the extensive modification of fire protection programs and the number of open issues resulting from staff evaluations, a number of revisions and alterations occurred in these programs over the years. Consequently, licensees were requested by GL 86-10 to incorporate the final NRC-approved fire protection program in their UFSAR. In this manner, the fire protection program, including the systems, certain administrative and technical controls, the organization, and other plant features associated with fire protection, would have a status consistent with that of other plant features described in the UFSAR. In addition, the Commission concluded that a standard license condition, requiring compliance with the provisions of the fire protection program as described in the UFSAR, should be used to ensure uniform enforcement of the fire protection requirements. Finally, the Commission stated that with the required actions, licensees may request an amendment to delete the fire protection TS that would now be unnecessary. Subsequently, the NRC issued GL 88-12 to give guidance for the preparation of the license amendment request to implement GL 86-10.

3.0 PROPOSED CHANGES

The specific TS changes proposed by the licensee are as follows:

1. Revise License Condition 2.C.(3) for both units as follows:

Philadelphia Electric Company shall implement and maintain in effect all provisions of the approved Fire Protection Program as described in the Updated Final Safety Analysis Report for the facility, and as approved in NRC Safety Evaluation Reports dated August 1983 thru supplement 9, dated August 1989, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

2. Relocate the following TS Sections and associated Bases to the TRM:

Section 3/4.3.7.9, "Fire Detection Instrumentation"
Section 3/4.7.6, "Fire Suppression Systems"
Section 3/4.7.7, "Fire Rated Assemblies"
Section 6.2.2.e, "Unit Staff", "Fire Brigade"

Two new pages 3/4.3-92 and 3/4.7-19 are being inserted containing a note which states that the fire protection LCOs and SRs have been relocated to the TRM.

3. Revise TS Section 6.5.1.6 to include on-site review (Plant Review Committee) responsibility for the fire Protection program and implementing procedures and the submittal of recommended changes to the Nuclear Review Board (NRB).

4.0 EVALUATION

The NRC staff reviewed the license amendment requests for LGS, Units 1 and 2, against the guidance provided in GLs 86-10 and 88-12. GL 86-10 requested that the licensee incorporate the NRC-approved fire protection program in its UFSAR for the facility and specified a standard fire protection license condition. GL 88-12 addressed the elements a licensee should include in a license amendment request to remove the fire protection requirements from the plant TS. These elements are (1) the NRC-approved fire protection program must be incorporated into the UFSAR; (2) the Limiting Conditions for Operation (LCOs) and Surveillance Requirements associated with fire detection systems, fire suppression systems, fire barriers, and the administrative controls that address fire brigade staffing would be relocated from the TS (the existing administrative controls associated with fire protection audits and specifications related to the capability for safe shutdown following a fire would be retained); (3) all operational conditions, remedial actions, and test requirements presently included in the TS for these systems, as well as the fire brigade staffing requirements, shall be incorporated into the fire protection program; (4) the standard fire protection license condition specified in GL 86-10 must be included in the facility operating license; (5) the Unit Review Group (Onsite Review Group) shall be given responsibility for the review of the fire protection program and implementing procedures and for the submittal of recommended changes to the Company Nuclear Review and Audit group (Offsite or Corporate Review Group); and (6) fire protection program implementation shall be added to the list of elements for which written procedures shall be established, implemented, and maintained. The licensee incorporated the NRC-approved fire protection program by reference into the LGS, Units 1 and 2, UFSAR in August 1983. The licensee has, therefore, satisfied Element 1 of GL 88-12.

The licensee stated in its submittal of December 2, 1994, that it will incorporate the current TS LCOs and surveillance requirements for the fire detection systems, fire suppression systems, and the TS requirements related to fire brigade staffing into the LGS, Units 1 and 2. Fire Protection Program. Therefore, the licensee will have satisfied Elements 2 and 3 of GL 88-12. Further, the licensee has implemented requirements for establishing remote shutdown, consistent with GL 81-12, in TS Section 3.3.7.4.

The licensee proposed incorporating the standard fire protection license condition specified in GL 86-10 for LGS, Units 1 and 2. The licensee has, therefore, satisfied Element 4 of GL 88-12.

To satisfy Element 5 of GL 88-12, the licensee addressed changes to the administrative controls sections of the TS. The licensee will require the Plant Operations Review Committee to review the fire protection program and implementing procedures as well as recommended changes as an additional responsibility. The licensee has, therefore, satisfied Element 5 of GL 88-12.

Element 6 of GL 88-12 specified that the licensee add fire protection program implementation to the administrative controls Section of the TS. This change is made to the list of elements for which written procedures shall be established, implemented, and maintained. Since TS 6.5 currently addresses the fire protection program, and this TS will remain in place following this amendment, no changes are required and the licensee has, therefore, satisfied Element 6 of GL 88-12.

The licensee's proposed TS amendments for LGS, Units 1 and 2 are in accordance with NRC staff guidance provided in GLs 86-10 and 88-12.

In summary, the licensee has proposed to incorporate the existing TS fire protection requirements as stated above into the fire protection program which is, by reference, incorporated in the UFSAR. This conforms to staff guidance in GL 86-10, "Implementation of Fire Protection Requirements," and GL 88-12, "Removal of Fire Protection Requirements from Technical Specifications," for removing unnecessary fire protection TS in four major areas: fire detection systems, fire suppression systems, fire barriers and fire brigade staffing requirements. In addition, incorporating these requirements in the UFSAR is consistent with NUREG-1433 and 10 CFR 50.36, as amended, because these TS do not impact reactor operations, do not identify a parameter which is an initial condition assumption for a design-basis accident or transient, do not identify a significant abnormal degradation of the reactor coolant pressure boundary and do not provide any mitigation of a design-basis event.

The fire protection plan required by 10 CFR 50.48, as implemented and maintained by the fire protection license condition, provides reasonable assurance that fires will not give rise to an immediate threat to public health and safety. Although there are aspects of the fire detection and mitigation functions that have been determined to be risk significant, such that Criterion 4 of 10 CFR 50.36 would otherwise seem to apply, the minimum requirements for those functions were established in GDC 3 and 10 CFR 50.48, and further controls are not necessary since the licensee must comply with these minimum requirements regardless of whether they are restated in the TS or not.

The licensee's fire protection program is required by 10 CFR 50.48, and any changes to that program are governed by 10 CFR 50.48 and license condition 2.C.(4), set forth above. Therefore, the requirements relocated to the UFSAR may be controlled in accordance with 10 CFR 50.59. Further, in a November 15, 1995, telephone call, a representative of the licensee agreed to include this Safety Evaluation in the Fire Protection license condition.

These relocated requirements relating to fire protection features are not required to be in the TS under 10 CFR 50.36 or other regulations, or by Section 182a of the Atomic Energy Act, and are not required to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety. In addition, the staff finds that sufficient regulatory controls exist under 10 CFR 50.48 and 10 CFR 50.59 to address future changes to these requirements. Accordingly, the staff has concluded that these requirements may be relocated from the TS to the licensee's UFSAR.

5.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Pennsylvania State official was notified of the proposed issuance of the amendments. The State official had no comments.

6.0 ENVIRONMENTAL CONSIDERATION

The amendments change requirements with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20 and change surveillance requirements. The amendments also change administrative procedures and requirements. The NRC staff has determined that the amendments involve no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration and there has been no public comment on such finding (60 FR 20524). Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9) and (c)(10). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

7.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributors: F. Rinaldi
A. Singh

Date: November 20, 1995

From: Kristin Monroe
To: nsp
Date: 1/16/97 10:31am
Subject: OI Case 1-96-033

*Neil S. Perry, Jr. Resident
Inspector at
Limerick* *file
196033*

Hi Neil

Attached is the conversation record. Please make any changes you feel are necessary. This conversation record will become an attachment to the OI report.

The licensee investigation provided copies of the surveillance test documents for the following technical specifications:

LGS TS 4.7.6.2.c.2 and LGS TS 4.7.6.2.c.3:

"Fire Suppression Water System (FSWS) Spray and Sprinkler Visual Inspection" an 18 month requirement

LGS TS 4.7.6.5.a: "Fire Hose Station Visual Inspection" a monthly requirement.

As I understand your explanation, these are controlled documents, not TS requirements. They become a TS requirement via LGS TS 6.8.1.

I understand that at one time the fire protection program was a TS requirement, but that was changed. Would you please elaborate on that, specifically as it relates to the three referenced TSs. When did the change take place?

Thanks for your help.
Kris

9/17

1/23/07

Done with LGS

Facility Operating License

Condition 2.C.2

Tech spec

2.C.3

Fire Protection

Tech spec

6.8.1.g.

UFSAR

9.5.1

UFSAR

13.5.3

TRM

4.7.6.5.a

4.7.6.2.c.2

4.7.6.2.c.3

A-C-45

Surveillance Test Program

A-C-1

format

for each yr.

ST-7-022-951-0

LR-13

UFSAR

UFSAR

+ referred back

+ comment

+ SER



TS 4.7.6.5.a

TS 6.8.1

12/22/95

1/18

Facility oper. license
For oper. Lic
↓

SAR = Safety
analysis report

30-352/353

a use condition 202 → Tech Specs
Ship must comply w/TS
also 209: fire protection

Cells 50.5
5.0.9



12/20

11/23/97

Dave Nell, Regulatory Eng., LGS
Ron Bickler

PS&S Security Office

8:30 AM

LGS Unit No 2 - Unit is very similar
to facility operating license
80-353

condition and
↓
TS

Unit condition 202 Tech Specs.
App must comply w/TS

203: Fuel water

must implement approved fire prot. program

Ben. released FP program out of TS -

What is actual left - TS is 6.8.1 piece

keep FP running - implement as procedure -
is

~~is~~ ST implement a part of the FP program

JSFAR 951 and 9A is the FP program -

it will be like - mign - Unit limited

short for Approx Program -

Call name Section featuring of FIX-ST TR III
Tech Reg. Plan

→ conversion for TS → TRM ^{Requirements}
11/20/95 → approval from the NRC

change
become reflector 12/20/95 →

TS 4.7.6.5.a → TRM 4.7.6.5.a

Common
both 112
Ac 43 - is on procedure how to implement
the ST → both to TS & TRM
ST program → must write a ST.

A
Beth 12/20/95 Kelly violated 6.8.1
but his did as well →

50.5
his action resulted in because in nature
of TS 6.8.1 → he didn't hold his, he
is not a his person →

Pin 12/20/95 to to.

Kelly Violence 50.5 ad 50
his action resumed

LGS TS 4.7.6.5.a
LGS 4.7.6.2.C.2
LGS 4.7.6.2.C.3

6.8.1
pin to 12/20/95

TRM

≡

cite 12/20/95
and ~~TS~~ ^{still pending your hrs license} 6.8.1

ann

From: Barry Letts, ^{OI} Kristin Monroe, ^{OI}
To: klm
Date: 1/28/97 10:02am
Subject: limerick oi cases nos. 1-96-006 and 1-96-033

kris,

on january 28, 1997, i discussed the above referenced cases with ronald levine, chief, government and health care fraud section, us attorney's office, philadelphia, pa. levine's unit will review oi case no. 1-96-006(roi and exhibits) for prosecutive merit. levine declined review of oi case no. 1-96-033 in favor of nrc enforcement actions, if appropriate. i concurred in his declination of the second case.

barry

2/9

CASE CHRONOLOGY

Case Number 1-96-033	Date Opened 09/19/96	Opened By K. Monroe
Date	Activity	
10/2	Rec'd copy of license report from Bile. Provided copy of report w/ 2.790 letter to P. Uto + W. Pasciak.	
10/21	Steve Rendell NRC 5356 re: exit conference scheduled today - plan to issue no cited violation - any OK to do so → discussed w/ B - not soon idea to issue - called Rendell and advised - will hold off → until OI complete → message to R. Bile to obtain copy statements	
10/23	copy of statements rec'd from Bile RRP 11/14/97	
11/16	P. Uto Perry re: violation - TS? He will research and get info today	
11/16	By Bile - change from TS - test no longer TS requirement.	
11/16	Email to Ireland to see what TS changed	
11/16	see P. Uto w/ Perry re TS requirement	
11/16	Pasciak see @ conference	
11/17	Meeting	
11/17	J. Smith AVSA	
2/11	Case to FOD -	

Activity Codes L/M = Letter or Memo TC = Telephone Call INSP = Inspection
 MTG = Meeting INV = Investigation REP = Report Issued

11/10



UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF INVESTIGATIONS FIELD OFFICE, REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406

February 27, 1997

MEMORANDUM TO: Hubert J. Miller, Regional Administrator
Region I

FROM: Barry R. Letts, Director *Barry Letts*
Office of Investigations Field Office, Region I

SUBJECT: LIMERICK GENERATING STATION UNITS 1 AND 2: FALSIFICATION OF
FIRE PROTECTION SURVEILLANCE TEST DOCUMENTATION BY A PECO
TECHNICAL ASSISTANT (CASE NO. 1-96-033)

Attached, for whatever action you deem appropriate, is the Office of Investigations (OI) Report of Investigation concerning the above matter. Neither this memorandum nor the report may be released outside the NRC without the permission of the Director, OI. Internal NRC access and dissemination should be on a need-to-know basis. Treat as "Official Use Only."

Attachment:
Report w/exhibits

cc w/attach:
J. Lieberman, OE
L. Chandler, OCG

cc w/report:
E. Jordan, DEDO
S. Collins, NRR

4/11

INVESTIGATION STATUS RECORD

Case No.: 1-96-033 Facility: LIMERICK GENERATING STATION
Allegation No.: Case Agent: MONROE
Docket Nos.: 50-352/353 Date Opened: 09/19/96
Source of Allegation: LICENSEE (L)
Notified by: N. PERRY (DRP) Priority: NORMAL
Category: WR Case Code: RP
Subject/Allegation: FALSIFICATION OF A SURVEILLANCE TEST BY A FIRE PROTECTION
TECHNICIAN

Remarks:

Monthly Status Report:

09/19/96: On or about August 16, 1996, the licensee identified that a fire protection technician, a PECO employee, intentionally falsified a surveillance test (ST) record. Specifically, the monthly fire protection hose inspection was not completed; however, the technician signed the procedure as being completed and satisfactory. The individual admitted to falsifying the ST record, and the licensee subsequently suspended the employee without pay. The licensee also initiated an independent investigation.

On August 18, 1996, a PECO special investigator contacted OI and advised that PECO had completed their investigation. PECO identified four more STs that the individual had falsified. When confronted by PECO security, the individual admitted to falsifying the documents. The investigation later identified one more falsified ST; however, PECO security did not go back to the individual, because they felt they had enough information to take the appropriate action. On September 11, 1996, the individual was terminated.

The scope of the PECO investigation identified two other "irregularities." One individual put the wrong date on a ST (off by 3 days). That individual, a PECO employee, will receive some level of discipline for lack of attention to detail. The last individual is a contractor to PECO employed by Bartlett. The irregularity was in the area of not properly performing a hose inspection. The individual, when confronted, admitted that he may not have done an adequate inspection. Because the individual is a contractor, PECO can not take any disciplinary action. Bartlett will be notified by PECO that they are dissatisfied with the individual.

PECO will forward to OI a copy of the investigative report for review by OI and the staff, with an allegation review panel likely to follow. Status: FWP ECD (90 days): 12/96.

4/12

INVESTIGATION STATUS RECORD (PAGE 2)

Case No.: 1-96-033

Facility: LIMERICK GENERATING STATION

Case Agent: MONROE

Priority: NORMAL

Subject/Allegation: FALSIFICATION OF A SURVEILLANCE TEST BY A FIRE PROTECTION
TECHNICIAN

Monthly Status Report:

09/30/96: Waiting for PECO's internal report. Status: FWP ECD (90 days):
12/96.

10/31/96: PECO report was obtained on October 21, 1996, and is currently being
reviewed. Status: FWP ECD (90 days): 12/96.

11/30/96: No substantive field work during reporting period. Status: FWP
ECD (90 days): 12/96.

12/31/96: PECO report will be reviewed and case will be closed. Status: FWP
ECD: 02/97.

01/31/97: Two interviews were conducted. Case is being written. Status: RID
ECD: 02/97.

02/28/97: Case was closed (substantiated) on February 19, 1997, issued on
February 27, 1997, and orally declined by the U.S. Attorney's
Office - Philadelphia on January 28, 1997.

Closed: 02/19/97 Issued: 02/27/97 Referral: 01/28/97 Action: S

DOJ Action:

<input type="checkbox"/> Evaluation	<input checked="" type="checkbox"/> Oral Declination (01/28/97)
<input type="checkbox"/> Prosecution/Grand Jury	<input type="checkbox"/> Prosecution/Plea
<input type="checkbox"/> Indictment/Pending Trial	<input type="checkbox"/> Indictment/Sealed
<input type="checkbox"/> Trial	<input type="checkbox"/> Conviction
<input type="checkbox"/> Acquittal	

PECO is fined by NRC

\$80,000 penalty
levied for false
data at Limerick

By ERIK ENGQUIST
Mercury Staff Writer

LIMERICK — The Nuclear Regulatory Commission announced Wednesday it had fined PECO Energy Co. \$80,000 for falsification of records at the Limerick Generation Station.

The infractions concerned tests of the fire protection system at the nuclear plant and of the radioactivity of its cooling water.

In the latter case, PECO was required to test samples of the reactor coolant daily because a radiation monitor was broken. When the Feb. 7, 1996 sample was taken 75 minutes late, a chemistry manager ordered a chemist and a chemistry technician to alter the records to indicate the test was timely.

The chemistry manager and chemist both left the company when the falsification was discovered during a check of plant records. The technician was disciplined but not fired.

In the former case, a plant employee on several occasions in 1995 and 1996 filed reports indicating he had checked fire hoses and a sprinkler system when he had not. The worker was also disciplined but not fired.

PECO spokesman Bill Jones declined to reveal the names of the workers or the nature of their punishments. NRC spokesman Neil A. Sheehan also would not identify them, but said the commission had banned the chemistry manager and the chemist from NRC-licensed ac-

(See FINED on A3)

9/13

Limerick draws \$80,000 NRC fine

(FINED from A1)

tivities for five and three years, respectively.

"The public health and safety was not endangered, but on the other hand, this constitutes a breakdown in the safeguards at the plant," said Sheehan. "We consider it very serious."

The commission worried as well that whistleblowing was discouraged at Limerick. "The NRC is also concerned whether the situation involving the primary chemistry manager is evidence that there have been at least pockets at Limerick where staff was fearful of raising problems when they occurred," said NRC Region I Administrator Hubert J. Miller in a letter to PECO.

Responded PECO's Jones, "Our investigation showed us that (employees) are not fearful of reporting problems. It was made very clear to them that they are expected to report problems."

Jones said PECO considers the violations "very, very serious"

and would not contest the fine. "Falsifying records cannot and will not be tolerated," he said. "It's really an ethical problem as well as an operational problem."

The fine might have been higher had PECO not reported the violations and had a clean record with the NRC for two years, said Sheehan.

PECO's Limerick plant was last issued civil penalties by the NRC in September 1994, when a \$25,000 fine was levied for an action taken by the security firm at the plant. The firm had fired an armed guard because he voiced concerns about security at the plant, Sheehan said.

In December 1992 PECO was fined \$62,500 for two violations of NRC radiation safety requirements at Limerick Unit 1.

PECO's most recent NRC fine was \$87,500 in December 1994 for violations at its Peach Bottom nuclear plant.

NRC fines are paid to the U.S. Treasury, not to the commission.

2/14

Peco fined \$80,000 for altering records

■ The company admitted that employees falsified reports for water tests and fire hose inspections at the Limerick nuclear power plant. The violations were procedural and did not put the public in danger.

By Rudy Miller
Times Herald Staff

Peco Energy Co. admitted its employees falsified records at the Limerick nuclear power plant, prompting an \$80,000 fine from the Nuclear Regulatory Commission (NRC) yesterday.

Peco uncovered two employee offenses. In the first, a chemistry technician and a former chemist neglected to test water for radiation within a prescribed 24-hour period. The water in a reactor cooling system had to be tested manually

every 24 hours since a radiation monitor was not working.

On Feb. 7, 1996, a sample was taken about an hour and 15 minutes late, and Peco officials said the pair falsified the record at the direction of the former chemistry manager.

The NRC has barred the chemistry manager from NRC-licensed activities for five years. The chemist was barred for three years. Both no longer work for Peco, and one resigned, said Peco spokesperson Bill Jones.

Jones said the tardy water test did not put the public in danger since the water was confined to the plant containment building. But that does not mean Peco does not take the infraction seriously.

"It's an ethical problem more than an operational problem. But that doesn't diminish its seriousness," said Jones.

In the second offense, a fire protection technical assistant failed to conduct a "fire hose visual inspection surveillance test" several times between April 3, 1995, and July 29, 1996, but recorded that he performed the tests. The employee also failed to perform other tests and failed to enter an area

See PECO On Page A5

Peco

Continued from Page A1

where he claimed to have inspected a water system spray and sprinklers.

The employee was reprimanded but not fired, Jones said.

Jones would not specify how Peco uncovered the offenses, but said the plant has thorough record-keeping procedures and specific means of enforcing them.

By admitting its mistakes, Peco averted more serious punishment, said NRC spokesman Neil A. Sheehan.

Sheehan said Peco was fined \$62,500 in December 1992 for violating two NRC radiation require-

ments at Limerick. Peco was fined \$250,000 in September 1994 when an armed guard was fired by the security firm Peco hired because he voiced concerns about plant security at Limerick. Yesterday's fine would have been greater if Peco had any violations in the past two years.

NRC Region I Administrator Hubert J. Miller said in a statement that his agency is concerned that if one chemistry manager could coerce employees to fake records, then there could be "pockets at Limerick where staff was fearful of raising problems when they occurred."

Jones said a Peco investigation has concluded that the two offenses were isolated incidents and that Peco employees are not afraid

to tell the truth.

"Our expectation of our nuclear power plant employees is that they report things like this. That's far less serious than falsifying records," he said.

As a follow up to the investigation, Jones said staff discussed record keeping at meetings with the chemistry section of plant management and with the fire protection section. Limerick plant manager Walt McFarland also sent a letter to staff emphasizing the importance of recording accurate records.

Peco has 30 days to appeal the fine, but Jones said the utility would pay it. Peco and the NRC say they withheld the employees' names as a matter of policy.



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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 12, 1997

MEMORANDUM TO: Steven A. Varga, Director
Division of Reactor Projects - I/II

FROM: Jean Lee *Jean Lee*
NRR Allegations Coordinator

SUBJECT: TRANSMITTAL OF INVESTIGATIVE MATERIAL

The following OI Report of Investigation is provided to you for action:

FACILITY: LIMERICK GENERATING STATION UNITS 1 AND 2
CASE NO.: 1-96-033
TITLE: FALSIFICATION OF FIRE PROTECTION SURVEILLANCE TEST
DOCUMENTATION BY A PECO TECHNICAL ASSISTANT

The investigation has been closed by OI. The report and exhibits are attached. In accordance with Office Letter 1001, Revision 2, you are requested to review the report to determine if you agree with the conclusions reached by OI.

Please attach this memorandum to the report. The report, exhibits and the documentation concerning your review should be returned to me when the review is complete. Because this report relates to an allegation assigned to your branch, an ARB meeting will be held within two weeks to discuss the results of the investigation.

If you have any questions, please let me know. I can be reached at 415-2918 or by E-mail at JXL3.

Attachments: As stated

cc w/Synopsis: L. Marsh

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9/1/97

REVIEW OF OI REPORT

Prepared by F. RINALDI
Date Prepared 4/3/97

Facilities: LIMERICK GENERATING STATION, UNITS 1 AND 2

OI Report No. 1-96-033

Date Report Issued: FEBRUARY 19, 1997

Subject of Report: FALSIFICATION OF FIRE PROTECTION SURVEILLANCE TEST DOCUMENTATION BY A PECO TECHNICAL ASSISTANT

Conclusions Reached by OI: TECHNICIAN DELIBERATELY FALSIFIED SELECTED SURVEILLANCE TEST DOCUMENTATION.

Agree with OI Conclusions:

Yes No

If no, state the basis for disagreement. _____

Substantive disagreement must be documented in a memorandum from the responsible Division Director to the NRR Office Director within 20 work days of receipt of the report.

NRR Action Required: _____

Consultation with Regional Representative (if applicable)

Name _____ Date _____

cc: Division Director
Project Director/Branch Chief
Office Allegations Coordinator

4/16

EXHIBIT 1

4/17

EXHIBIT 1

LIMITED DISTRIBUTION -- NOT FOR PUBLIC DISCLOSURE

INVESTIGATION STATUS RECORD

Case No.: 4-95-044 Facility: WATERFORD 3
Allegation No.: RIV-95-A-0147 Case Agent: BOAL
Docket No.: 50-382 Date Opened: 08/29/95
Source of Allegation: ALLEGER (A) Priority: N (J. CALLAN, RA:RIV)
Notified by: SAC:RIV (WISE) Staff Contact: T. DEXTER, DRSS
Category: WR Case Code: RP
Subject/Allegation: ALLEGED DELIBERATE FALSIFICATION OF FIRE WATCH RECORDS
Remarks: 10 CFR 50.9

Monthly Status Report: Page 1

08/29/95: On July 28, 1995, Entergy Operations, Inc., Waterford 3 (WF3) received an anonymous telephone call alleging that two individuals performed inadequate fire watches. The caller alleged that one of the fire watches checked an area and the other fire watch signed the record as though he had completed the check. The caller further alleged, in an unrelated incident, that a WF3 quality assurance (QA) auditor was in a specific room on the fire watch list and waited 52 minutes to confirm a fire watch check. The fire watch check did not occur and the QA auditor then reviewed the fire watch records and noted the room was "signed off" as examined. WF3 informed the Nuclear Regulatory Commission (NRC), Region IV (RIV), that the fire watch, who signed the record as though he had conducted the check, admitted he did not make the check, and he was terminated from employment. WF3 informed the NRC:RIV that, in the second incident, the fire watch was suspended and will probably be terminated. An Allegation Review Panel, held on August 28, 1995, requested that the Office of Investigations obtain and review the licensee reports on these incidents. Status: Field Work in Progress [FWP]
ECD: 11/95 (90-day)

CASE NO. 4 - 95 - 044

Exhibit /
Page / of /

February 8, 1996

MEMORANDUM FOR: L. J. Callan, Regional Administrator
Region IV

FROM: E. L. Williamson, Director
Office of Investigations Field Office, Region IV

SUBJECT: WATERFORD 3 STEAM ELECTRIC STATION: ALLEGED DELIBERATE
FALSIFICATION OF FIRE WATCH RECORDS (CASE NO. 4-95-044)

Attached, for whatever action you deem appropriate, is the Office of Investigations (OI) Report of Investigation concerning the above matter.

This report is forwarded to the action office for information purposes. Since the action office has the responsibility for advising alлегers of the status and disposition of allegations, they are authorized upon receipt of the Report of Investigation to advise the allegер that the investigation has been completed. After the NRC and/or other concerned Federal agencies have taken whatever action they deem appropriate, the action office will notify the allegер that his/her allegations were either substantiated, partially substantiated, or not substantiated and may, if required, furnish the allegер with a copy of the OI Report of Investigation after appropriate proprietary, privacy, and confidential source information has been deleted. Any additional information provided the allegер will be dispositioned through the Director, OI, and will be furnished on a case-by-case basis.

Neither this memorandum nor the report may be released outside the NRC without the permission of the Director, OI. Internal NRC access and dissemination should be on a need-to-know basis. Treat as "Official Use Only."

Attachment:
Report w/exhibits

cc w/attachment:
J. Lieberman, OE
L. Chandler, OGC

cc w/report:
H. Thompson, Jr., DECS
W. Russell, NRR

Distribution:
s/f (4-95-044)
c/f
D. Lewis, OI:HQ, w/enc1
B. Barber, OI:HQ, title page & synopsis page

OI:RIV *OB*
DBoal
02/07/96

OI:RIV *VAV*
LWilliamson
02/07/96

4/18

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INVESTIGATION STATUS RECORD

Case No.: 4-95-044 Facility: WATERFORD 3
Allegation No.: RIV-95-A-0147 Case Agent: BOAL
Docket No.: 50-382 Date Opened: 08/29/95
Source of Allegation: ALLEGER (A) Priority: N (J. CALLAN, RA:RIV)
Notified by: SAC:RIV (WISE) Staff Contact: T. DEXTER, DRSS
Category: WR Case Code: RP
Subject/Allegation: ALLEGED DELIBERATE FALSIFICATION OF FIRE WATCH RECORDS
Remarks: 10 CFR 50.9

Monthly Status Report: Page 2

09/30/95: ARP requested OI acquire the licensee investigation report.
Status: FWP ECD: 11/95 (90-day).
10/31/95: Reviewed licensee report. Draft ROI in preparation. The 90-day
decision point has been met, and the initial ECD is being
established for 05/96. Status: RID ECD: 05/96
11/30/95: Draft ROI in preparation. Status: RID ECD: 05/96
12/31/95: Draft ROI in preparation. There has been a delay in final ROI
preparation due to agent being assigned a high priority case at
Maine Yankee [Case No. 1-95-050] Status: RID ECD: 05/96
01/31/96: ROI in FOD/Administrative review. Status: RIO ECD: 05/96
02/29/96: Case FOD closed on 02/08/96

Closed: 02/08/96 Issued: 02/08/96 Closed Action: S

DOJ Action Date: 01/22/96 (verbal declination)

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4/19

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INVESTIGATION STATUS RECORD

Case No.: 4-95-044 Facility: WATERFORD 3
Allegation No.: RIV-95-A-0147 Case Agent: BOAL
Docket No.: 50-382 Date Opened: 08/29/95
Source of Allegation: ALLEGER (A) Priority: N (J. CALLAN, RA:RIV)
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Category: WR Case Code: RP
Subject/Allegation: ALLEGED DELIBERATE FALSIFICATION OF FIRE WATCH RECORDS
Remarks: 10 CFR 50.9

Monthly Status Report: Page 1

08/29/95: On July 28, 1995, Entergy Operations, Inc., Waterford 3 (WF3) received an anonymous telephone call alleging that two individuals performed inadequate fire watches. The caller alleged that one of the fire watches checked an area and the other fire watch signed the record as though he had completed the check. The caller further alleged, in an unrelated incident, that a WF3 quality assurance (QA) auditor was in a specific room on the fire watch list and waited 52 minutes to confirm a fire watch check. The fire watch check did not occur and the QA auditor then reviewed the fire watch records and noted the room was "signed off" as examined. WF3 informed the Nuclear Regulatory Commission (NRC), Region IV (RIV), that the fire watch, who signed the record as though he had conducted the check, admitted he did not make the check, and he was terminated from employment. WF3 informed the NRC:RIV that, in the second incident, the fire watch was suspended and will probably be terminated. An Allegation Review Panel, held on August 28, 1995, requested that the Office of Investigations obtain and review the licensee reports on these incidents. Status: Field Work in Progress [FWP]
ECD: 11/95 (90-day)

ALLEGATION ASSIGNMENT FORM

Allegation Number: **RIV-95-A-0147**

Licensee/Facility or Location: **WATERFORD-3**

Discussed at ARP meeting on: **8/28/95**

Assigned to: DRP, DRS, DRSS, SAC Branch:

OI involvement? OI tracking number:

Allegation Summary: *The licensee reported two separate and un-related fire watch issues. (1) Entergy received an anonymous telephone call on 7/28 regarding improprieties in the fire watch program - specifically, two individuals, both qualified, were on fire watch rounds. One of the fire watches checked an area and the other watch signed the record as though he had completed the check. (2) A QA auditor had positioned himself within a particular room that was on a fire watch list. The auditor waited for 52 minutes which the licensee stated was more than ample time for the fire watch to have completed the round and entered the room. However, no one entered the room. The auditor proceeded to check the records and determined the room had been signed off as checked. Regarding issue (1) the fire watch admitted that he had not performed the check and he signed the record. He was terminated by the licensee. Regarding issue (2) the fire watch has challenged the licensee regarding the observation. The licensee has suspended access for the fire watch and the licensee reported that the fire watch will probably be terminated.*

ARP instructions/guidance:

ARP Chairman: _____ Date: _____

Allegation Resolution Plan (return to the SAC within 10 days of ARP meeting):

OI - open & obtain copy of licensee's report & review.

Submitted by: _____ Date: _____
cc: Allegation File, ARP Meeting File, OI

4/10

ALLEGATION ASSIGNMENT FORM

Allegation Number: **RIV-95-A-0147**

Licensee/Facility or Location: **WATERFORD-3**

Discussed at ARP meeting on: **1/22/96**

Assigned to: DRP, DRS, DNMS, SAC Branch:

OI involvement? YES OI tracking number: 4-95-044 DB

SAC
Policy terminated
Revised
L.C.I.D.

Allegation Summary: *The licensee reported two separate and un-related fire watch issues. (1) Entergy received an anonymous telephone call on 7/28 regarding improprieties in the fire watch program - specifically, two individuals, both qualified, were on fire watch rounds. One of the fire watches checked an area and the other watch signed the record as though he had completed the check. (2) A QA auditor had positioned himself within a particular room that was on a fire watch list. The auditor waited for 52 minutes which the licensee stated was more than ample time for the fire watch to have completed the round and entered the room. However, no one entered the room. The auditor proceeded to check the records and determined the room had been signed off as checked. The licensee terminated one and suspended access a second fire watch who denied culpability. SAC prepared and sent a letter to licensee requesting a copy of the licensee's investigation when completed. The response was received and sent to DRS and OI. Will exceed 180 days on 2/28/96.*

ARP instructions/guidance:

ARP Chairman: _____ Date: _____

Allegation Resolution Plan (return to the SAC within 10 days of ARP meeting):

Two more examples of consensually furnished

Submitted by: _____ Date: _____
cc: Allegation File, ARP Meeting File, OI

4/21

February 23, 1996

TO: G. F. Sanborn, Enforcement Specialist
FROM: P.H. Harrell, Acting Chief, Project Branch D *Harrell*
SUBJECT: WATERFORD 3 OI REPORTS: OI 4-95-044 AND OI 4-95-047

We have reviewed the subject reports and have no additional concerns.

cc:
P. Harrell
G. Pick
J. Dyer
A. Howell
R. Wise
L. Williamson

4/22

ALLEGATION ASSIGNMENT FORM

Allegation Number: RIV-95-A-0147

Licensee/Facility or Location: WATERFORD-3

Discussed at ARP meeting on: 3/04/96

Assigned to: DRP, DRS, DNMS, SAC Branch:

OI involvement? YES OI tracking number: 4-95-044 DB

Allegation Summary: The licensee reported two separate and un-related fire watch issues. (1) Two individuals, both qualified, were on fire watch rounds. One individual checked an area and the other signed the record as though he had completed the check. (2) An auditor positioned himself within a room that was on a fire watch list. The auditor waited for more than ample time, but a fire watch did not enter the room. A records check indicated the room had been signed off as checked. The licensee terminated one and suspended access to a second fire watch who denied culpability. SAC prepared and sent a letter to licensee requesting a copy of the licensee's investigation when completed. The response was received and sent to DRS and an inspection has been completed. Apparently, documentation is in preparation for violation of compensatory firewatch posting requirements. OE considers the matter closed in so far as the OI investigation is concerned. OE intends to discuss enforcement action against the licensee with RIV during future regularly scheduled enforcement panels.

ARP instructions/guidance:

ARP Chairman: _____ Date: _____

Allegation Resolution Plan (return to the SAC within 10 days of ARP meeting):

ARP Recommendations - closure

Submitted by: _____ Date: _____

cc: Allegation File, ARP Meeting File, OI

4/23

January 31, 1996

MEMORANDUM TO: L. J. Callan, Regional Administrator
Region IV

FROM: E. L. Williamson, Director
Office of Investigations Field Office, Region IV

SUBJECT: WATERFORD 3 STEAM ELECTRIC STATION: ALLEGED DISCRIMINATION
FOR REPORTING FIRE WATCH CONCERNS TO SITE MANAGEMENT
(CASE NO. 4-95-047)

Attached, for whatever action you deem appropriate, is the Office of Investigations (OI) Report of Investigation concerning the above matter.

This report is forwarded to the action office for information purposes. Since the action office has the responsibility for advising alleged of the status and disposition of allegations, they are authorized upon receipt of the Report of Investigation to advise the alleged that the investigation has been completed. After the NRC and/or other concerned Federal agencies have taken whatever action they deem appropriate, the action office will notify the alleged that his/her allegations were either substantiated, partially substantiated, or not substantiated and may, if required, furnish the alleged with a copy of the OI Report of Investigation after appropriate proprietary, privacy, and confidential source information has been deleted. Any additional information provided the alleged will be dispositioned through the Director, OI, and will be furnished on a case-by-case basis.

Neither this memorandum nor the report may be released outside the NRC without the permission of the Director, OI. Internal NRC access and dissemination should be on a need-to-know basis. Treat as "Official Use Only."

Attachment:
Report w/exhibits

cc w/attachment:
J. Lieberman, OE
L. Chandler, OGC

Distribution:
s/f (4-95-047)
c/f
D. Lewis, OI:HQ, w/encl
B. Barber, OI:HQ, title page & synopsis page

OI:RIV *db*
DBoal
01/26/96

OI:RIV *lw*
LWilliamson
1/21/96

4/24

case file.

February 23, 1996

TO: G. F. Sanborn, Enforcement Specialist
FROM: P.H. Harrell, Acting Chief, Project Branch D
SUBJECT: WATERFORD 3 OI REPORTS: OI 4-95-044 AND ~~OI 4-95-047~~

Harrell

We have reviewed the subject reports and have no additional concerns.

cc:
P. Harrell
G. Pick
J. Dyer
A. Howell
R. Wise
L. Williamson

4/25

EXHIBIT 2

2/2/06

EXHIBIT 2

ALLEGATION ASSIGNMENT FORM

7-25
LIC BIT

Allegation Number: RIV-97-A-0086 Licensee/Facility: COMANCHE PEAK

ARB Date: 4/21/97 > 120 days: 8/6/97 > 180 days: 10/5/97

Assigned to: DRP, DRS, DNMS, SAC Branch:

Referral to Licensee: _____ Referral Criteria Reviewed: _____

OI involvement? OI Case Number:
ARB Recommended Priority: _____

Allegation Summary: Licensee identified that the individual who conducted a fire protection inspection of Thermolag material during the past two 18-month periods, may have falsified the inspections. Specifically, two rooms had been certified as having satisfactory Thermolag, when they did not have any Thermolag material at all.

ARB Instructions:

ARB Chairman: _____ Date: _____

Allegation Resolution Plan (return to the SAC within 10 days of ARB meeting):

1 PC will ask for copy of report; one will be forwarded to OI.

Submitted by: _____ Date: _____

ARB Attendees: _____, DRP _____, DRS _____, DNMS
W. L. Brown, RC _____, OI _____ R. Wise, SAC _____
R. Mullikin, AC _____, Enforcement Other: _____

WCFO Staff: K. E. Perkins _____; D. F. Kirsch _____; H. J. Wong _____;
F. A. Wenslawski _____

cc: Allegation File, ARB Meeting File, OI

0-0000-97-027

EXHIBIT 2
PAGE 1 OF 1 PAGE(S)

EXHIBIT 3

9/27

EXHIBIT 3



Log # TXX-97123
File # 10062

C. Lance Terry
Group Vice President

May 21, 1997

NUCLEAR REGULATORY COMMISSION
Region IV
ATTN: Mr. Russell Wise
Senior Allegations Coordinator
611 Ryan Plaza Drive, Suite 400
Arlington, Texas 76011-8064

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES)
REQUEST FOR RESPONSE TO ALLEGATION NO. RIV-97-A-0086

REF: U. S. NRC letter from Thomas P. Gwynn to C. L. Terry,
dated April 23, 1997, regarding Allegation No. RIV-97-A-0086

Dear Mr. Wise:

The referenced letter requested a response to Allegation No. RIV-97-A-0086. The referenced letter also stated that our response to this request should not be docketed and the distribution of our response should be limited. This letter provides the requested response to Allegation No. RIV-97-A-0086 and, per Mr. Gwynn's instructions, should not be docketed.

Attachment A summarizes the results of the investigation into Allegation No. RIV-97-A-0086. Details of the investigation of Allegation No. RIV-97-A-0086 are available on site at Comanche Peak Steam Electric Station (CPSES) for your review. You may contact Roger Walker at (817) 897-8233 or John Audas at (817) 897-8786 to review these investigation details.

Sincerely,

A handwritten signature in black ink, appearing to read "C. L. Terry", is written over the typed name. The signature is fluid and cursive.

C. L. Terry

CLT/rmh

Attachment

CASE NO. 97-027

EXHIBIT 3
PAGE 1 OF 3 PAGES

ATTACHMENT A

Summary of Investigative Results into
Allegation No. RIV-97-A-0086

Allegation:

TU Electric had identified, and was investigating, a potential wrongdoing issue involving the falsification of the past two 18-month fire protection inspections. Specifically, two rooms had been certified as having satisfactory Thermo-lag material, when there was actually no Thermo-lag in these rooms.

Findings:

After reviewing your correspondence referencing Allegation No. RIV-97-0086, TU Electric wishes to correct the statement regarding there being no Thermo-lag in the affected two rooms. There was Thermo-lag in the two rooms; however, some of the Thermo-lag which the FIR inspection reports indicated as acceptable had been removed from the cable trays prior to the inspections or did not exist.

ONE Form 97-0302 was issued March 27, 1997, describing a condition where the requirements of DCN 8971 were not included in the Fire Protection Manual procedure, "Fire Rated Assembly Visual Inspection," FIR-311, inspection requirements. A subsequent walkdown was made to determine the effectiveness of the FIR inspections for Thermo-lag. During the walkdown of Rooms 1-096 and 241, discrepancies were found between Thermo-lag cable tray fire barrier assembly locations and the completed inspection reports. This condition was documented on ONE Form 97-0324 dated April 4, 1997. A Nuclear Regulatory Commission Resident Inspector, assigned to Comanche Peak, was informed of the condition by TU Electric Regulatory Affairs.

The following actions have been taken or are in progress regarding ONE Form 97-0324:

On April 7, 1997, TU Services Corporate Security was asked to conduct an independent investigation of possible falsification of FIR records. After reviewing ONE Form 97-0324, work orders, procedures, inspection sheets and after interviewing TU Electric Safety Services and Fire Protection personnel, Corporate Security produced no evidence to suggest that records were falsified. Thermo-lag on nine of the cable trays listed on the inspection sheets had been removed through a previous design change notice. Two other listed cable tag numbers did not exist and another was entered incorrectly. Thus, the Thermo-lag installation listings on the inspection sheets did not reflect changes to the plant.

Due to difficulty with identifying each Thermo-lag installation listed on the inspection sheets, it was the understanding of at least some of the personnel, based on the training given them, that checking the Thermo-lag on a room basis rather than an installation listing basis was acceptable. The inspections in question were performed by Safety Services personnel who were doing these inspections for the first time. Procedure FIR-311 is ambiguous about how to document the inspections. The trainer stated that he told at least one of the inspectors that it would be acceptable to go into a room and visually inspect all of the Thermo-lag in the room and if no abnormalities were found, to mark the inspection sheet for the entire room satisfactory. The inadequate training of Safety Services personnel and the lack of verification of the accuracy of the inspection sheets provided to the personnel resulted in the discrepancy in the inspection records.

CASE NO. RIV-97-0086

EXHIBIT 3
PAGE 2 OF 3 PAGE(S)

Attachment A
Summary of Investigative Results into
Allegation No. RIV-97-A-0086
Page 2

The disposition to ONE Form 97-0324 requires development of training material and corresponding training on FIR-311 and update of the engineering Thermo-lag and radiant energy shielding schedules on ECE-M1-1700 series drawings to make future Thermo-lag installation listings on inspection sheets accurate. Additional actions include review and enhancement of Procedure FIR-311. These actions are complete or scheduled for completion prior to the Auxiliary Building FIR-311 inspection due June 29, 1997.

CASE NO 4 - 97 - 027

EXHIBIT 3
PAGE 3 OF 3 PAGE(S)

EXHIBIT 4

4/28

EXHIBIT 4

From: Chris Vandenburg, DRS/RIV
To: Allegations
Date: 6/17/97 8:39am
Subject: RIV-1997-A-0086

This allegation involved the potential falsification of inspections of the therma-lag installations at CPSES. The allegation was referred to the licensee for investigation on April 23rd. The licensee responded on May 21, 1997. EB and DRP-A were asked to review the licensee's response.

The investigation concluded that there was no evidence to suggest that the fire inspection report (FIR) data sheets were falsified. The inspection personnel (who had not previously performed these inspections) had performed a general room inspection vice a specific installation inspection as suggested by the FIR inspection data sheets. The inspection data sheets were incorrect because they did not reflect design modifications, which had previously removed some Thermo-lag. The inspection procedure provided vague instructions on how to document the inspections and the trainers had provided advice that a general room inspection vice a specific installation inspection was acceptable. The licensee plans on improving training, the specificity of the inspection procedure, and the accuracy of the inspection data sheets prior to the next inspection of the Auxiliary Building on June 29th.

Based on my review, I believe further NRC inspection should be performed to determine the full scope of the issue. Specifically, the licensee's investigation did not address:

- whether a general room inspection (as suggested by the trainer) was in accordance with the requirements of their specific inspection and general administrative procedures.
- the basis for accepting the therma-lag inspections performed to date, nor provide any confidence as to their validity, in light of this lack of specificity. For example, the licensee has not reperformed any inspections to validate their results.
- the root cause for the inaccuracies in the specific inspection data sheets (i.e., why the data sheets had not been updated to reflect the design changes. Why haven't all errors been reinspected.
- why a trainer provided advice to not follow an inspection procedure and the corrective actions for this apparent violation.

For these reasons, I do not believe that this allegation should be closed. In addition, there may be a basis to suspect wrongdoing on the part of the trainer, in that he provided advice that appears to be in conflict with the inspection and administrative procedures.

0302 1997-027

EXHIBIT 4
PAGE 1 OF 1 PAGE(S)

EXHIBIT 5

9/29

EXHIBIT 5

ALLEGATION ASSIGNMENT FORM

Allegation Number: RIV-97-A-0086 Licensee/Facility: COMANCHE PEAK

ARB Date: 7/7/97 > 120 days: 8/6/97 > 180 days: 10/5/97

Assigned to: DRP, DRS, DNMS, SAC Branch:

Referral to Licensee: _____ Referral Criteria Reviewed: _____

OI involvement:

OI Case Number:

ARB Recommended Priority: _____

Allegation Summary: Licensee identified that the individual who conducted a fire protection inspection of thermolag during the past 18 months may have falsified the inspections. Specifically, two rooms had been certified as having satisfactory thermolag, when the rooms did not have any. The 4/21/97 ARB requested that the results of the licensee's investigation be obtained. DRS:EB reviewed the results of the licensee's investigation and believes that further NRC inspection should be performed. Also, DRS:EB believes that there is a basis to suspect wrongdoing on the part of the trainer who provided advice to not follow an inspection procedure. OI requested that this allegation be brought back to the ARB for review.

ARB Instructions:

ARB Chairman: _____ Date: _____

Allegation Resolution Plan (return to the SAC within 10 days of ARB meeting):

DRS: EB to conduct further inspection to determine if trainer understood the procedures. OI will hold open pending staff response.

Submitted by: _____ Date: _____

ARB Attendees: _____, DRP _____, DRS _____, DNMS
W. L. Brown, RC _____, OI _____, R. Wise, SAC _____
R. Mullikin, AC _____, Enforcement Other: _____

WCFO Staff: K. E. Perkins____; D. F. Kirsch____; H. J. Wong____;
F. A. Wenslawski____

cc: Allegation File, ARB Meeting File, OI

From: Everett Williamson, *OI/RIV*
To: RPM, RXW *Ray Phillips, Russell Wise, EICS/RIV*
Date: 6/30/97 4:38pm
Subject: Comanche Peak--RIV-1997-A-0086///OI 4-97-027

Ray/Russ;

This refers to subject allegation/investigation regarding licensee identified alleged falsification of Thermalag inspection records. OI:RIV has reviewed the licensee investigation. Prior to closing our case, we learned that DRS had also reviewed the licensee report and feels that more inspection may be in order. Also, the staff expressed some concern of wrongdoing on the part of the trainer, in that he provided advice that appears to be in conflict with the inspection and administrative procedures.

OI:RIV request that this issue be discussed at the next scheduled ARB.

Len

CC: RJK

CASE NO. 4 - 97 - 027

EXHIBIT 5
PAGE 2 OF 3 PAGE(S)

From: Chris Vandenburg, DRS/RIV
To: Allegations
Date: 6/17/97 8:39am
Subject: RIV-1997-A-0086

This allegation involved the potential falsification of inspections of the therma-lag installations at CPSES. The allegation was referred to the licensee for investigation on April 23rd. The licensee responded on May 21, 1997. EB and DRP-A were asked to review the licensee's response.

The investigation concluded that there was no evidence to suggest that the fire inspection report (FIR) data sheets were falsified. The inspection personnel (who had not previously performed these inspections) had performed a general room inspection vice a specific installation inspection as suggested by the FIR inspection data sheets. The inspection data sheets were incorrect because they did not reflect design modifications, which had previously removed some Thermo-lag. The inspection procedure provided vague instructions on how to document the inspections and the trainers had provided advice that a general room inspection vice a specific installation inspection was acceptable. The licensee plans on improving training, the specificity of the inspection procedure, and the accuracy of the inspection data sheets prior to the next inspection of the Auxiliary Building on June 29th.

Based on my review, I believe further NRC inspection should be performed to determine the full scope of the issue. Specifically, the licensee's investigation did not address:

- whether a general room inspection (as suggested by the trainer) was in accordance with the requirements of their specific inspection and general administrative procedures.
- the basis for accepting the therma-lag inspections performed to date, nor provide any confidence as to their validity, in light of this lack of specificity. For example, the licensee has not reperformed any inspections to validate their results.
- the root cause for the inaccuracies in the specific inspection data sheets (i.e., why the data sheets had not been updated to reflect the design changes. Why haven't all errors been reinspected.
- why a trainer provided advice to not follow an inspection procedure and the corrective actions for this apparent violation.

For these reasons, I do not believe that this allegation should be closed. In addition, there may be a basis to suspect wrongdoing on the part of the trainer, in that he provided advice that appears to be in conflict with the inspection and administrative procedures.

CC: JIT

CASE NO. 4 - 97 - 027

EXHIBIT 5
PAGE 3 OF 3 PAGE(S)

EXHIBIT 6

9/30

EXHIBIT 6



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

September 15, 1997

MEMORANDUM TO: Russell Wise, Senior Allegation Coordinator

THRU: Thomas F. Stetka, Acting Chief, Engineering Branch
Division of Reactor Safety *TFS*

FROM: William J. Wagner, Reactor Inspector

SUBJECT: ALLEGATION CONCERNING COMANCHE PEAK STEAM
ELECTRIC STATION (RIV-97-A-0086)

This allegation involved the potential falsification of inspection records of the Thermo-lag installations at Comanche Peak Steam Electric Station (CPSES). The licensee identified that the technician that conducted an inspection of Thermo-lag during the past 18 months may have falsified the inspection records. Specifically, two rooms, 1-096 and 1-241, were certified as having Thermo-lag installed while, in actuality, no Thermo-lag was installed. The allegation was referred to the licensee, by the NRC, for investigation on April 23, 1997. The licensee responded on May 21, 1997.

On June 17, 1997, the engineering branch recommended to the allegation review board that further NRC inspection should be performed to determine the full scope of the issue. Specifically, whether a general room inspection was in accordance with the requirements of the specific procedure, the basis for accepting the Thermo-lag inspections performed to date, the root cause for the inaccuracies in the specific inspection data sheets, and why a training instructor advised that an inspection procedure did not need to be followed. The engineering branch conducted an inspection at CPSES on August 11- 13, 1997 to accomplish this objective.

Inspection Scope

The licensee's Thermo-lag installation and inspection requirements for Rooms 1-096 and 1-241 were reviewed. The inspection included a review of the Thermo-lag inspection training provided to the technician and a review of the root cause and corrective actions to prevent recurrence. A visual inspection of the Thermo-lag installations located in Rooms 1-096 and 1-241 was also performed to identify any potential difficulties in performing an inspection of the Thermo-lag fire barriers as specified in Procedure FIR-311, "Fire-Rated Assembly Visual Inspection."

Observations and Findings

The Thermo-lag installation requirements were contained in Drawing Number M1-1700, "Thermo-lag and RES Schedule." On March 20, 1996, when the licensee performed the Thermo-lag inspections, Revision CP-4 of M1-1700 was in effect. Due to an upgrade of the Thermo-lag fire barrier enclosures, some raceways were deleted from the M1-1700

EXHIBIT 6
PAGE 1 OF 3 PAGE(S)

series drawings. Consequently, the technician performing the inspection was not aware that 8 of 23 fire barrier data sheet entries for Room 1-241 and 4 of 21 fire barrier data sheet entries for Room 1-096 were still on the Procedure FIR-311 inspection data sheets even though these fire barriers were removed from the rooms. The licensee discovered these discrepancies on April 3, 1997, during a limited quality control walkdown to verify the effectiveness of the FIR-311 Thermo-lag inspections. As a result, the licensee issued ONE Form 97-0324 on April 4, 1997 describing the discrepancies between the actual Thermo-lag cable tray fire barrier locations and the completed inspection data sheets. In addition, quality control expanded their walkdown inspection to include all Thermo-lag in Rooms 1-096 and 1-241. These additional walkdowns identified the removed fire barriers and did not identify any additional deficiencies on the existing Thermo-lag installations. This indicated that the Thermo-lag installations were in accordance with design.

Section IV-2.1.g.1.a of the CPSES Fire Protection Report, contained the inspection requirements for fire barriers. This document required that Thermo-lag fire barriers be inspected at least once every 18 months to confirm integrity by visual inspection of the exposed surfaces of each type of fire barrier. The licensee stated that they considered this to be a 100% visual inspection of the Thermo-lag fire barriers.

Procedure FIR-311 implemented the inspection requirements of Section IV-2.1.g.1.a of the Fire Protection Report. Revision 1 to Procedure FIR-311, dated April 12, 1993, was used to perform the fire barrier inspections in Rooms 1-096 and 1-241. The licensee's investigation determined that Procedure FIR-311 was ambiguous regarding inspection documentation. Review of FIR-311 supported the licensee's findings in that no specific guidance was provided on how to sign-off individual cable tray inspections. That is, the procedure's direction to inspect the Thermo-lag installation in Rooms 1-096 and 1-241 meant that the entire room was satisfactory and not the Thermo-lag for each individual cable tray. These inspections were in compliance with the Fire Protection Report. FIR-311 required visual inspection of the fire barrier material to verify that the Thermo-lag was applied to the exposed cable tray, was intact and had no flaking, peeling, or other degradation or damage that may expose conduits or cable trays.

The inspector found that the training instructor was not providing advice to the technician that was contrary to Procedure FIR-311. The training instructor assumed that the cable trays listed on the inspection sheets accurately reflected the as-built drawings and that a 100% inspection of the Thermo-lag meant that all cable trays were inspected individually. However, design changes deleted some raceways, and the fire protection supervisor that developed the list was not aware of these design changes. These deleted raceways, therefore, were satisfactory based on the concept that the inspection encompassed the whole room and not each individual cable tray. In addition, the inspector noted that the licensee found that there was no formal training provided to the technician who performed the Thermo-lag inspections.

The licensee considered the root cause of the discrepancies in the inspection records to be inadequate training of Safety Services personnel and the lack of verification of the accuracy of the Procedure FIR-311-1 inspection data sheet.

The following corrective actions addressed in ONE Form 97-324 were verified to be accomplished:

- Drawing M1-1700, dated May 16, 1997, was revised as Revision CP-5 to incorporate all outstanding design change notices.
- FIR-311, Revision 2, issued on June 23, 1997, was revised to remove the ambiguous inspection documentation requirements. The notable revisions were to Section 6.1 which required obtaining working copies of M1-1700 including all outstanding design documents, and to Section 8.2.4 which required that each item inspected be initialed and dated on inspection data sheet FIR-311-1.
- The technicians were provided training on June 20 and July 2, 1997. This training consisted of a procedural overview of Revision 2 of Procedure FIR-311 and a discussion of the inspection expectations which included documentation and field familiarization.

In addition, the inspector conducted a visual inspection of the Thermo-lag fire barrier installations located in Room 1-096 and 1-241 and did not identify any unsatisfactory Thermo-lag fire barriers.

Conclusions

- There was no falsification of the fire protection inspections.
- There was Thermo-lag in Rooms 1-096 and 1-241 at the time of the inspections but a design change had removed some cable trays requiring Thermo-lag. This was not reflected on the Procedure FIR-311 inspection data sheets used to perform the inspection.
- There was no wrong doing on part of the training instructor.
- The Thermo-lag installations were in accordance with design.

From: Harry Freeman
To: RWW
Date: 9/27/03 10:39pm
Subject: POTENTIAL FALSIFICATION OF RECORDS

Harry Freeman, Res. Insp., Conant Peak

Russell X Wise, EICS/RIV

Russ.

I have attached allegation receipt form to this e-mail concerning a potential falsification of records. I have not password protected the file because the issue was identified by the licensee, and the fact that the issue was discussed with the resident inspector was suggested by the Regulatory Affairs Manager.

Harry

CC: JIT

9/31

THIS DOCUMENT IDENTIFIES
AN ALLEGER

Attachment 1

ALLEGATION RECEIPT FORM

Date/time of receipt: April 7, 1997, 1:30 pm

How received: on licensee provided telephone line

NRC licensee, facility or activity involved:
Comanche Peak Steam Electric Station

Nature and details of the concern (obtain specifics):

What is the concern:

The licensee is concerned that an individual, who conducted a fire protection inspection of Thermolag material during the past two 18-month periods, may have falsified the inspections. On April 4, during a spot check of one of the reports, a QC inspector identified that two of the rooms marked in the report as having satisfactory Thermolag, did not have any of the material in the room.

Potential safety impact:

The quality of the inspections is in doubt. The two rooms may actually be required to have Thermolag and have none. More will be known as the licensee investigates the problem. The impact is somewhat mitigated by the fact that the licensee has maintained roving fire watches since startup.

Requirement violated:

How the allegor found out about the concern(s):

The allegor is the Regulatory Affairs Specialist responsible for Fire Protection issues and was informed by a phone call. The allegor then directed that a ONE form (problem identification system) be submitted.

Other individuals NRC should contact for additional information:

Q/32

**THIS DOCUMENT IDENTIFIES
AN ALLEGER**

Records NRC should review:

**THIS DOCUMENT IDENTIFIES
AN ALLEGER**

Whether the allegor raised concern(s) with his/her management:

Yes. The issues was documented on a ONE form and has reached the interest of the Senior VP (C. L. TERRY).

If yes, what action taken:

The licensee has initiated an indepth review of the Fire Protection Report. This includes an investigation by corporate security and a review by QA on installed Thermolag.

If no, why?

Does allegor have concern about being identified:

The allegor did not express any concerns.

Was allegor informed of identity protection:

No. The allegor informed the inspector that his management informed him that the resident inspectors should be informed.

Did allegor claim discrimination for raising concern?

No.

Was allegor informed of DOL complaint process?

No.

Contact info and preference for method/time of contact:

Full name:

Obhaid Bhatti

Position/relationship to facility or activity involved:
Senior Regulatory Affairs Specialist (Fire Protection)

Home mailing address:

Home telephone number:

WORK TELEPHONE NUMBER:
217 297-5210

PREFERENCES REGARDING METHOD TIME OF CONTACT:

**THIS DOCUMENT IDENTIFIES
AN ALLEGED**

ALLEGATION ASSIGNMENT FORM

Allegation Number: RIV-1997-A-0086 **Licensee/Facility:** Comanche Peak

ARB Date: 11/10/1997 **>120 days:** **>180 days:**

Allegation Summary: The licensee had identified that an individual who conducted fire protection inspections of thermolag during the previous 18 months may have falsified the inspections. Specifically, two rooms which had been certified as having satisfactory thermolag, when in fact, the rooms did not have any thermolag installed. OI initiated an investigation and determined the allegation was not substantiated. OE has reviewed the OI conclusions and determined that enforcement action is not appropriate. OE will consider the matter closed if comments are not received by November 14, 1997. The ARB should determine whether any further action is warranted (i.e., investigation, inspection, or enforcement).

Safety Significance:

ARB Decision: *Close recommended*

Assigned to: **Branch:**

Referral to Licensee: _____ **Referral Criteria Reviewed:** _____

Actions:

Planned Date for Completion:

OI Action: **OI Case Number:**
ARB Recommended Priority: _____

ARB Chairman: _____ **Date:** _____

ARB Attendees: , DRP , DRS , DNMS
W. L. Brown, RC _____ L. Williamson, OI _____ R. Wise, SAC _____
R. Mullikin, AC _____, Enforcement Other:

WCFO Attendees:

cc: Allegation File, ARB Meeting File, OI

9/33

Release *

to

ALLEGATION ASSIGNMENT FORM

Allegation Number: RIV-97-A-0007 **Licensee/Facility:** RIVER BEND

ARB Date: 1/21/97 **>120 days:** 5/14/97 **>180 days:** 7/13/97

Assigned to: DRP, DRS, DNMS, SAC **Branch:**

Referral to Licensee: _____ **Referral Criteria Reviewed:** _____

OI involvement? **OI Case Number:** _____
ARB Recommended Priority: _____

Allegation Summary: *Condition Report 97-0007 described that a contractor firewatch admitted not performing all fire watch rounds on January 6, 1997, but had initialed the fire watch route log that he had performed these watches. Investigation by the licensee concluded that he had been doing this since November 21, 1996, but that it was isolated to the one individual. The individual was terminated.*

ARB Instructions:

ARB Chairman: _____ **Date:** _____

Allegation Resolution Plan (return to the SAC within 10 days of ARB meeting):

OI to open - DRS: BSB to remain
SAC TO determine if licensee has more
info on investigation.

Submitted by: _____ **Date:** _____

ARB Attendees: _____, **DRP** _____, **DRS** _____, **DNMS**
W. L. Brown, RC__ E. L. Williamson, OI__ R. Wise, SAC __
R. Mullikin, AC __ _____, **Enforcement** Other: _____

cc: Allegation File, ARB Meeting File

4/34

EXHIBIT 1

Case No. 2-96-008

EXHIBIT 1

9/33

INVESTIGATION STATUS RECORD

Case No.: 2-96-008 Facility: BROWNS FERRY NUCLEAR PLANT
Allegation No.: RII-96-A-0038 Case Agent: DOCKERY
Docket Nos.: 050-259/260/296 Date Opened: 03/18/96
Source of Allegation: ALLEGER Priority: NORMAL (S. EBNETER, RA)
Notified by: EICS Staff Contact:
Category: IH Case Code: RP
Subject/Allegation: CONTINUING DISCRIMINATION AGAINST FORMER STONE & WEBSTER
IRONWORKER FOR RAISING SAFETY CONCERNS IN THE PAST REGARDING
FIREWATCHES

Remarks:

Monthly Status Report:

03/18/96: In a letter dated February 23, 1996, George HUDDLESTON, an attorney representing Douglas HARRISON, filed a DOL complaint alleging discrimination. HARRISON was demoted and laid off by Stone and Webster Engineering Corp. (SWEC) in February 1993. HARRISON claimed the layoff was a result of his raising concerns regarding firewatches. TVA Office of the Inspector General and DOL, Wage and Hour, found that HARRISON was not discriminated against. An OI review of the facts documented in Case No. 2-93-030 determined that there was insufficient evidence developed to substantiate a discrimination conclusion. HARRISON appealed the DOL Wage and Hour finding to an ALJ and a hearing was conducted. The ALJ finding was also that there was no discrimination against HARRISON. In August 1995, the Secretary of Labor overturned the ALJ and ruled discrimination did occur. HARRISON now alleges that several callups for ironworkers has occurred at Browns Ferry and he has not been selected due to his DOL activities. Status: FWP ECD (90-day): 06/96

EXHIBIT 6

4/36

wm

November 6, 1996

MEMORANDUM FOR FILE: CASE NO. 2-96-008

FROM: *J. Dockery*
James D. Dockery, Special Agent
Office of Investigations Field Office, Region II

SUBJECT: DISCUSSION WITH DEPARTMENT OF LABOR (DOL) WAGE & HOUR
(W&H) DIVISION INVESTIGATOR C. MACK CASEY

On November 6, 1996, NRC Office of Investigations Special Agent James D. Dockery telephonically discussed this investigation with C. Mack CASEY, DOL W&H Division. CASEY is the investigator who conducted the W&H investigation of Douglas HARRISON's 1993 and 1996 discrimination complaints against the Stone & Webster Engineering Corporation (SWEC). CASEY provided the following information regarding his investigative findings.

When CASEY investigated HARRISON's original (1993) discrimination complaint against SWEC he "felt sorry" for HARRISON because there apparently was some conflict, not with SWEC, but with his own labor union with which HARRISON seemed to be at odds over labor matters unrelated to any "whistleblower" issues. In his 1993 investigation CASEY could find no evidence to support HARRISON's contention that he was discriminated or retaliated against by SWEC as a result of his engagement in "protected activity." On the contrary, SWEC produced overwhelming evidence that its conduct with respect to HARRISON (transfer of duties and subsequent lay-off due to a reduction in force) would clearly have occurred in the normal course of business in spite of any "protected activity" HARRISON may have engaged in.

Similarly, CASEY's investigation of HARRISON's 1996 complaint of continuing discrimination by SWEC determined that the 1996 complaint was also unsubstantiated. Ten requests to the union were made by SWEC for ironworkers between February 1993 and March 1996. HARRISON was indisputably unavailable for employment on four of the ten occasions due to the fact that his name could not be included on the list of available workers maintained by the union; he was otherwise employed on three occasions and disabled due to injury on one. On six occasions, HARRISON's name did appear on the availability list. On five of those occasions, SWEC made no specification to the union as to whom they would like to fill the positions available. In those instances SWEC relied on the union to fill the positions, unilaterally, starting at the top of the availability list and working down the list for the number of positions available. In each of those five occasions, HARRISON was neither

Case No. 2-96-008

EXHIBIT 6
PAGE 1 OF 2 PAGE(S)

requested by name by SWEC, nor was his name "reachable" on the list given the number of positions available. HARRISON's name never reached the top of the union availability list by virtue of his acceptance, through union referral, of employment at facilities other than BFNP during the period of time covered by his complaint. For one request by SWEC, HARRISON's name was "reachable" on the list but he was not selected because SWEC had specified, by name, those ironworkers the company wanted to fill the available vacancies. The specification by SWEC of individual craft workers, by name, was an option that was legally available to SWEC, as ratified in the collective bargaining agreement with the union, in all requests for labor. The single instance where SWEC exercised their contractual right could not be considered discriminatory toward HARRISON because he was just one of several individuals whose name was "reachable" on the list but not selected for employment on that particular occasion.

CASEY stated that although he had no jurisdictional authority to investigate the union or compel its cooperation, the union business manager was fully cooperative in providing the necessary records pertaining to HARRISON. It appeared to CASEY that the availability list maintained by the union was relatively tamper-proof and it was unlikely that it could have been, or was, manipulated by the union to prevent HARRISON from being employed by SWEC. He also noted that HARRISON was employed, through the union, by numerous other contractors during the time HARRISON alleged he was being "blacklisted" by SWEC.

CASEY could find no evidence that SWEC and the union conspired to discriminate against HARRISON and noted that, although it was alleged by him in the complaint, even HARRISON's attorney could not identify any evidence to support the allegation of complicity between SWEC and the union.

EXHIBIT 8

4/37

WJ

November 5, 1996

MEMORANDUM FOR FILE: CASE NO. 2-96-008
FROM: James D. Dockery, Special Agent
Office of Investigations Field Office, Region II
SUBJECT: INFORMATION PROVIDED BY STONE & WEBSTER ENGINEERING
CORPORATION (SWEC) LEGAL COUNSEL

On November 4 and 5, 1996, NRC:OI Special Agent James D. Dockery had telephonic discussions with Attorney Robert M. RADER (Winston and Strawn) who represented SWEC in the U.S. Department of Labor (DOL) complaint against SWEC by Douglas HARRISON. HARRISON's DOL complaint is the basis for OI investigation 2-96-008. RADER provided the following information.

The eventual dismissal of HARRISON's DOL complaint resulted from mutual stipulation by both parties (HARRISON and SWEC). RADER explained how the agreement was reached. Prior to the matter going to a formal hearing before a DOL Administrative Law Judge (ALJ), RADER allowed HARRISON's attorney, George HUDDLESTON, to telephonically interview James L. BUTTS, the SWEC field manager responsible for the SWEC Browns Ferry Nuclear Plant (BFNP) project since before 1993. HUDDLESTON discussed HARRISON's employment by SWEC at BFNP with BUTTS for approximately one hour. At the conclusion of that discussion HUDDLESTON indicated to RADER that, based on BUTTS' statements, there was insufficient evidence for him to pursue the suit against SWEC for the alleged discrimination against his client. This determination by HUDDLESTON led to the filing of a Joint Stipulation On Voluntary Withdrawal Of Complaint and Motion To Dismiss filed on behalf of both HARRISON and SWEC with the DOL ALJ. The resulting ALJ order dismissing HARRISON's complaint was affirmed in the final Order Of Dismissal issued by the DOL Administrative Review Board on September 27, 1996.

RADER noted that HARRISON's attorney admitted to SWEC counsel, as he had in the original complaint, that he could not articulate any evidence or indication of complicity between SWEC and HARRISON's labor union or engagement in any "conspiracy" by SWEC and the union to deny HARRISON employment at Browns Ferry.

In addition to the "whistleblower" complaint to the DOL, HARRISON's attorney filed a complaint on HARRISON's behalf against his labor union, the International Association of Bridge, Structural and Ornamental Iron Workers, with the National Labor Relations Board (NLRB). The NLRB complaint charged that the union organization had engaged in unfair labor practices in its dealings with HARRISON. HARRISON's NLRB complaint against the union was investigated at the NLRB regional level and found to be without merit. The NLRB declined to pursue the issue further. HARRISON did not appeal the NLRB regional decision.

According to RADER, all allegations of wrongdoing against SWEC and the labor union pertaining to HARRISON's employment at BFNP have been dismissed by the DOL and NLRB.

EXHIBIT 8

PAGE 1 OF 1 PAGE(S)

From: Anne Boland
To: JDD James Dockery, 01/RII
Date: 7/17/96 11:00am
Subject: DOL ERA 211 Files -Reply

I found the file on Harrison that you referenced. On May 21, 1996, we did request access to the DOL file; however, the materials have not yet been provided for our review and copying. Other than the original complaint and DOL DD finding, the only other information in the file is a Notice of Docketing setting the hearing date for July 9-12, 1996. I'm not sure whether the case was actually heard at that time. The Case no. is 96-ERA-00019.

I'll let you know if I get anything additional. You are welcome to come up and copy what we have.

From: James Dockery
To: ATB Anne Boland, EICS/RII
Date: 7/15/96 10:43am
Subject: DOL ERA 211 Files

Anne - Per our discussion last Friday about how you expect to spend the Olympic Season going through at stack of DOL files; I mentioned that I would be interested in reviewing (ASAP) one file in particular if we've received it yet. Then, typically, I got busy on another matter and did not give you the complainant's name!

The guy I'm interested in is: Douglas HARRISON, Brown's Ferry NP (our allegation No. RII-96-A0038). When last I heard, the Wage & Hour Division had found against him and EICS had requested a copy of the W&H Investigator's file. If that file has been received I would really like to copy the pertinent documentation for use during my Olympic Season activity.

Thanks, Jim D.

9/38

From: James Dockery
To: PAT1 *Pauline Thompson, OI/RII*
Date: 11/12/96 7:53am
Subject: 2-96-008

The first (hurried) draft ROI for 2-96-008 can be found on the G-drive. I hope the format is right - I worked on on my home computer word processor again and that's always dicey.

4/99

November 20, 1996

MEMORANDUM TO: Stewart D. Ebnetter, Regional Administrator
Region II

FROM: William J. McNulty, Director
Office of Investigations Field Office, Region II

SUBJECT: BROWNS FERRY NUCLEAR PLANT: CONTINUING DISCRIMINATION AGAINST
FORMER SWEC IRONWORKER FOR RAISING SAFETY CONCERNS IN THE PAST
REGARDING FIREWATCHES (CASE NO. 2-96-008/RII-96-A-0038)

Attached is the Office of Investigations (OI) Report of Investigation (ROI) concerning the above matter. Since the action office has the responsibility for advising alleged of the status and disposition of allegations, they are authorized, upon receipt of the ROI, to advise the alleged that the investigation has been completed. After the NRC and/or other concerned Federal agencies have taken whatever action they deem appropriate, the action office will notify the alleged that his allegations were either substantiated, partially substantiated, or not substantiated and may, if requested, furnish the alleged with a copy of the OI ROI after appropriate proprietary, privacy, and confidential source information has been deleted. Any additional information provided the alleged will be dispositioned through the Director, OI, and will be furnished on a case-by-case basis.

This investigation has been closed by OI. This report has been forwarded to you for your information and whatever action you deem appropriate. Other than as noted above, neither this memorandum nor the report contents may be released outside the NRC without the permission of the Director, OI. Internal NRC access and dissemination should be on a need-to-know basis. Treat as "Official Use Only."

Attachment: Report w/exhibits

cc w/att: J. Lieberman, OE

cc w/report: L. Chandler, OGC
F. Miraglia, Jr., NRR

Distribution:

s/f (2-96-008)

c/f

bcc w/att: D. Lewis, OI:HQ (2 cys of rpt)
B. Barber, OI:HQ (w/syn & title page)

9/40

OFFICE	OI:RII	OI:RII							
NAME	JDDockery	WJMcNulty							
DATE	11/15/96	11/16/96							

OFFICIAL RECORD COPY

INVESTIGATION STATUS RECORD

Case No.: 2-96-008 Facility: BROWNS FERRY NUCLEAR PLANT
Allegation No.: RII-96-A-0038 Case Agent: DOCKERY
Docket Nos.: 050-259/260/296 Date Opened: 03/18/96
Source of Allegation: ALLEGER Priority: HIGH (L. REYES, DEP RA)
Notified by: EICS Staff Contact:
Category: IH Case Code: RP
Subject/Allegation: CONTINUING DISCRIMINATION AGAINST FORMER STONE & WEBSTER
IRONWORKER FOR RAISING SAFETY CONCERNS IN THE PAST REGARDING
FIREWATCHES

Remarks:

Monthly Status Report:

- 03/18/96: In a letter dated February 23, 1996, George HUDDLESTON, an attorney representing Douglas HARRISON, filed a DOL complaint alleging discrimination. HARRISON was demoted and laid off by Stone and Webster Engineering Corp. (SWEC) in February 1993. HARRISON claimed the layoff was a result of his raising concerns regarding firewatches. TVA Office of the Inspector General and DOL, Wage and Hour, found that HARRISON was not discriminated against. An OI review of the facts documented in Case No. 2-93-030 determined that there was insufficient evidence developed to substantiate a discrimination conclusion. HARRISON appealed the DOL Wage and Hour finding to an ALJ and a hearing was conducted. The ALJ finding was also that there was no discrimination against HARRISON. In August 1995, the Secretary of Labor overturned the ALJ and ruled discrimination did occur. HARRISON now alleges that several callups for ironworkers has occurred at Browns Ferry and he has not been selected due to his DOL activities. Status: FWP ECD (90-day): 06/96
- 03/31/96: Based upon the assignment of Special Agent Dockery to the Region I Millstone Nuclear Plant investigation (Case No. 1-96-010) on a full-time basis, the case status has changed to "Pending." Status: PEN ECD: unscheduled
- 04/30/96: No change. Status: PEN ECD: unscheduled
- 05/31/96: On May 8, 1996, the DOL Wage and Hour (W&H) Division in Birmingham, AL, notified the complainant, HARRISON, the respondents SWEC, and the TVA that, based on the W&H investigation of the complaint, "...Stone and Webster has presented clear and convincing evidence they have not discriminated against Mr. HARRISON..." for engaging in protected activity. OI is currently awaiting a copy of the W&H investigation and will also review any TVA/OIG documentation regarding HARRISON's complaint. Status: FWP ECD: 11/96
- 06/30/96: No change. Status: FWP ECD: 11/96
- 07/31/96: Priority changed to High at 07/09/96 meeting with EICS and Deputy RA. The DOL W&H investigative file and exhibits thereto were obtained by OI on 07/24/96. The W&H investigation concluded that "...the failure of the

ef/cf

INVESTIGATION STATUS RECORD (page 2)

Case No.: 2-96-008

Facility: BROWNS FERRY NUCLEAR PLANT

Case Agent: DOCKERY

Priority: HIGH (L. REYES, DEP RA)

Subject/Allegation: CONTINUING DISCRIMINATION AGAINST FORMER STONE & WEBSTER
IRONWORKER FOR RAISING SAFETY CONCERNS IN THE PAST REGARDING
FIREWATCHES

Monthly Status Report:

07/31/96: respondent employer (Stone & Webster Engineering) to hire Mr. HARRISON is
Con't not a result of his performance of protected activities." The matter was
tentatively scheduled for hearing before an ALJ during July 1996. OI
will attempt to determine whether that ALJ hearing did occur and the
result, if any. Status: FWP ECD: 11/96

08/31/96: On 8/8/96 OI received a copy of a 7/19/96, ALJ Order dismissing
HARRISON's DOL complaint "...insofar as it raises any claim pertaining to
his termination by respondent on April 14, 1993 on the grounds of res
judicata and the 180-day preclusion rule..." The ALJ did agree to
consider whether Stone & Webster Engineering Corporation was required by
law to take "affirmative action" to consider HARRISON for continued
employment after his termination in 1993. Deposition and document
production by the litigants is currently ongoing. Status: FWP ECD: 11/96

09/30/96: No change. Status: FWP ECD: 11/96

10/31/96: On 10/21/96, OI received documentation that, pursuant to an Order of
Dismissal issued 09/27/96, the DOL Administrative Review Board (ARB)
dismissed the allegor's 1996 DOL complaint against the Stone & Webster
Engineering Corp. The dismissal was the result of a "stipulation of
dismissal with prejudice" submitted by both parties in the case to an
Administrative Law Judge prior to the commencement of a hearing. The ARB
concurred with the ALJ recommendation to dismiss with prejudice. No
other details were provided in the ARB Order. Oral argument in the
matter of the allegor's appeal of the DOL finding of no discrimination in
his original (March 1993) DOL Complaint against Stone & Webster was
scheduled for 10/30-31/96 before the U.S. Eleventh Circuit Court of
Appeals. Status: FWP ECD: 11/96

11/20/96: Closed/Issued/Unsubstantiated

Closed: 11/20/96

Issued: 11/20/96

Action: U

Vanessa

ESCALATED ENFORCEMENT
PANEL QUESTIONNAIRE

INFORMATION REQUIRED TO BE AVAILABLE FOR ENFORCEMENT PANEL

PREPARED BY: M. Lessee

NOTE: The Section Chief is responsible for preparation of this questionnaire and its distribution to attendees prior to an Enforcement Panel. (This information will be used by EICS to prepare the enforcement letter and Notice, as well as the transmittal memo to the Office of Enforcement explaining and justifying the Region's proposed escalated enforcement action.)

1. Facility: Sequoiah
Unit(s): 2
Docket Nos: 50-328
License Nos: _____
Inspection Dates: N/A
Lead Inspector: N/A

2. Check appropriate boxes: N/A
- A Notice of Violation (without "boilerplate") which includes the recommended severity level for the violation is enclosed.
 - This Notice has been reviewed by the Branch Chief or Division Director and each violation includes the appropriate level of specificity as to how and when the requirement was violated.
 - Copies of applicable Technical Specifications or license conditions cited in the Notice are enclosed.

3. Identify the reference to the Enforcement Policy Supplement(s) that best fits the violation(s) (e.g., Supplement I.C.2)

--THIS DOCUMENT CONTAINS PREDECISIONAL INFORMATION--
IT CAN NOT BE DISCLOSED OUTSIDE NRC WITHOUT THE
APPROVAL OF THE REGIONAL ADMINISTRATOR

COVER sheet for Questionnaire only
Refer to LER 50-328/96-001

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EXHIBIT 1

Case No. 2-96-009

9/43

EXHIBIT II

INVESTIGATION STATUS RECORD

Case No.: 2-96-009 Facility: SEQUOYAH NUCLEAR PLANT
Allegation No.: RII-96-A-0063 Case Agent: SELEWSKI
Docket Nos.: 050-327/328 Date Opened: 03/22/96
Source of Allegation: LICENSEE/ECP Priority: NORMAL (FOD)
Notified by: EICS Staff Contact:
Category: WR Case Code: RP
Subject/Allegation: ALLEGED FALSIFICATION OF FIREWATCH JOURNALS

Remarks:

Monthly Status Report:

03/22/96: On 02/20/96, Sequoyah Nuclear Plant notified the NRC in Licensee Event Report No. 96001 that during a routine audit of access control records, it was determined that two firewatch individuals had failed to patrol their assigned areas. A review of route check sheets and journals indicated these documents were prepared as if the assigned firewatch routes had been completed as required by procedure. TVA terminated both the firewatch personnel - Ms. Joy F. HUTSELL and Ms. Kimshe R. WARE.
Status: FWP ECD (90-day): 06/96

CASE NO. 2-96-009

EXHIBIT 1
PAGE 1 OF 1 PAGE(S)

LICENSEE EVENT REPORT (LER)

(See reverse for required number of digits/characters for each block)

ESTIMATED BURDEN PER RESPONSE TO COMPLY WITH THIS INFORMATION COLLECTION REQUEST: 50.0 HRS. FORWARD COMMENTS REGARDING BURDEN ESTIMATE TO THE INFORMATION AND RECORDS MANAGEMENT BRANCH (MNRB 7714), U.S. NUCLEAR REGULATORY COMMISSION, WASHINGTON, DC 20555-0001, AND TO THE PAPERWORK REDUCTION PROJECT (3150-0104), OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC 20503.

FACILITY NAME (1)
Sequoyah Nuclear Plant (SQN), Unit 1

DOCKET NUMBER (2)
05000327

PAGE (3)
1 of 5

TITLE (4) Missed Fire Watch

EVENT DATE (5)			LER NUMBER (6)			REPORT DATE (7)			OTHER FACILITIES INVOLVED (8)	
MONTH	DAY	YEAR	YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	MONTH	DAY	YEAR	FACILITY NAME	DOCKET NUMBER
01	21	96	96	001	00	02	20	96	SQN, Unit 2	50-328
									FACILITY NAME	DOCKET NUMBER

OPERATING MODE (9)	POWER LEVEL (10)	THIS REPORT IS SUBMITTED PURSUANT TO THE REQUIREMENTS OF 10 CFR §: (Check one or more) (11)				
1	100	20.402(b)		20.405(c)	50.73(a)(2)(iv)	73.71(b)
		20.405(a)(1)(i)		50.36(c)(1)	50.73(a)(2)(v)	73.71(c)
		20.405(a)(1)(ii)		50.36(c)(2)	50.73(a)(2)(vii)	OTHER
		20.405(a)(1)(iii)	X	50.73(a)(2)(i)	50.73(a)(2)(viii)(A)	(Specify in Abstract below and in Text, NRC Form 366A)
		20.405(a)(1)(iv)		50.73(a)(2)(ii)	50.73(a)(2)(viii)(B)	
		20.405(a)(1)(v)		50.73(a)(2)(iii)	50.73(a)(2)(x)	

LICENSEE CONTACT FOR THIS LER (12)

NAME
S. D. Gilley, Compliance Licensing Engineer

TELEPHONE NUMBER (Include Area Code)
(423) 843-7427

COMPLETE ONE LINE FOR EACH COMPONENT FAILURE DESCRIBED IN THIS REPORT (13)

CAUSE	SYS TEM	COMPONENT	MANUFACTURER	REPORTABLE TO NPRDS	CAUSE	SYSTEM	COMPONENT	MANUFACTURER	REPORTABLE TO NPRDS

SUPPLEMENTAL REPORT EXPECTED (14)

YES (if yes, complete EXPECTED SUBMISSION DATE). X NO

EXPECTED SUBMISSION DATE (15)

MONTH DAY YEAR

ABSTRACT (Limit to 1400 spaces, i.e., approximately 15 single-spaced typewritten lines) (16)

On January 26, 1996, with Units 1 and 2 operating in Mode 1 at 100 percent power, it was discovered that a fire watch patrol was not performed within the timeframe required by technical specifications. During a routine review of the access control system computer printouts, it was discovered that the assigned fire watch did not patrol some of the assigned areas in the control building on January 21, 1996, during the 0400 Eastern standard time (EST) fire watch. The route check sheets and fire watch journal logs were completed as if the assigned fire watch had completed the route as required by the procedure. The 0300 EST fire watch was properly conducted as required by the procedure, as was the subsequent fire watch at 0500 EST. Following the discovery of this event, access control system records were reviewed for personnel assigned to fire watch duty from January 3 through January 30, 1996. One additional individual was identified that failed to perform a fire watch patrol in all of the assigned areas. No other instances were identified where a fire watch failed to enter an assigned area. The appropriate disciplinary action was taken with the involved individuals. Management expectations for the proper performance of firewatch duties was emphasized with firewatch personnel. Random reviews of access control system computer records at SQN continue to be performed.

EXHIBIT 2
PAGE 1 OF 5 PAGE(S)

PAGE NO. 2-96-009

LICENSEE EVENT REPORT
TEXT CONTINUATION

FACILITY NAME (1)	DOCKET NUMBER (2)	LER NUMBER (6)			PAGE (3)
		YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	
Sequoyah Nuclear Plant (SQN), Unit 1	05000327	96	001	00	2 of 5

TEXT (If more space is required, use additional copies of NRC Form 366A) (17)

I. PLANT CONDITIONS

Units 1 and 2 were in power operation at approximately 100 percent.

II. DESCRIPTION OF EVENT

A. Event

On January 26, 1996, with Units 1 and 2 operating in Mode 1 at 100 percent power, it was discovered that a fire watch patrol was not performed within the timeframe required by technical specifications. During a routine review of the access control system computer printouts, it was discovered that the assigned fire watch did not patrol some of the assigned areas in the control building (EIS Code NA) on January 21, 1996, during the 0400 Eastern standard time (EST) fire watch. The access control system computer records the entry and exit times for those areas of the plant where access is controlled by card key. A review of these records indicated that the fire watch did not enter the control building (EIS Code NA) computer room on Elevation 685 or the assigned areas on Elevation 669 during the 0400 EST fire watch, but the route check sheets and fire watch journal logs were completed as if the assigned fire watch had completed the route as required by the procedure. The 0300 EST fire watch was properly conducted as required by the procedure, as was the subsequent fire watch at 0500 EST. Fire watches are routinely conducted by one individual the first hour and by a second individual the following hour; these individuals then continue to alternate throughout the shift. Records indicate that the involved individual did patrol the assigned areas as required during the 0200 EST patrol and the 0600 EST patrol.

Following the discovery of this event, access control system records were reviewed for personnel assigned to fire watch duty from January 3 through January 30, 1996. Based on the 8,064 fire watches performed between January 3 and January 30 and the identification of three problems, this time period represented a reasonable statistical sample. One additional individual was identified that failed to perform a fire watch patrol in all of the assigned areas. This individual failed to enter the control building computer room on two separate occasions. The first occurrence was on January 8, 1996, during the 0100 EST patrol. The second occasion was on January 17, 1996, during the 0100 EST patrol. No other instances were identified where a fire watch failed to enter an assigned area. Organizational changes resulted in the fire watch personnel being transferred to a different organization in November 1995. As a result of the transfer, the responsibilities of fire watch duty were reviewed with each individual, including a review of the routes and the documentation requirements.

B. Inoperable Structures, Components, or Systems that Contributed to the Event

None.

LICENSEE EVENT REPORT
TEXT CONTINUATION

FACILITY NAME (1)	DOCKET NUMBER (2)	LER NUMBER (6)			PAGE (3)
		YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	
Sequoyah Nuclear Plant (SQN), Unit 1	05000327	96	001	00	3 of 5

TEXT (If more space is required, use additional copies of NRC Form 366A) (17)

C. Dates and Approximate Times of Major Occurrences

- January 8, 1996 at 0105 EST The fire watch began the assigned patrol route. The fire watch patrol check sheets and fire watch journal logs were subsequently completed by the individual, indicating proper performance of the fire watch patrol.
- January 17, 1996 at 0105 EST The fire watch began the assigned patrol route. The fire watch patrol check sheets and fire watch journal logs were subsequently completed by the individual, indicating proper performance of the fire watch patrol.
- January 21, 1996 at 0405 EST The fire watch began the assigned patrol route. The fire watch patrol check sheets and fire watch journal logs were subsequently completed by the individual, indicating proper performance of the fire watch patrol.
- January 26, 1996 A routine check of the access control system printouts revealed a missed fire watch on January 21, 1996. An additional investigation revealed a second individual that failed to complete the assigned fire watch route on January 8 and 17 and completed the documentation as if all areas had been inspected.

D. Other Systems or Secondary Functions Affected

None.

E. Method of Discovery

During a routine review of the access control system computer printouts, it was determined that the assigned fire watch individual did not patrol some of the assigned areas in the control building. The log sheet completed by the individual indicated that the areas in question had been patrolled on January 21, 1996, during the 0410 EST patrol. Further investigation revealed one additional case of a fire watch not patrolling the assigned areas. This individual failed to enter the computer room in the control building on two separate occasions.

F. Operator Actions

No operator actions were required.

G. Safety System Responses

No safety system response was required.

LICENSEE EVENT REPORT
TEXT CONTINUATION

FACILITY NAME (1)	DOCKET NUMBER (2)	LER NUMBER (6)			PAGE (3)
		YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	
Sequoyah Nuclear Plant (SQN), Unit 1	05000327	96	001	00	4 of 5

TEXT (If more space is required, use additional copies of NRC Form 368A) (17)

III. CAUSE OF EVENT

A. Immediate Cause

The immediate cause was the failure to properly perform the fire watch route as assigned.

B. Root Cause

The root cause of the first event was that the individual involved did not perform portions of the route as assigned. An investigation concluded that the second individual walked the assigned route but failed to enter the computer room on Elevation 685. Interviews with the individuals involved did not provide any information as to why the fire watches were not successfully accomplished.

C. Contributing Factors

None.

IV. ANALYSIS OF EVENT

Fire watch patrols are established to mitigate the consequences of fire protection system impairments. With the exception of the computer room, the areas that were not patrolled contained fire detection and suppression equipment that was operable and in service. The carbon dioxide suppression system in the computer room was inoperable, but the fire detection equipment was in service. Additionally, detection and suppression equipment outside the computer room was in service and operable. In two of the three cases, the fire watch passed the doorway to the computer room in the performance of the fire watch. Therefore, it can be concluded that there were no adverse consequences to plant personnel or to the general public as a result of these events.

V. CORRECTIVE ACTIONS

A. Immediate Corrective Action

The appropriate disciplinary action was taken with the involved individuals. After the first occurrence was identified, additional records were reviewed for the period of January 3 through January 30, 1996. This resulted in a total of 8,064 fire watch performances being reviewed and revealed one additional individual that failed to conduct the fire watch properly.

B. Corrective Action to Prevent Recurrence

Management expectations for proper procedure adherence, proper completion of documentation, the importance of properly conducting the assigned fire watch route, and the disciplinary actions taken for this event were reviewed with firewatch personnel. Random reviews of access control

LICENSEE EVENT REPORT
TEXT CONTINUATION

FACILITY NAME (1)	DOCKET NUMBER (2)	LER NUMBER (6)			PAGE (3)
		YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	
Sequoyah Nuclear Plant (SQN), Unit 1	05000327	96	001	00	5 of 5

TEXT (If more space is required, use additional copies of NRC Form 366A) (17)

system computer records at SQN continue to be performed. An alternative methodology to assist in the prompt identification of missed fire watches is being considered for use at SQN.

VI. ADDITIONAL INFORMATION

A. Failed Components

None.

B. Previous Similar Events

A review of previous reportable events identified two LERs associated with the failure of fire watch personnel to follow the procedure. LER 327/92020 identified an event where a fire watch patrol was not performed within the required timeframe. The root cause was that two fire watch personnel failed to follow the procedure. The appropriate disciplinary actions were taken with the involved individuals, and management expectations regarding procedural adherence were emphasized. LER 328/90015 involved a fire watch employee that signed the logsheet but did not inspect one of the required rooms. The root cause for that event was that the fire watch failed to follow the procedure. Corrective actions included disciplinary actions, reinforcement of the need to follow assigned patrol routes, and monitoring fire watch rounds on a random basis.

VII. COMMITMENTS

None.

4/45

PANEL RECOMMENDING
LOW PRICE TO RA

DI OPEN CASE
50.7
50.9

LIEBERMAN

WHAT "CRITICAL EVIDENCE" WAS
ELIMINATED?

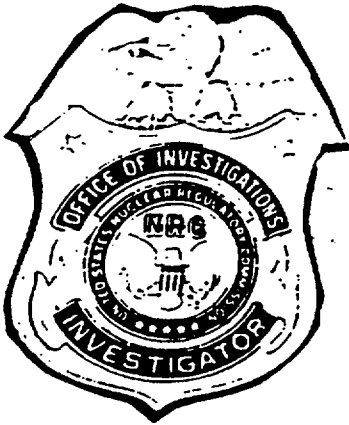
"ADMIN CONFID."

NAMES OF INDIVID. IN FILE

ESCAL. ENF PANEL. -
MESCHOFF, LIEBERMAN, LYIC, LESSER,
WATSON, LONG, CHRISTENSEN,

3/13/96

UNITED STATES
NUCLEAR REGULATORY COMMISSION
 OFFICE OF INVESTIGATIONS FIELD OFFICE, REGION II
 101 MARIETTA STREET NW, SUITE 2900
 ATLANTA, GEORGIA 30323



WALKER & CARPENTER
EYES ONLY

FACSIMILE TRANSMITTAL SHEET

10-30-96

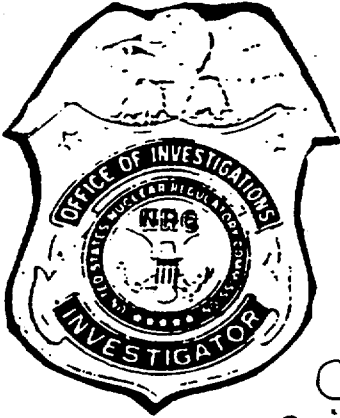
MESSAGE TO (Name & Organization)	FACSIMILE PHONE #	NUMBER OF PAGES (Including Transmittal Sheet)
Ron Walker/TVA	423-843-7047	3 4

Ron & Jerry - Please review for accuracy, make corrections & return by Fri Thurs or Fri. If you want to add or explain or answer some of my questions, add a page. Hopefully, I can close this issue out in Nov. Thankyou 331-4665 or 6502

MESSAGE FROM (Name & Organization)	FACSIMILE PHONE #	VERIFICATION #
Vanessa A. Selowski OI	8-404-331-7038	8-404-331-6502

423-843-7047
 Carpet Co.
 9/46

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 NUCLEAR REGULATORY COMMISSION
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 101 MARIETTA STREET NW, SUITE 2900
 ATLANTA, GEORGIA 30323



No Day
 taken
 5 min.

11-1-96
 FACSIMILE TRANSMITTAL SHEET
 Call me after you gather your
 original package together.

MESSAGE TO (Name & Organization)	FACSIMILE PHONE #	NUMBER OF PAGES (Including Transmittal Sheet)
Ron Walker/TVA	423-843-7047	15

Ron- Please review your original computer printouts. I have attached what you gave me during the interview. Also, your printout list shows nothing about 1-17. The LER shows following: Only mentions 1-21 at 4:00 A.M. For individual your PER shows: 1-21 4:10 A.M.

MESSAGE FROM (Name & Organization)	FACSIMILE PHONE #	VERIFICATION #
Vanessa Selewski	8-404-331-7038	8-404-331-6502

I need a good, clear copy of Huttsell's computer printout showing dates of 1-8 and 1-17. I don't have Huttsell's Daily Journal showing 1-17 entry at 1:00 into c-23. Please send. I have this, nevermind. Also, on 1-17, it looks like Huttsell went from 669 to 706 in 2 minutes too. You also gave me a Daily Journal for 1-17 but no computer printout for 1-17. Don't waste showing 1-17 but no computer printout for what we need.

From: Vanessa Selewski, OI
To: MSL1 Mark Lesser, RII
Date: 11/7/96 10:31am
Subject: SQN/Falsification of Q.A. Documents/OI Case 2-96-009

Hi Mark, I'm about to begin writing the OI report of the two firewatch people falsifying their firewatch journals. I wanted to get some information from you about the firewatch bar code system. Ron Walker, the SQN Maintenance and Modifications Manager, said that at some point prior to his group assuming the responsibilities for firewatch from the fire operations group, the bar code system was used to ensure that areas were being checked as required and documented by a computer printout.

I wanted to confirm what he said that the bar code system was not in use when these two individuals falsified their fire watch journals in January, 1996. The Maint. group took over in November, 95 and it appears this may have been the time the bar code system was not used.

1. Can you or one of the RIs confirm for me WHEN the bar code system was taken out of operation and WHY. Do you know WHO made that decision? Walker mentioned something about someone saying it was not reliable, yet now he is saying they are preparing to use this system again as it ensures that all fire watch areas will be checked and documented and will keep the event being investigated from happening again in the future.
2. Please provide whatever info. you have about the status of this bar code system or refer me to someone who can.

Also, the LER section, "Analysis of Event", said that an in depth analysis of the event cannot be performed due to elimination of critical evidence pertinent to the investigation.

3. Do you know what the critical evidence is?

One of the subjects interviewed said she documented her times and areas checked on the fire watch journal before beginning her firewatch rounds. Since they know the approximate times it takes to walk the route, it is all documented as a convenience and to save time. She said everybody has done this, it was common practice. Walker denied that this has been done by anyone in his group.

4. Do you know if this "advanced Q.A. documentation" has been a problem in the past when fire operations did the firewatch or if this may have started when Walker's group took over and the bar code system stopped being utilized?

Did S.D. Gilley write the LER?

9/48

Please call, drop by, or E-mail me. (x-4665) I appreciate your assistance in this matter. Vanessa

CC: ATP1.WEH, DRS

11-7-96 Response to E-mail.

Mark Lesser visited, we discussed message & he said would Fax LER to Doug Starkey - SPN/RI & have him call me.

Doug called & said he did not know anything about the bar code system. He has seen fire-watch people w/ the bar code guns & the journals.

He is not aware of a problem with firewatch people completing firewatch logs before they do their route.

He knows that at one point, about a year ago, Bechtel ~~was~~ ^{were} doing the firewatch & it was ^{employees} given to Maintenance for economic reasons.

There was one female allegi, not Houtsell & Ware, who visited his office at that time & said the TWA people would not do as good a job fire watching as Bechtel. ^{but Starkey knows} no problems with the fire watch program. 4/4/97
Starkey talked to Gilley who said the "missing critical evidence" was the 2 employees who

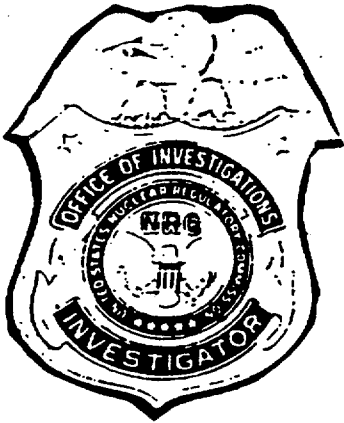
were terminated. The Rest Cause ~~Analysis~~ ^{Analysis} was not as thorough due to this.

Stanley recalls that Dave & that sell were escorted off site the day it was discovered they violated procedure.

Stanley also talked w/ John Casey who oversees maintenance & Casey said he would have to talk to Ron Walker about the door code system since Casey was not here when the Re-og. took place. I told Doug I had a call in to Walker about this.

D. G. Selousky

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FACSIMILE TRANSMITTAL SHEET

11-14-96

MESSAGE TO (Name & Organization)	FACSIMILE PHONE #	NUMBER OF PAGES (Including Transmittal Sheet)
Ron Walker / TVA	423-843-7047	1

Ron - Please Fax back a response ASAP regarding the Bar Code System. (1) When bar code system no longer used? Was it before or after your group assumed firewatch?
 (2) Who decided it was no longer needed? (3) Why?
 Give as many details as possible.

MESSAGE FROM (Name & Organization)	FACSIMILE PHONE #	VERIFICATION #
Vanessa Selenski	8-404-331-7038	8-404-331-6502

How could physically checking doors and depending on humans to ^{document} put the correct times and areas checked be more reliable than the bar code system?

9/30

< TRANSACTION REPORT >

11-14-1996(THU) 15:10

[TRANSMIT]

NO.	DATE	TIME	DESTINATION STATION	PG.	DURATION	MODE	RESULT
22262	11-14	15:09	423 843 7047	1	0° 00' 59"	NORMAL	OK
				1	0° 00' 59"		

MEMO TO FILE (2-96-009)

1-21-97

OI Special Agent Vanessa G. Selewski talked to Mark Lesser today about the SQN procedures regarding firewatch and whether Ware's documenting that she completed the firewatch prior to beginning the firewatch constituted a violation of NRC rules and regulations.

Lesser reviewed the SQN firewatch procedure and noticed there was no section of the procedures which specified when the firewatch journal should be documented, before or after the firewatch route was completed. Lesser stated documenting the firewatch journal before walking the firewatch route is "poor practice", but does not appear to be a violation of SQN procedures or NRC requirements.

9/51

INVESTIGATION STATUS RECORD

Case No.: 2-96-009 Facility: SEQUOYAH NUCLEAR PLANT
Allegation No.: RII-96-A-0063 Case Agent: SELEWSKI
Docket Nos.: 050-327/328 Date Opened: 03/22/96
Source of Allegation: LICENSEE/ECP Priority: NORMAL (S. EBNETER, RA)
Notified by: EICS Staff Contact:
Category: WR Case Code: RP
Subject/Allegation: ALLEGED FALSIFICATION OF FIREWATCH JOURNALS

Remarks:

Monthly Status Report:

- 03/22/96: On 02/20/96, Sequoyah Nuclear Plant notified the NRC in Licensee Event Report No. 96001 that during a routine audit of access control records, it was determined that two firewatch individuals had failed to patrol their assigned areas. A review of route check sheets and journals indicated these documents were prepared as if the assigned firewatch routes had been completed as required by procedure. TVA terminated both the firewatch personnel - Ms. Joy F. HUTSELL and Ms. Kimshe R. WARE. Status: FWP ECD (90-day): 06/96
- 03/31/96: No change. Status: FWP ECD (90-day): 06/96
- 04/30/96: On 04/01/96, visited TVA/OIG on another case and requested they check TVA/OIG indices for HUTSELL and WARE. Status: FWP ECD (90-day): 06/96
- 05/31/96: No change due to focusing efforts on the Georgia Institute of Technology inspection assistance and report writing for 2-95-027. Status: FWP ECD (90-day): 06/96
- 06/30/96: Will review records or conduct interviews in July. Status: FWP ECD: 12/96
- 07/31/96: On 07/25/96, agent made surprise visit to SQN Human Resources Office and reviewed hard files, microfiche files, and CD ROM files of personnel and disciplinary records of terminated subjects, Kimshe WARE and Joy HUTSELL. Made copies and planning interviews based on review of these documents. Status: FWP ECD: 12/96
- 08/31/96: On 08/16/96, interviewed two key witnesses at SQN. Obtained additional documentation. Planning other interviews after two reports of investigation are written for a September deadline. Status: FWP ECD: 12/96
- 09/30/96: Planning to conducted interviews in October. Status: FWP ECD: 12/96
- 10/31/96: On October 9 and 10, interviewed Joy HUTSELL and Kimshe WARE. Recorded the interviews, awaiting transcripts and will begin writing this report as soon as report for Case No. 2-96-005 is completed. Status: FWP ECD: 12/96

9/15/96

INVESTIGATION STATUS RECORD (page 4)

Case No.: 2-96-009

Facility: SEQUOYAH NUCLEAR PLANT

Case Agent: SELEWSKI

Priority: NORMAL (S. EBNETER, RA)

Subject/Allegation: ALLEGED FALSIFICATION OF FIREWATCH JOURNALS

Monthly Status Report:

11/30/96: Began writing draft of report of investigation. This writing was interrupted by an immediate higher priority case (2-96-043). Due to conducting immediate interviews on Case No. 2-96-043, and more soon to follow, and completing report for Case No. 2-96-005, ECD is being changed. Status: RID ECD: 01/97

12/31/96: No change. Status: RID ECD: 01/97

01/24/97: Closed/Issued/unsubstantiated

Closed: 01/24/97

Issued: 01/24/97

Action: U

From: Pauline Thompson *OI*
To: JXH6 *Jeanne Hunt, OI*
Date: 2/28/97
Subject: RELEASE OF SYNOPSIS

ON FEBRUARY 27, 1997, THE REGION II FOD AUTHORIZED THE RELEASE OF THE SYNOPSIS FOR CASE NO. 2-96-009.

4/23

ALLEGATION ASSIGNMENT FORM

X

Allegation Number: RIV-95-A-0113

Licensee Facility or Location: WATERFORD-3

OI

Discussed at ARP meeting on: 7/24/95

Assigned to: DRP, DRS, DRSS, SAC Branch:

OI involvement? OI tracking number:

Allegation Summary: Region IV office was informed that contract fire watches were placing tape on doors without cardreaders and instead of entering all of the doors, only enter the doors when the tape has been broken, permitting faster rounds to be performed. Another issue regarding compensatory posting was identified, but insufficient information was provided to assist in our review. The allegor agreed to contact RIV on 7/18 but no calls have been received.

ARP instructions/guidance:

ARP Chairman: _____ Date: Denner

Allegation Resolution Plan (return to tl

OI contact alle
RB to conduct an
inspection.

[Redacted]

47

476

[Redacted]

PLS see me
before you leave

Submitted by: _____
cc: Allegation File, ARP Meeting File, OI

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Act, exemptions 7C
FOIA- 99-76

Portland
7C 2/11

ALLEGATION ASSIGNMENT FORM

7C

Allegation Number: RIV-95-A-0113

Licensee/Facility or Location: WATERFORD-3

~~XXXXXXXXXXXXXXXXXXXX~~
Closed Low priority

Discussed at ARP meeting on: 1/22/96

Assigned to: DRP, DRS, DNMS, SAC Branch:

OI involvement? YES OI tracking number: 4-95-035 DB

Allegation Summary: Region IV office was informed that contract fire watches were placing tape on doors without cardreaders and instead of entering all of the doors, they only entered doors when the tape has been broken, permitting faster rounds to be performed. Another issue regarding compensatory posting was identified, but insufficient information was provided to assist in our review. The alleger agreed to contact RIV on 7/18 but no calls were received. Awaiting DRS and OI review of licensee investigation results. Exceeded 180 days on 1/17/96

ARP instructions/guidance:

ARP Chairman: _____ Date: _____

Allegation Resolution Plan (return to the SAC within 10 days of ARP meeting):

~~DRS~~ Inspection completed - one example of ~~work item~~ compensatory posting for firewatchers OI to close as low priority

Submitted by: _____ Date: _____
cc: Allegation File, ARP Meeting File, OI

2/2

CASE No. 4-95-035

**United States
Nuclear Regulatory Commission**



Report of Investigation

WATERFORD 3 STEAM ELECTRIC STATION:

ALLEGED DELIBERATE FALSIFICATION OF FIRE WATCH RECORDS

Office of Investigations

Reported by OI: **RIV**

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 7C
FOIA 99-76

2/3

Title: WATERFORD 3 STEAM ELECTRIC STATION:
ALLEGED DELIBERATE FALSIFICATION OF FIRE WATCH RECORDS

Licensee:

Entergy Operations, Inc.
Waterford 3 Steam Electric Station
P.O. Box B
Kilona, LA 70066

Docket No.: 50-00382


Case No.: 4-95-035

Report Date: January 17, 1996

Control Office: OI:RIV

Status: CLOSED

Reported by:



Dennis Boal, Special Agent
Office of Investigations
Field Office, Region IV

Reviewed and Approved by:



E. L. Williamson, Director
Office of Investigations
Field Office, Region IV

WARNING

The attached document/report has not been reviewed pursuant to 10 CFR Section 2.790(a) exemptions nor has any exempt material been deleted. Do not disseminate or discuss its contents outside NRC.
Treat as "OFFICIAL USE ONLY."

SYNOPSIS

On November 14, 1994, the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), initiated an investigation to determine whether fire watches were improperly conducted and if fire watch records were falsified at Entergy Operations, Inc., Waterford 3.

Repeated attempts, both telephonic and written, by OI:RIV to interview the alleged were unsuccessful. The licensee investigation substantiated the allegations and initiated corrective actions which included employment termination of two employees. Upon review of this matter and coordination with the Regional Administrator, Regional Counsel and the technical staff, it has been determined this matter is low priority. Due to OI:RIV pursuing investigations with higher priorities, this matter is being closed. If at a later date additional information is developed, OI:RIV will reevaluate the matter.

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DETAILS OF INVESTIGATION

Allegation: Alleged Deliberate Falsification of Fire Watch Records

Applicable Regulations

10 CFR 50.5: Deliberate Misconduct (1995 Edition)

10 CFR 50.9: Completeness and Accuracy of Information (1995 Edition)

Purpose of Investigation

This investigation was initiated (Exhibit 1) by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), to determine whether fire watches were improperly conducted and if fire watch records were falsified at Entergy Operations, Inc. (EOI), Waterford 3 (WF3).

Background

On July 17, 1995, [REDACTED] at EOI WF3, informed the NRC:RIV Senior Allegation Coordinator (SAC) that contract fire watches were placing tape on doors without "cardreaders" and instead of entering all the doors, they only entered the doors when the tape was broken, permitting faster fire watch rounds to be performed. [REDACTED] related that he was no longer employed at WF3 and had obtained the information from a current WF3 employee. [REDACTED] agreed to contact the WF3 employee to relate that the NRC requested to interview him/her. 7C

Attempted Interview of Allegor

On July 25, 1995, OI:RIV telephoned [REDACTED] home and requested the spouse have him contact OI:RIV to arrange an interview to discuss his allegations. [REDACTED] did not contact OI:RIV, and repeated telephonic attempts to contact [REDACTED] were unsuccessful. Numerous messages were left on the answering machine, and to date, no response has been received by OI:RIV. 7C

On September 13, 1995, a letter (Exhibit 2) was sent to the allegor's address to request his cooperation, and to date, no response has been received by OI:RIV.

Coordination with the NRC Staff

On October 3, 1995, the NRC:RIV SAC informed OI:RIV that the Allegation Review Panel had requested the licensee's report regarding an internal investigation about the fire watch at WF3. Additionally, the SAC informed OI:RIV that the Division of Reactor Safety and Division of Radiation Safety and Safeguards staff were in the process of coordinating an inspection effort at WF3 to address fire protection and access control issues.

Review of Licensee Investigation Report, dated October 13, 1995 (Exhibit 3)

OI conducted a review of the Waterford 3 investigation report which was prepared by the licensee in response to NRC letters dated September 13, 1995, and September 14, 1995, regarding NRC allegations RIV-95-A-0113 and RIV-95-A-0147 about fire watch irregularities. This report stated that both allegations were substantiated and appropriate corrective actions initiated.

The licensee report related that the two individuals involved in the irregularities [REDACTED] were terminated from employment at WF3, and the licensee installed electronic devices throughout the plant to validate all future fire watches. Additionally, the licensee described that training classes will be conducted with security personnel to reemphasize management's expectations regarding fire watches with proper and accurate "logkeeping practices."

Closure Information

Repeated attempts, both telephonically and in writing, by OI:RIV to interview [REDACTED] have been unsuccessful. The licensee investigation substantiated the allegations and the corrective actions included the employment termination of two employees, [REDACTED]. Upon review of this matter and coordination with the Regional Administrator, Regional Counsel and the technical staff, it has been determined this matter is low priority. Due to OI:RIV pursuing investigations with higher priorities, this matter is being closed. If at a later date additional information is developed, OI:RIV will reevaluate the matter.

LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated July 24, 1995.
2	NRC letter, dated September 13, 1995.
3	WF3 Investigation Report, dated October 13, 1995.

EXHIBIT 1

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2/4

EXHIBIT 1

LIMITED DISTRIBUTION -- NOT FOR PUBLIC DISCLOSURE

INVESTIGATION STATUS RECORD

Case No.: 4-95-035 Facility: WATERFORD 3
Allegation No.: RIV-95-A-0113 Case Agent: BOAL
Docket No.: 50-382 Date Opened: 07/24/95
Source of Allegation: ALLEGER (A) Priority: N (J. CALLAN, RA:RIV)
Notified by: SAC:RIV (WISE) Staff Contact: T. DEXTER. DRSS
Category: WR Case Code: RP
Subject/Allegation: ALLEGED DELIBERATE FALSIFICATION OF FIRE WATCH RECORDS
Remarks: 10 CFR 50.9

Monthly Status Report: Page 1

07/24/95: On July 17, 1995, [REDACTED] at Entergy Operations, Inc., Waterford 3, informed the Nuclear Regulatory Commission (NRC) Region IV staff that contract fire watches were placing tape on doors without cardreaders and instead of entering all the doors, they only entered a door if the tape was broken, permitting faster fire watch rounds to be performed. [REDACTED] related that he was no longer employed at Waterford 3 and had obtained the information from a current employee whom he agreed to contact to relate that the NRC wanted to interview him/her. OI will interview [REDACTED] to establish the source of this information and any additional concerns. Status: Field Work in Progress [FWP] ECD: 10/95 (90-day)

*Portland
7C*

Exhibit 1
Page 1 of 1

EXHIBIT 2

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FOIA: 99-76

2/5

EXHIBIT 2



UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF INVESTIGATIONS FIELD OFFICE, REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

September 13, 1995

Mr. [REDACTED]

Dear Mr. [REDACTED]

The Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), is conducting an inquiry into the safety concerns you raised pertaining to the fire watches conducted at Waterford 3. You agreed to provide additional information to the NRC. To date we have been unable to reach you and have not received additional information about your concerns.

Please contact Investigator Dennis Boal of this office at (817) 950-8110 as soon as possible to discuss your concerns. You may call Mr. Boal or me collect during our business hours of 7:00 a.m. to 4:45 p.m., Monday through Friday.

Sincerely,

E. L. Williamson, Director
Office of Investigations

CASE NO. [REDACTED]

2
1 1

Monday, July 17, 1995, 11:10 hours.

Contacted [REDACTED] at [REDACTED] who had left a request that I contact him. Mr. [REDACTED] was employed by the [REDACTED] their [REDACTED] at Waterford 3 power plant. He left the [REDACTED] several months ago for another job [REDACTED] Mr. [REDACTED] informed me that he had some information, obtained from [REDACTED] who had [REDACTED] concerning fire watch patrols. He said that the individual informed him that security fire watch personnel on one shift, John Michael's, were placing tape on doors without card readers and then instead of having to enter each area if the tape was not broken they could complete their tours that much quicker. He also had some information concerning compensatory posting but could not be specific enough to investigate. I informed him that if he could get the individual to call us with specific information it would help us investigate the allegations more specifically. He said the individual was concerned about the security officers finding out that he had provided information and threaten his family. I ask Mr. [REDACTED] to talk with the individual today, 7/17/95 and contact me or Mr. Wise on 7/18/95. He agreed to do so.

OFFICIAL USE ONLY

MEMORANDUM TO CASE FILE

TYPE ACTION <input checked="" type="checkbox"/> RECORD OF CONVERSATION <input checked="" type="checkbox"/> CASE REVIEW / STATUS <input type="checkbox"/> OTHER	PARTICIPANTS Dennis BOA TC	FILE NO. 4.95.035
		DATE Valid
		TIME Valid
CONFIDENTIALITY REQUESTED YES NO		

SUMMARY Contact Attempts

7/25/95 left message on answering machine to call RIV:01 collect

7/25/95 continued message with wife said heumber [redacted] but would leave message

7/26/95 left a followup message on answering machine

7/27/95 3 calls only reached answering machine did not leave message

7/28/95 2 calls " " " " " " " "

7/28/95 Talked with RUSS WISE he has not heard from alleged and has no address requested we obtain such if we can

8/7/95 only records revealed TC

called [redacted] no listing in [redacted] area

8/7/95 [redacted] TC

9/8 during FCS close out failure to contact

PAGE OF

PREPARED BY [Signature]

DATE

ACTION REQUIRED

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[Signature]

REVIEWED BY

DATE

2/6

REPORT OF INTERVIEW
WITH
[REDACTED]

7C

On September 29, 1995, [REDACTED] at The Wackenhut Corporation (THC), was telephonically interviewed at [REDACTED] by Nuclear Regulatory Commission (NRC), Office of Investigations, Region IV (RIV), Investigator Dennis Boal regarding an allegation of employment discrimination at Waterford 3 Steam Electric Station (WF3). [REDACTED] provided the following information in substance:

7C

[REDACTED] said [REDACTED] was fired from WF3 in August 1995 for not conducting a fire watch even though she provided a sworn statement that [REDACTED] had performed [REDACTED] duties correctly. [REDACTED] said she was a secretary for the new labor union representing the THC security guards at WF3 and that was why [REDACTED] was fired.

7C

[REDACTED] said [REDACTED] was the only [REDACTED] "challenged by a Quality Assurance (QA) audit" at WF3. [REDACTED] said a WF3 QA auditor allegedly hid in a room waiting for [REDACTED] to enter as a fire watch and said [REDACTED] did not enter the room. [REDACTED] said the room [REDACTED] was alleged not to have entered during [REDACTED] "rounds" did not have a card reader. WF3 reviewed the card reader records for the previous door and the subsequent door and concluded [REDACTED] did not enter the room to conduct a fire watch and [REDACTED] employment was terminated. [REDACTED] said that [REDACTED] did not see the auditor in the room when [REDACTED] conducted the fire watch and felt that a time discrepancy may explain the incident. [REDACTED] explained that the computerized clocks used by security are 2 minutes different from the rest of the plant.

7C

[REDACTED] said [REDACTED] had no knowledge of any safety concerns at WF3, did not know of any problems reporting safety concerns, and felt [REDACTED] was fired for [REDACTED]. [REDACTED] said [REDACTED] would cooperate with the NRC and provide further information upon request. [REDACTED] said [REDACTED]

7C

This report prepared on October 2, 1995, from investigator's notes.

Dennis Boal
Dennis Boal, Investigator
Office of Investigations Field Office, RIV

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in accordance with the Freedom of Information
Act, exemptions 7C
FOIA 1976

FOIA
7C

2/7

REPORT OF INTERVIEW
WITH

7C

On September 29, 1995, [REDACTED] at The Wackenhut Corporation, was telephonically interviewed at [REDACTED] by Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), Investigator Dennis Boal regarding his allegations of employment discrimination against a [REDACTED] at the Waterford 3 Steam Electric Station. [REDACTED] provided the following information in substance:

7C

[REDACTED] said information about the terminated [REDACTED] would be best obtained from the [REDACTED] and provided [REDACTED] name, [REDACTED] and telephone number [REDACTED] for contact by OI. [REDACTED] said he would cooperate with the NRC and provide further information upon request.

7C

This report prepared on October 2, 1995, from investigator's notes.

Dennis Boal

Dennis Boal, Investigator
Office of Investigations Field Office, RIV

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Act, exemptions _____
FOIA 99-76

Postcard
7C

2/8

REPORT OF INTERVIEW
WITH
GREGORY L. FEY

On October 4, 1995, FEY, Corrective Action Supervisor, Entergy Operations, Inc. (EOI), Waterford 3 Nuclear Station (WF3), was interviewed by Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), Investigator Dennis Boal about allegations of fire watch irregularities at WF3. FEY provided the following information in substance:

FEY said that he is conducting a WF3 Quality Assurance (QA) investigation into allegations about The Wackenhut Corporation (TWC) conducting ineffective fire watches at WF3. FEY said in July 25, 1995, Homer COOPER, Security Manager, EOI, received an anonymous telephone call about irregularities with the conduct of fire watches. The caller informed COOPER that tape was placed on the doors and if the tape was not moved, it was not opened for a fire watch. The caller also said the security computer failed on August 21, 1994, and a compensatory guard was not reinstated at a designated post resulting in a compensatory post not being staffed. The caller said when he brought the situation to TWC attention and the situation was ignored. FEY said COOPER called John J. LEDET, Security Superintendent, EOI, and provided him the information the anonymous caller provided.

FEY said LEDET assigned Jerry W. GREMILLION, Senior Security Coordinator, EOI, to follow-up on the allegations. FEY said GREMILLION assigned John MAIKEL, TWC, Lead Security Officer, to go into the plant and look at the doors to determine if they were taped as alleged. FEY said GREMILLION also asked a clerical person, Lutteria MAES [NFI], who once worked as a fire watch if she had observed irregularities. FEY said MAES provided a memorandum dated July 29, 1995, to GREMILLION that listed five more allegations about irregularities regarding the fire watches at WF3. FEY said MAIKEL reported to GREMILLION he was unable to locate any tape on the doors. FEY said GREMILLION provided the information he obtained from MAIKEL and MAES to LEDET.

FEY said that on August 2, 1995, LEDET requested that Timothy BROOKS, TWC Security Force Coordinator, conduct an investigation about MAES' allegations and the taping allegation. FEY said that BROOKS developed an interview list of nine employees involved in the allegations. FEY said that two of the employees had left employment at WF3; therefore, seven employees were interviewed by BROOKS. FEY said his review of BROOKS' interview documentation indicated three employees admitted knowledge about the taping of doors; however in the BROOKS' report, the allegation about taping the doors was unsubstantiated. During the BROOKS investigation, FEY said [redacted] [sp] [NFI] admitted to BROOKS that he had signed the fire watch logs as completing fire watches when someone else [NFI] in reality conducted the fire watch. FEY said BROOKS terminated [redacted] employment with TWC. FEY said BROOKS wrote a condition report (CR) about [redacted] and provided a report to

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Case No. 4-95-044

Act. exemptions 7E
FOIA 99-76 1

Exhibit _____
Page of

7C
2/19

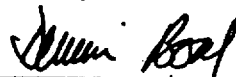
LEDET on August 16, 1995, that said the investigation was resolved with no further substantiation. FEY said upon review, he did not agree with the BROOKS' conclusion.

FEY said on August 18, 1995, WF3, QA, conducted a routine monthly surveillance of the fire watch activity. FEY said a QA auditor [NFI] waited in a room for the fire watch to enter and the fire watch never entered the room. FEY said the QA auditor then walked a "round" with the fire watch, [REDACTED] and [REDACTED] did check the room. FEY said [REDACTED] was subsequently fired. FEY said the WF3 plant manager requested QA to conduct an investigation into the fire watch irregularities and on August 18, 1995, WF3 notified the NRC about the situation. FEY said this was the first documented conversation with the NRC about the fire watch situation. 7c

FEY said WF3 installed "Morris Watchman" devices on the doors to prevent the falsification of fire watches. FEY said on September 18, 1995, the QA auditors found and photographed tape on some doors and evidence of taping on other doors. FEY said he met with the plant manager and requested that [REDACTED] be placed on administrative leave while the investigative interviews were conducted. FEY added they were reinstated on October 2, 1995. FEY said he additionally requested legal or security assistance, and Douglas E. LEVANWAY, Wise, Carter, Child and Carraway, a EOI contract law firm, was assigned to assist. 7c

FEY said currently his QA investigation has concluded interviewing, and he is in the process of reviewing and organizing the information into a report to respond to the NRC by the October 13, 1995; however, FEY added he may have to request an extension. FEY said that LEVANWAY has not completed a report and hoped LEVANWAY would complete a report that he could incorporate into his own report. FEY said his report is complicated by human resource issues that were identified during his investigation. FEY said that TWC employees recently selected union representation, but he did not think there was a completed contract agreement.

This report prepared from investigator's notes on October 4, 1995.



Dennis Boal, Investigator
Office of Investigations Field Office, RIV

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INVESTIGATION STATUS RECORD

Case No.: 4-95-035 Facility: WATERFORD 3
Allegation No.: RIV-95-A-0113 Case Agent: BOAL
Docket No.: 50-382 Date Opened: 07/24/95
Source of Allegation: ALLEGER (A) Priority: N (J. CALLAN, RA:RIV)
Notified by: SAC:RIV (WISE) Staff Contact: T. DEXTER. DRSS
Category: WR Case Code: RP
Subject/Allegation: ALLEGED DELIBERATE FALSIFICATION OF FIRE WATCH RECORDS
Remarks: 10 CFR 50.9

Monthly Status Report: Page 2

08/31/95: Unable to contact the allegor, awaiting inspection results from RIV staff inspection. Status: FWP ECD: 10/95 (90-day).

09/30/95: A letter was sent to the allegor September 13, 1995, requesting his cooperation. As of this date, no response has been received and this situation will be discussed with the ARP. Status: FWP ECD: 10/95 (90-day).

10/31/95: Draft ROI in preparation. 90-day decision point has been met and the initial ECD is being established for 01/96. Status: RID ECD: 01/96

11/30/95: Draft ROI in FOD review. Status: RIO ECD: 01/96

12/31/95: Final Draft ROI in FOD/Administrative review. Status: RIO ECD: 01/96

01/31/96: Case FOD closed on 01/17/96.

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FOIA 99-76

2/10

Closed: 01/17/96 Issued: 01/17/96 Closed Action: P

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INVESTIGATION STATUS RECORD

Case No.: 4-95-035 Facility: WATERFORD 3
Allegation No.: RIV-95-A-0113 Case Agent: BOAL
Docket No.: 50-382 Date Opened: 07/24/95
Source of Allegation: ALLEGER (A) Priority: N (J. CALLAN, RA:RIV)
Notified by: SAC:RIV (WISE) Staff Contact: T. DEXTER. DRSS
Category: WR Case Code: RP
Subject/Allegation: ALLEGED DELIBERATE FALSIFICATION OF FIRE WATCH RECORDS
Remarks: 10 CFR 50.9

Monthly Status Report: Page 1

07/24/95: On July 17, 1995, [REDACTED] at Entergy Operations, Inc., Waterford 3, informed the Nuclear Regulatory Commission (NRC) Region IV staff that contract fire watches were placing tape on doors without cardreaders and instead of entering all the doors, they only entered a door if the tape was broken, permitting faster fire watch rounds to be performed. [REDACTED] related that he was no longer employed at Waterford 3 and had obtained the information from a current employee whom he agreed to contact to relate that the NRC wanted to interview him/her. OI will interview [REDACTED] to establish the source of this information and any additional concerns. Status: Field Work in Progress [FWP] ECD: 10/95 (90-day)

Printed
7C

EXHIBIT 10

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u/3

Telephone Conversation Record

OI Case No. 1-96-033

February 1, 1997 approximately 2:00 p.m.

Ron Bixler, PECO Security

BIXLER advised that [REDACTED] was reinstated effective November 4, 1996. Although [REDACTED] was reinstated by the Peer Review Panel, his nuclear access status (XN) remained unchanged. [REDACTED] has been working at the [REDACTED] since November 11, 1996.

7C

Reported by:

Kristin L. Monroe

Kristin L. Monroe, Special Agent
Office of Investigations
Field Office, Region I

FYI
RAM

1-96-033

Thursday, August 15, 1996

Telephone Conversation Record

Ron Bixler
Special Investigator
Claims-Security Division
PECO

Re: Limerick-Generating Station (LGS)

Follow up to August 14, 1996, telephone call with Neil Perry, SRI, LGS

Bixler advised that [redacted] Technical Analyst, Fire Protection Group, Support Services, LGS, had admitted in a statement to PECO investigators that he had signed a monthly surveillance log (date nfi) without conducting the surveillance. When questioned if there had been other instances where he had signed a monthly surveillance log without conducting the surveillance, [redacted] advised that he could not recall any, but there could have been. The surveillance involves a physical walk down of the plant to make sure that the fire protection equipment is in place.

7C

According to Bixler, [redacted] told George ROMBOLD, Section Manager, that he had seen [redacted] at the time that [redacted] was to have been in the plant conducting the surveillance. ROMBOLD advised Daryl LaQUIA, Director of Support Services, who started pulling zone traces for [redacted] LaQUIA and [redacted] did a physical walk down of the areas that were to be covered in the surveillance and identified which areas required [redacted] to card in. The walk down for the surveillance takes approximately 90 minutes.

7C

On Tuesday, August 7, 1996, LaQUIA notified PECO security.

PECO security and Ron TINDELL, Quality Assurance, PECO, are taking steps to get a better idea on what [redacted] has done. [redacted] has not implicated anyone else and it appears to be an incident isolated to [redacted] is suspended without pay and his badge has been removed.

7C

[redacted] has been employed by PECO for [redacted] in the Fire Protection Group. His prior employment location with PECO was in [redacted]

7C

Reported by:

K. Monroe

Action:

Advised FOD on 8/15/96.

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Act, exemptions 7C
FOIA- 99-76

Portions
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B

from
KRII

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2/4

CASE No. 4-95-044

**United States
Nuclear Regulatory Commission**



Report of Investigation

WATERFORD 3 STEAM ELECTRIC STATION:

ALLEGED DELIBERATE FALSIFICATION OF FIRE WATCH RECORDS

Office of Investigations

Reported by OI: **RIV**

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in accordance with the Freedom of Information
Act, exemptions 7C

Title: WATERFORD 3 STEAM ELECTRIC STATION:
ALLEGED DELIBERATE FALSIFICATION OF FIRE WATCH RECORDS

Licensee:

Entergy Operations, Inc.
P.O. Box B
Kilona, LA 70066

Docket No.: 50-00382

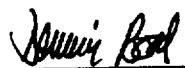
Case No.: 4-95-044

Report Date: February 8, 1996

Control Office: OI:RIV

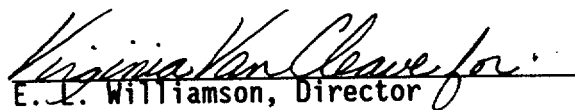
Status: CLOSED

Reported by:



Dennis Boal, Special Agent
Office of Investigations
Field Office, Region IV

Reviewed and Approved by:



E. L. Williamson, Director
Office of Investigations
Field Office, Region IV

WARNING

~~The attached document/report has not been reviewed pursuant to 10 CFR Section 2.790(a) exemptions nor has any exempt material been deleted. Do not disseminate or discuss its contents outside NRC. Treat as "OFFICIAL USE ONLY."~~

SYNOPSIS

On September 6, 1995, the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), initiated an investigation to determine whether there was deliberate falsification of fire watch records at Entergy Operations, Inc. (EOI), Waterford 3 (WF3).

Based upon the evidence developed during this investigation and a review of evidence contained in the investigation report provided by the licensee, the allegation that two fire watch employees deliberately falsified fire watch logs was substantiated. The licensee terminated the employment of the two employees.

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DETAILS OF INVESTIGATION

Allegation

Alleged Deliberate Falsification of Fire Watch Records

Applicable Regulations

10 CFR 50.5: Deliberate Misconduct (1995 Edition)

10 CFR 50.9: Completeness and Accuracy of Information (1995 Edition)

Purpose of Investigation

On September 6, 1995, this investigation was initiated (Exhibit 1) by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), to determine whether there was deliberate falsification of fire watch records at Entergy Operations, Inc. (EOI), Waterford 3 (WF3).

Background

On July 28, 1995, WF3 informed the NRC:RIV about an anonymous telephone call that alleged two individuals performed inadequate fire watches at WF3. The caller alleged that one of the fire watches checked an area and another fire watch signed the record as though he had completed the check. WF3 informed NRC:RIV that the fire watch involved in this incident, who signed the record as though he had conducted the check, admitted he did not make the check and was terminated from employment. The caller also alleged in an unrelated second incident, that a WF3 quality assurance (QA) auditor waited in a specific room on the fire watch list for 52 minutes to confirm a fire watch inspection. The scheduled fire watch inspection did not occur. The QA auditor then reviewed the fire watch records and noted the room was "signed off" as inspected. WF3 informed NRC:RIV that, in the second incident, the fire watch was suspended and would probably be terminated. On August 29, 1995, the RIV Allegation Review Panel (ARP) requested that OI:RIV obtain and review the WF3 investigation report about the allegations of fire watch records falsification.

Interview of ([REDACTED]) (Exhibit 2)

INVESTIGATOR'S NOTE: [REDACTED] was identified as the [REDACTED] involved in the second incident of falsification of fire watch records.

On September 29, 1995, [REDACTED] said [REDACTED] was fired from WF3 in August 1995 for not conducting a fire watch in a specific room, even though [REDACTED] provided a sworn statement that [REDACTED] had performed her duties correctly. [REDACTED] said [REDACTED]

[REDACTED] at WF3, and [REDACTED] felt that was why [REDACTED] was fired.

Patrol 7C
7C

██████████ said ██████████ was the only ██████████ "challenged by a Quality Assurance audit" at WF3. ██████████ said a WF3 QA auditor [NFI] allegedly hid in a room waiting for ██████████ to enter as a fire watch and the WF3 QA auditor subsequently said ██████████ did not enter the room. ██████████ said the room ██████████ was alleged not to have entered during ██████████ "rounds" did not have a card reader. ██████████ said WF3 reviewed the card reader records for the previous door and the subsequent door and concluded ██████████ did not enter the room to conduct a fire watch and ██████████ employment was terminated. ██████████ said that ██████████ did not see the QA auditor in the room when ██████████ conducted the fire watch and felt that a time discrepancy may explain the incident. ██████████ explained that the computerized clocks used by site security are two minutes different from the rest of the plant. ██████████ said ██████████ had no knowledge of any safety concerns at WF3, did not know of any problems reporting safety concerns, and felt ██████████ was fired for ██████████

7C

Interview of Gregory L. FEY, Corrective Action Supervisor, WF3 (Exhibit 3)

On October 4, 1995, FEY was interviewed by OI:RIV and said he was conducting a WF3 QA investigation into allegations about TWC conducting ineffective fire watches at WF3. FEY said on July 25, 1995, Homer COOPER, Security Manager, EOI, received an anonymous telephone call about irregularities in the conduct of fire watches. The caller said when he brought the incident to TWC's attention, the situation was ignored. FEY said COOPER called John J. LEDET, Security Superintendent, EOI, and provided him with the information from the anonymous caller.

FEY said LEDET assigned Jerry W. GREMILLION, Senior Security Coordinator, EOI, to follow-up on the allegations. FEY said that on August 2, 1995, LEDET assigned Timothy BROOKS, Security Force Coordinator, TWC, to conduct an investigation into the allegations. FEY said ██████████ TWC, admitted to BROOKS he had signed the fire watch logs to indicate he completed the fire watches when someone else [NFI] actually conducted the fire watches. FEY said BROOKS terminated ██████████ employment with TWC and wrote a condition report about ██████████ FEY said BROOKS concluded his investigation on August 16, 1995.

7C

FEY said on August 18, 1995, WF3 QA conducted a routine monthly surveillance of the fire watch process. FEY said a QA auditor [NFI] waited in a room for the fire watch to enter, and the fire watch never entered the room. FEY said the QA auditor then walked "a round" with the fire watch, ██████████ and ██████████ checked the room. FEY said ██████████ was subsequently fired.

7C

FEY said on August 18, 1995, the WF3 plant manager requested QA conduct an immediate investigation into the fire watch irregularities, and WF3 notified the NRC about the incident. FEY said an initial response to the allegations by WF3 was to install "Morris Watchman" devices on the doors to prevent the falsification of fire watches.

Putman
7C

Review of Licensee Investigation Report, dated October 13, 1995 (Exhibit 4)

OI:RIV reviewed the WF3 QA investigation report prepared by the licensee in response to NRC letters dated September 13, 1995, and September 14, 1995, regarding NRC allegations RIV-95-A-0113 and RIV-95-A-0147 about fire watch irregularities. This report stated that both allegations were substantiated and both individuals involved in the fire watch irregularities, [REDACTED] were terminated from employment with TWC at WF3.

The WF3 QA report explained the licensee installed electronic devices to validate all future fire watches. Additionally, the licensee explained that training classes will be conducted with security personnel to reemphasize management's expectations regarding fire watches with proper and accurate "logkeeping practices."

Agent's Analysis

The OI:RIV review of the WF3 QA investigation report, about the allegations, determined that WF3 identified and reported the allegations to the NRC. The OI:RIV review of the WF3 QA investigation report determined that WF3 appears to have completely addressed and remedied these allegations.

Conclusions

Based upon the evidence developed during this investigation and a review of evidence contained in the investigation report provided by the licensee, the allegation that two fire watch employees, [REDACTED], deliberately falsified fire watch logs was substantiated. The licensee terminated the employment of [REDACTED].

Portions
7C

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SUPPLEMENTAL INFORMATION

On January 22, 1996, William P. SELLERS, Esq., Senior Legal Advisor for Regulatory Enforcement, General Litigation and Legal Advice Section, Criminal Division, U.S. Department of Justice, Suite 200 West, 1001 G Street, N.W. Washington, DC 20001, was apprised of the results of the investigation. Mr. SELLERS advised that in his view, the case did not warrant prosecution and rendered an oral declination.

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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated August 29, 1995.
2	Report of Interview of ████████ dated September 29, 1995. 7C
3	Report of Interview of FEY, dated October 4, 1995.
4	WF3 Investigation Report, dated October 13, 1995.