

February 22, 2017

Victor McCree, Executive Director for Operations
United States Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: 10 CFR 2.206 Petition re: System One Solutions Event Notification

Dear Mr. McCree:

On behalf of the Union of Concerned Scientists (UCS), I submit this petition pursuant to §2.206 in Title 10 of the Code of Federal Regulations (hereafter 10 CFR). We petition the Nuclear Regulatory Commission (NRC) to take enforcement action in the form of Demands For Information regarding the submittal to the NRC under 10 CFR Part 21 as reported in NRC Event Number 52383 dated November 21, 2016.¹

Enforcement Action Requested

UCS petitions the NRC to issue Demands for Information² pursuant to 10 CFR 2.204 to System One Solutions LLC, AREVA NP, and the licensees for Cooper, DC Cook, and Palo Verde.

The Demand For Information to System One Solutions LLC (System One) should require the company to submit the following records to the NRC that were mentioned in the event notification:

- A copy of the email received by System One on September 28, 2016, from Curtis Wright regarding a VT-1, 2, 3 Level II training record.
- A copy of procedure CP-199 in effect at that time.
- A copy of procedure CP-189 in effect at that time (not mentioned in the Part 21, but reportedly the actual governing procedure)
- A copy of the current version of procedure CP-199 (not mentioned in the Part 21).³
- A copy of the current version of procedure CP-189 (not mentioned in the Part 21).⁴
- A copy of the original training records and original certification record.
- A copy of the altered training record.

¹ Online at <https://www.nrc.gov/reading-rm/doc-collections/event-status/event/2016/20161122en.html#en52383>

² Online at <http://www.nrc.gov/reading-rm/doc-collections/cfr/part002/part002-0204.html>

³ The current version of this procedure is needed to determine whether revisions were made as a result of this incident, suggesting that there may have been a breakdown in the QA program and/or procedures at the time.

⁴ The current version of this procedure is needed to determine whether revisions were made as a result of this incident, suggesting that there may have been a breakdown in the QA program and/or procedures at the time.

- A copy of expense report(s) for the individual mentioned in the report to attend the training session resulting in the original certification record.
- A copy of the notification dated October 28, 2016, by System One to AREVA NP.
- A copy of the internal investigation that determined the matter did not represent a breakdown in the mechanics of the System One Quality Assurance Program or procedures in effect at the time.
- A copy of the report received by System One from AREVA NP that the individual did not perform any safety related VT-1, 2, 3 work at either DC Cook or Cooper.

The Demand For Information to AREVA NP should require the company to submit the following records to the NRC that were mentioned in the event notification:

- Copies of all records of work performed by the individual at Cooper during his deployment starting on or about October 7, 2012.
- Copies of all records of work performed by the individual at DC Cook during his deployment starting on or about March 31, 2013.
- Copies of all records of work performed by the individual at Palo Verde during his deployment starting on or about October 27, 2013.
- A copy of the report provided to System One by AREVA NP that the individual did not perform any safety related VT-1, 2, 3 work at either DC Cook or Cooper.

The Demand For Information to the Cooper licensee should require the company to submit the following records to the NRC that were mentioned in the event notification:

- Copies of all records of work performed by the individual during his deployment starting on or about October 7, 2012.

The Demand For Information to the DC Cook licensee should require the company to submit the following records to the NRC that were mentioned in the event notification:

- Copies of all records of work performed by the individual during his deployment starting on or about March 31, 2013.

The Demand For Information to the Palo Verde licensee should require the company to submit the following records to the NRC that were mentioned in the event notification:

- Copies of all records of work performed by the individual during hi deployment starting on or about October 27, 2013.

Justification for Enforcement Action Requested

UCS has received information from a reliable source that calls into question information in the Part 21 report submitted by System One to the NRC. For example, the Part 21 report stated that the individual “did not fully meet the certification requirements of the System One Written Practice under CP-199.” UCS received information indicating that CP-199 does not govern certification requirements; those requirements are instead contained within CP-189. UCS received information that other statements in the Part 21 are inaccurate.

Based on publicly available information, UCS is unable to independently determine whether the information is accurate or not. The Demands For Information will produce the records needed to fact-check the Part 21 report. If the information reported to the NRC is inaccurate, the records produced by the Demands for Information will enable the determination of the source of the inaccuracies.

If the records provided by System One, AREVA NP, and the plant owners to the NRC are made publicly available, UCS will review them against the information received from the reliable source; otherwise UCS will seek to obtain the records via a Freedom of Information Act request in order to conduct this review.

If the review substantiates the information contained in the Part 21 report, UCS will conclude our efforts in this matter.

If the review indicates that information contained in the Part 21 report is or appears to be inaccurate, UCS will likely file an allegation with the NRC that System One, AREVA NP, and/or the plant owners violated 10 CFR 50.9 by submitting inaccurate information to the NRC.

If allegation(s) are submitted and the NRC substantiates them, UCS will likely submit follow-up 10 CFR 2.206 petitions seeking enforcement action be taken against appropriate organizations for violating federal regulations (unless the NRC has already taken enforcement action.)

Petition Logistics

UCS requests the opportunity to meet with the members of the Petition Review Board (PRB) before they convene to determine whether our request can be processed as a petition. We do not anticipate this meeting to require more than 30 minutes. In addition to highlighting the enforcement action requested by our petition and its justification, UCS may also be able to arrange to have our reliable source participate and outline the information suggesting the Part 21 report is inaccurate. UCS requests that our participation in this meeting be via a phone bridge.

Sincerely,

A handwritten signature in blue ink that reads "David A. Lochbaum". The signature is fluid and cursive, with the first name "David" and last name "Lochbaum" clearly legible.

David A. Lochbaum
Director, Nuclear Safety Project
Union of Concerned Scientists
PO Box 15316
Chattanooga, TN 37415
423-468-9272, office
dlochbaum@ucsusa.org

Enclosure: NRC Event Number 52383 dated November 21, 2016

Part 21	Event Number: 52383
Rep Org: SYSTEM ONE SOLUTIONS LLC Licensee: SYSTEM ONE SOLUTIONS LLC Region: 1 City: CHESWICK State: PA County: License #: Agreement: Y Docket: NRC Notified By: WILLIAM STUCKEY HQ OPS Officer: MARK ABRAMOVITZ	Notification Date: 11/21/2016 Notification Time: 11:43 [ET] Event Date: 10/28/2016 Event Time: [EST] Last Update Date: 11/21/2016
Emergency Class: NON EMERGENCY 10 CFR Section: 21.21(d)(3)(i) - DEFECTS AND NONCOMPLIANCE	Person (Organization): AARON McCRAW (R3DO) NICK TAYLOR (R4DO) PART 21/50.55 REACTO (EMAI)

Event Text

PART-21 NOTIFICATION - WILLFUL MISCONDUCT AND FALSIFICATION OF RECORDS

The following report was excerpted from an e-mail:

"On September 28th, System One received an email from Curtis Wright that a 'forged' VT-1, 2, 3 Level II training record was being circulated by [an individual], who was seeking employment with Applied Technical Services.

"On September 28th 2016, System One voided the certification of [the individual] and proceeded to address the condition under the nonconformance reporting process.

"On October 11th, 2016, System One determined that [the individual], who was certified in VT-1, 2, 3 by the System One Quality Assurance Manager, did not fully meet the certification requirements of the System One Written Practice under CP-199 (in effect at the time) due to lack of acceptable VT [visual testing] Training (40 hours of required class room training) to support the VT-1, VT-2 and VT-3 certification issued by System One. A review of the original certification record found/confirmed there was indication of alteration on a training record used for the original certification.

"On October 28th, 2016, System One notified stakeholders (AREVA NP). [The individual was deployed to Areva on two occasions] based upon holding VT-1, 2, 3 certification.

AREVA NP - deployed in 10/7/2012 to Cooper with VT-1, 2, 3 Certification

AREVA NP - deployed in 3/31/2013 to DC Cook with VT-1, 2, 3 Certification

Carolina Energy Services - deployed in 8/23/2013 - certification conducted by CES not System One LLC.

AREVA NP - deployed in 10/27/2013 to Palo Verde with PT Level II and QC Mechanical (not deployed for VT-1, 2, 3)

"AREVA NP has informed System One that they have conducted/completed their extent of condition review regarding work performed by [the individual], and confirmed to System One, that [the individual] did not perform any safety related VT-1, 2, 3 work at either the D. C. Cook or Cooper facilities.

"Our internal investigation has determined this matter does not represent a breakdown in the mechanics of the System One Quality Assurance Program or procedures in effect at the time. We have established the event represents willful misconduct and the falsification of a record by an individual, and use of such forged record, under 10 CFR references contained in US NRC Information Notice 2013-15."

From: [Lewis, Robert](#)
To: [EDO ACS Distribution](#); [Rasouli, Houman](#); [Clark, Theresa](#)
Subject: Fwd: 2.206 Petition
Date: Wednesday, February 22, 2017 10:49:32 AM
Attachments: [20170222-ucs-system-one-petition.pdf](#)

ACS

Pls discuss with Theresa and Ticket to NRR

From: "McCree, Victor" <Victor.McCree@nrc.gov>
Subject: FW: 2.206 Petition
Date: 22 February 2017 09:59
To: "Lewis, Robert" <Robert.Lewis@nrc.gov>, "Rasouli, Houman" <Houman.Rasouli@nrc.gov>
Cc: "Weber, Michael" <Michael.Weber@nrc.gov>, "Dean, Bill" <Bill.Dean@nrc.gov>
Please put this in our process.

Thanks, Vic

From: Dave Lochbaum [mailto:DLochbaum@ucsusa.org]
Sent: Wednesday, February 22, 2017 9:07 AM
To: McCree, Victor <Victor.McCree@nrc.gov>
Subject: [External_Sender] 2.206 Petition

Good Morning Mr. McCree:

Attached is a 2.206 petition seeking Demands for Information related to Part 21 report submitted to the NRC last year. UCS does not plan to also mail in a hard copy, but will do so upon request.

Thanks,
Dave Lochbaum
UCS