

December 13, 2002

IA-02-012

Scott Hiedeman
[HOME ADDRESS DELETED
UNDER 10 CFR 2.790(a)]

SUBJECT: NOTICE OF VIOLATION (NRC INVESTIGATION REPORT NO. 3-2001-017)

Dear Mr. Hiedeman:

This refers to the investigation conducted from May 11, 2001, through February 28, 2002, by the NRC Office of Investigations (OI) into the completeness and accuracy of information provided by Prairie Island Nuclear Generating Plant (Prairie Island) personnel to the NRC during the April 13 to 16, 2001, time period regarding Prairie Island's request for a Notice of Enforcement Discretion (NOED). The NOED was orally granted on April 16, 2001, and extended the allowed outage time for the repair and testing of the Unit 2 D6 emergency diesel generator (EDG). The NRC issued the NOED in writing on April 18, 2001.

In addition, OI investigated the removal of a document from a group of documents requested by the NRC special inspection team on May 14-15, 2001. The team was reviewing the circumstances surrounding Prairie Island's decision on May 9, 2001, to declare both the D5 and D6 Unit 2 EDGs inoperable because of a possible incompatibility between the lubricating oil and fuel oil.

In a letter dated April 23, 2002, the NRC provided you with a factual summary of the OI report. On August 2, 2002, a closed, transcribed predecisional enforcement conference was conducted in the Region III office with you and other members of the Prairie Island Nuclear Generating Plant to discuss the apparent violation, its significance, the root causes, and corrective actions.

Based on the information developed during the investigation and the information that you provided during the conference, the NRC has determined that a deliberate violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) (Enclosure 1). On May 17, 2001, Prairie Island Nuclear Generating Plant personnel informed the NRC that you failed to provide complete and accurate information to the NRC when you intentionally removed a document from a group of documents about to be given to the NRC special inspection team that was reviewing the circumstances of the fuel/lube oil incompatibility issue involving the D5 and D6 emergency diesel generators. The document was eventually provided to the NRC by plant personnel. Your deliberate actions would have caused, but for detection, the licensee to be in violation of 10 CFR 50.9, "Completeness and Accuracy of Information" and placed you in violation of 10 CFR 50.5, "Deliberate Misconduct." Given the significance of the underlying issue and the deliberate nature of your actions, this violation has been categorized in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, May 1, 2000, at Severity Level III.

In determining the appropriate sanction to be issued in this case, the NRC considered issuing an Order prohibiting your involvement in NRC-licensed activities as a result of your actions. However, after consultation with the Director, Office of Enforcement, and after considering the circumstances of this case, including the facts that: (1) your actions were deliberate; (2) you were a licensee official at the time of the deliberate actions; (3) the document was provided to the NRC; (4) you indicated that you would provide all requested documents in the future without attempting to determine their relevance or accuracy; and (5) you are no longer working at the Prairie Island Nuclear Generating Plant, I have decided to issue the enclosed Notice of Violation. You should be aware that if you are involved in NRC license activities in the future, engagement in any wrongdoing could result in more significant enforcement action.

In addition, the NRC has decided not to take enforcement action against you for the failure to provide complete and accurate information to the NRC during the April 16, 2001, NOED call. Notwithstanding this decision, the NRC has determined that your actions contributed to a violation of 10 CFR 50.9, which requires that information provided to the NRC be complete and accurate. A copy of the Notice of Violation issued to the Prairie Island Nuclear Generating Plant is enclosed (Enclosure 2).

The NRC has concluded that information regarding the reason for the violation and the corrective actions taken and planned to correct the violation and prevent recurrence, is already addressed above. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

Please feel free to contact Roger Lanksbury of my staff if you have any questions. Mr. Lanksbury can be contacted at (630) 829-9500.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

J. E. Dyer
Regional Administrator

Enclosures: 1. Notice of Violation
2. Notice of Violation issued to
Prairie Island Nuclear Generating Plant

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DISTRIBUTION

- D. Dambly, OGC
- H. McGurren, OGC
- J. Dyer, RIII
- S. Collins, NRR
- W. Borchardt, NRR
- G. Grant, RIII
- R. Lanksbury, RIII
- R. Paul, OI:RIII
- B. Clayton, RIII

DOCUMENT NAME: G:\eics\02-12 IA SL IV.wpd

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	RIII	N	RIII	N	RIII	N	OE	N	RIII	N	RIII	N
NAME	Lambert		Lanksbury		Grant		Congel*		Clayton		Dyer	
DATE	12/12/02		12/12/02		12/13/02		12/09/02		12/13/02		12/13/02	

OFFICIAL RECORD COPY

Via e-mail from J. Dixon-Herrity.

NOTICE OF VIOLATION

Scott Hiedeman
[HOME ADDRESS DELETED
UNDER 10 CFR 2.790(a)]

IA-02-012

During an NRC investigation completed on February 28, 2002, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 50.5(a)(1) states, in part, that an employee of a licensee may not engage in deliberate misconduct that causes or would have caused, if not detected, a licensee to be in violation of any rule or regulation.

10 CFR 50.9 requires, in part, that information provided to the Commission by a licensee shall be complete and accurate in all material respects.

Contrary to the above, on or around May 17, 2001, you deliberately removed a two-page document from a group of documents compiled at the request of the NRC and to be submitted to the NRC for review. Had this not been detected by the licensee, your deliberate action would have caused the licensee to be in violation of 10 CFR 50.9. The document contained information material to the NRC's review of the extent of licensee knowledge of industry acceptance of oil incompatibility in particular makes of emergency diesel generators.

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

The NRC has concluded that information regarding the reason for the violation, and the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately described in the letter transmitting this Notice of Violation. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Dated this 13th day of December 2002.