

## NOTICE OF VIOLATION

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

IA 97-080

During an NRC investigation, completed on July 31, 1997, 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)(2) prohibits any employee of a licensee, or any employee of a contractor of any licensee from deliberately submitting to the licensee information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC.

Amendments 42 and 38 to NRC Operating Licenses DRP-19 and DRP-25 for the Dresden Nuclear Power Station require that the licensee, Commonwealth Edison (ComEd), maintain in effect and fully implement all provisions of the NRC-approved Dresden Physical Security Plan (DPSP). Section 13.1.1 of the approved DPSP requires, in part, that security force patrol personnel insure that physical barriers have not been tampered with or otherwise compromised. Section 14.4 of the approved DPSP requires, in part, that security patrol results are properly documented by members of the security force.

Contrary to the above, on January 25, 1997, you were employed as a security force patrol officer at the Dresden Nuclear Station, and you provided inaccurate information in a written security patrol report that was required by the Commission approved DPSP. Specifically, you were on security patrol and you opened a padlock for a vital area barrier. However, you reported that you found the lock was already open. 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 DPSP requires documentation of security patrol results and the NRC reviews the documentation during inspections to assess the licensee's implementation of the DPSP. Furthermore, you provided the same false information to ComEd investigators during interviews on January 27 and February 10, 1997. (01013)

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

Pursuant to the provisions of 10 CFR 2.201, you are hereby required to submit a written statement of explanation to the U. S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region III, 801 Warrenton Road, Suite 255, Lisle, IL 60532-4351, and a copy to the NRC Resident Inspector at the Dresden Nuclear Station, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). Your reply should be clearly marked as a "Reply to a Notice of Violation," and should include: (1) the reason for the violation, or if contested, the basis for disputing the violation; (2) the corrective steps that have been taken, and the results achieved; (3) the corrective steps that will be taken to avoid further violations; and (4) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending the response time. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without further redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected, and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases of your claim of withholding (e.g., explain why the disclosure of the information will create an unwarranted invasion of personal privacy) or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information. If safeguards information is necessary to provide an acceptable response, you must provide the level of protection described in 10 CFR 73.21.

Dated at Lisle, Illinois  
this 4th day of February 1998

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Enforcement Coordinators

RI, RII and RIV

Resident Inspector, Fermi 2

JGilliland, OPA

HBell, OIG

GCaputo, OI

RPaul, OI:RIII (OI No. 3-97-020)

TMartin, AEOD

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RIII Allegation Coordinator (AMS No. RIII-1997-A-0029)

OCFO/LFARB

DRP

Docket File