



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
801 WARRENVILLE ROAD  
LISLE, ILLINOIS 60532-4351

February 4, 1998

IA 97-080

Mr. Nathan Hougas  
[Home Address Deleted]  
Pursuant to 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION (NRC INVESTIGATION REPORT 3-97-020)

Dear Mr. Hougas:

This refers to information provided to the NRC by the Commonwealth Edison Company (ComEd) that you allegedly falsified a security record, which was material to the NRC. The NRC's Office of Investigations (OI) reviewed the information provided by ComEd. The synopsis of the OI report was sent to you by letter dated October 24, 1997. In that letter, the NRC offered you the opportunity to discuss the findings at a predecisional enforcement conference (PEC) or to submit a written explanation by November 24, 1997. The October 24, 1997 letter, also explained that if you did not request a PEC or respond by letter, the NRC would proceed with its enforcement action. As of the date of this letter, you had not replied to the NRC's October 24, 1997 letter.

Based on OI's findings, it appears that in a written Security Event Report for the incident, you falsely reported that you found the open lock. At the time you wrote the Security Event Report, you knew the information you reported was inaccurate because you were the individual who had opened the lock. This information is material to the NRC because the NRC-approved Security Plan for the Dresden Station requires documentation of security patrol results, and the NRC reviews the documentation during inspections to assess ComEd's implementation of the Dresden Security Plan. Furthermore, you provided the same false information to ComEd investigators during interviews on January 27 and February 10, 1997. As a result, the NRC staff concluded that you committed a violation of NRC's rules prohibiting deliberate misconduct. 10 CFR 50.5(a)(2), "Deliberate Misconduct," prohibits any employee of a contractor to an NRC licensee from deliberately providing inaccurate or incomplete information to a licensee if the information is of a material nature to the NRC.

In carrying out its responsibilities, the NRC must rely on information provided to a licensee by an employee of a contractor to the licensee. The NRC must also rely on the personal integrity of employees working at a nuclear power facility. The violation is described in the enclosed Notice of Violation (Notice), and has been categorized at Severity Level III in accordance with the General Statement of Policy and Procedure for NRC Enforcement Actions, NUREG-1600.

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

9804020357 980204  
PDR ADDCK 05000237  
Q PDR

IES4/1

NRC considered issuing you an Order prohibiting your involvement in licensed activities. However, the NRC has decided to issue the enclosed Notice in this case, after considering the employment action already taken by ComEd, and that you did maintain surveillance over the unlocked doors. You should be aware that a similar violation on your part, in the future, may result in an order prohibiting involvement in NRC-licensed activities.

You are required to respond to the enclosed Notice within 30 days of the date of this letter, and should follow the instructions contained in the Notice. In addition, the NRC requests that you include in your response a statement why the NRC should be confident (1) of your future trustworthiness while engaged in licensed nuclear activities, and (2) that you will abide by regulations and procedures pertinent to your work.

In accordance with 10 CFR 2.790 of the NRC's Rules of Practice, documents compiled for enforcement purposes are placed in the NRC's Public Document Room (PDR). A copy of this letter (with your home address deleted) and the Notice will be placed in the PDR unless you provide a sufficient basis to withdraw this violation within the 30 days specified above for a response to this Notice of Violation.

If you have any questions about this Notice, or questions about how to respond, please contact Mr. Brent Clayton, Region III Enforcement Officer. Mr. Clayton can be contacted at toll free telephone number (800) 522-3025.

Sincerely,



A. Bill Beach  
Regional Administrator

Dockets No. 50-237; 50-249  
Licenses No. DPR-19; DPR-25

cc: Mr. Oliver D. Kingsley, President  
Nuclear Generation Group  
(WITH HOME ADDRESS REMOVED)