

Harry Freeman

From: Greg Pick
Sent: Tuesday, June 03, 2008 6:01 PM
To: R4ALLEGATION Resource
Cc: Brian Correll; Dale Powers; Linda Smith; Neil OKeefe; Troy Pruett
Subject: Closeout of 2007-A-0071
Attachments: IR 2007005 excerpt for 2007-A-0071.doc

Hi,

After review of the file and discussions with the EB2 inspector, EB2 considers this allegation closed.

The scope of the review is documented in the report excerpt.

This concern was substantiated as a willful violation.

I have attached the relevant sections of COL 2007005rp ZKD that addresses Concern 1. This concern was initiated by a RIV management decision and has no alleged to respond to.

As we discussed, the previous e-mail from EB2 did not clearly state that we considered 2007-A-0071, Concern 1 closed nor did we have a closure memorandum in addition to the e-mail.

Similarly, EB2 received no request for clarification of the April 1, 2008, e-mail.

Outside of Scope

Have a great day!!!

D/2

4OA5 Other Activities

1 Willful Failure to Complete Fire Watch Rounds and Falsification of Logs

a. Inspection Scope

The NRC conducted an investigation into the details of incomplete fire watch rounds and falsified records for records conducted on (b)(7)(C) and (b)(7)(C). Interviews were conducted with the individual in question, security and fire watch supervisors, guards, and training personnel. Fire watch records were compared with security access records. Training records for fire watches were also reviewed. The results of the licensee's investigation, extent of condition review, and corrective actions were reviewed in-office between September 13 through November 26, 2007.

b. Findings

Introduction: A Severity Level IV violation was identified because a (b)(7)(C) at Columbia Generating Station willfully failed to enter some plant areas required to complete portions of 2 hourly fire watch rounds on both (b)(7)(C) and (b)(7)(C). The NRC concluded that the officer willfully failed to complete the required fire tours and then falsified the fire tour log by indicating he had completed them. In accordance with the NRC Enforcement Policy, the violation is being treated as an NCV violation because the licensee promptly identified this violation during a routine audit and took appropriate corrective action.

Description: On May 25, 2007, the licensee reported to the NRC that a routine audit of fire watch rounds identified discrepancies with rounds for one security guard. Key card door entries were compared with the fire watch log, revealing that the officer had not entered two areas of the radwaste building during the second and third rounds on (b)(7)(C) (b)(7) after entering all required areas on first round. The fire watch log sheet had been initialed to indicate that the areas had been inspected. The (b)(7)(C) was interviewed by the (b)(7)(C) supervisor about the discrepancy; and the officer first denied missing any areas, then claimed he had asked two other officers to tour the vital areas in question. Interviews with those two officers indicated that he had not approached either of them for help. The licensee notified the NRC Senior Resident Inspector, conducted an investigation, and performed a larger sample of fire watch tours. The officer was placed on administrative leave on (b)(7)(C) and subsequently terminated on (b)(7)(C) (b)(7)(C) for falsification of documentation.

The individual had completed fire watch training on (b)(7)(C). The licensee's extent of condition review identified that the officer had similar discrepancies during both of the first two assigned fire watches.

Based on the Office of Investigation Report 4-2007-038 and inspection activities, the NRC concluded that the individual willfully failed to complete portions of required compensatory fire tours, then falsified the fire tour log, an NRC-required record, to indicate the tours had been completed.

The inspectors identified that some aspects of the fire watch training process may not have been rigorous. For example, fire watch qualification requirements did not include a demonstration that each individual knew the inspection route. Instead, individuals in the

class in question were qualified based on completing training and their apparent comfort level with the task. During an interview with the OI investigator, the individual indicated that he was not completely confident in his ability to complete fire watches. The individual also gave conflicting statements of his understanding of the procedure requirements. The licensee's investigation determined that others in the individual's class had recognized that the individual needed help in completing the training.

The inspectors noted that the individual believed it was acceptable to perform the entire fire watch tour and then initial all the fire area blocks. While this was not in accordance with the procedure, the licensee's investigation determined that other qualified fire watch personnel had the same understanding, so the report recommended correcting this inappropriate understanding.

The (b)(7)(C) performing these fire watches was also responsible for certain required security checks. The inspectors verified that all required security checks assigned to this individual were correctly performed as required.

The licensee took the following actions in response to this issue:

- The individual was interviewed, placed on administrative leave, and employment was later terminated.
- Fire watch and security logs were checked against key card computer records to determine whether other discrepancies existed with the individual's performance. This identified the (b)(7)(C) problems.
- An extent of condition review was performed for other security workers performing fire watches with no discrepancies noted.
- The licensee performed an investigation to determine the causes. This effort included an anonymous survey of security personnel to assess whether other examples of improperly performed duties or falsification of records existed. The report made recommendations for additional corrective actions.

Significance: Absent the willful aspect, failure to complete two consecutive fire watchtours on two different dates was of very low safety significance. Proper fire watch tours were completed in the missed areas before and after the 2 hour periods where they were not inspected. The licensee's extent of condition review identified no additional examples of other newly trained individuals with fire watch discrepancies. This problem was identified during the first regular audit opportunity and promptly corrected.

Enforcement: 10 CFR 50.9 requires, in part, that information required by regulation or license condition to be maintained by the licensee shall be complete and accurate in all material respects.

Columbia Generating Station License Condition 2.C(14), "Fire Protection Program (Generic Letter 86-10)," states:

"The licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in Section 9.5.1 and Appendix F

of the Final Safety Analysis Report (FSAR) for the facility thru Amendment 39 and as described in subsequent letters to the staff through November 30, 1988, referenced in the May 22, 1989, safety evaluation and in other pertinent sections of the FSAR referenced in either Section 9.5.1 or Appendix F and as approved in the Safety Evaluation Report issued in March 1982 (NUREG 0892) and in Supplements 3, issued in May 1983, and 4, issued in December 1983, and in safety evaluations issued with letters dated November 11, 1987, and May 22, 1989, subject to the following provision:

"The license 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 Columbia Generating Station Final Safety Analysis Report, Appendix F, "Fire Protection Evaluation," Section F.7.8, describes Procedure SWP-FPP-01, "Nuclear Fire Protection Program," as a fire protection program procedure that implements the nuclear fire protection program elements.

SWP-FPP-01, "Nuclear Fire Protection Program," Revision 5, Section 3.3.1.b, requires that compensatory measures for impaired fire protection features be handled using Fire Protection Procedure FPP 1.7.

Fire Protection Procedure FPP 1.7, "Fire Tour Implementation," Revision 3, Steps 3.3.7 and 3.3.8, require that each impaired component or area listed on the fire tour log be visually inspected during the specified interval and the log shall be initialed. At the end of the round, a signature is entered.

Contrary to the above, on both (b)(7)(C) and (b)(7)(C) during two consecutive hourly fire tour rounds, a (b)(7)(C) assigned failed to conduct portions of the fire tour inspections and inaccurately indicated on the the fire tour log that the fire watches had been conducted. This is a violation of the facility's License Condition 2.C(14) and 10 CFR 50.9 (EA-07-282).

The NRC also concluded that willfulness was associated with this violation. Willful violations are a particular concern to the Commission because its regulatory program is based on licensees and their employees acting with integrity. Therefore, a violation may be considered more significant than the underlying noncompliance if it involves willfulness. However, in an effort to encourage licensees to act responsibly in the identification and correction of such violations, the NRC may choose to disposition certain violations by issuing an NCV if the licensee identified and corrected the violation. Therefore, in accordance with the NRC Enforcement Policy, this violation is being treated as a Severity Level IV NCV because the licensee promptly identified and reported this violation and took appropriate corrective action (NCV 05000397/2007005-07, Willful Failure to Complete Fire Watch Rounds and Falsification of Logs). This issue was entered into the corrective action program under Condition Report 2-07-05033.

Section 40A5: Other Activities (Fire Watch Issue)

Condition Report 2-07-05033

ECP Concern (b)(7)(C)

Columbia Generating Station Final Safety Analysis Report, Appendix F, "Fire Protection Evaluation," Section F.7.8, Amendment 58

Procedure SWP-FPP-01, "Nuclear Fire Protection Program," Revision 5

Procedure FPP-1.7, "Fire Tour Implementation," Revision 3

NRC Report of Investigation for Columbia Generating Station, "Failure by a Licensee's (b)(7)(C) (b)(7)(C) to Conduct Required Fire Protection Surveillance," Case Number 4-2007-038, dated September 6, 2007

ARB DISPOSITION RECORD		Allegation Number: RIV-2007-A-0071	
Facility Name:	Columbia Generating Station	Docket Number: 05000397	
Functional Area: <u>Select...</u>			
Responsible Division: DRS		ARB Date: 10/22/2007	
Received Date	30 Days	150 Days	180 Days
05/29/2007		10/26/2007	
Purpose of the ARB: Discuss whether a new OI investigation is warranted for individual lying under oath			
Basis for Another ARB:			
REFERRAL			
Does Allegor Object to Referral <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			
If any of the following factors apply, an allegation shall not be referred to the licensee.			
<input type="checkbox"/> Information cannot be released in sufficient detail to the licensee without compromising the identity of the allegor of confidential source.			
<input type="checkbox"/> The licensee could compromise an investigation or inspection because of knowledge gained from the referral.			
<input type="checkbox"/> The allegation is made against the licensee's management or those parties who would normally receive and address the allegation.			
<input type="checkbox"/> The basis of the allegation is information received from a Federal or State agency that does not approve of the information being released in a referral.			
ARB PARTICIPANTS			
Chairman:			
AVegel	RCaniano	RNeese	MFitzGibbon
KFuller	HFreeman	JWalker	MVasquez
MShannon	DProulx	NO'Keefe	

Concern	1	Discipline	Wrongdoing	Reactor Department Code	Security
Responsible Branch	PSB	Case Number	4-2007-038		
Concern Description: (b)(7)(C) purposefully logged completion of a fire tour for a vital area of the plant over a two-hour period without actually doing so.					
Regulatory Requirement: 10 CFR 50.5, "Deliberate Misconduct." License Condition 2.C(14), "Fire Protection Program (Generic Letter 86-10), 10 CFR 50.9					
Safety Significance: <u>Select...</u>					
Basis: Basis -					
Check if question is applicable to the concern.					
<input checked="" type="checkbox"/> Is it a declaration, statement, or assertion of impropriety or inadequacy?					

- Is the impropriety or inadequacy associated with NRC regulated activities?
- Is the validity of the issue unknown?

If all of the above statements are checked, the issue is an allegation.

Action	Assigned Branch	Assigned Date	Planned Date
Investigation - Normal	OI	06/11/2007	
Comments	Normal OI priority based upon issue being licensee identified, low level individual, and prompt corrective actions.		

Additional Comments

Concern	2	Discipline	Wrongdoing	Reactor/Department Code	Security
Responsible Branch	EB2	OI Case Number			
Concern Description:					
Former security officer provided false testimony to OI.					
Regulatory Requirement:					
Safety Significance	Select...				
Basis:					

Check if question is applicable to the concern.

- Is it a declaration, statement, or assertion of impropriety or inadequacy?
- Is the impropriety or inadequacy associated with NRC regulated activities?
- Is the validity of the issue unknown?

If all of the above statements are checked, the issue is an allegation.

Action	Assigned Branch	Assigned Date	Planned Date
Investigation - Normal	OI	10/22/2007	
Comments	OI to conduct supplemental investigation		

Additional Comments