



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

October 30, 1995

IA 95-049

Mr. James Bixby
[Home address deleted from
copies pursuant to 10 CFR 2.790]

SUBJECT: NRC INVESTIGATION NO. 4-94-010

Dear Mr. Bixby:

This letter is being issued to you based on your involvement in a violation of the NRC's rule on deliberate misconduct, i.e., preparing false records of radiation surveys at the Public Service Company of Colorado's (PSC) Fort St. Vrain Nuclear Generating Station (FSV). You were at the time of this violation employed by the Scientific Ecology Group at FSV as a Radiation Protection Technician and were responsible for implementing SEG's radiation protection support of the FSV decommissioning project.

The NRC's rule on deliberate misconduct, 10 CFR 50.5, states, in part, that any employee of a contractor or subcontractor of any licensee may not "[d]eliberately submit to ... a licensee, or a licensee's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC."

Our conclusion with respect to your involvement in deliberate misconduct is based on our review of the investigation conducted by the law firm of Stier, Anderson & Malone (SAM) on behalf of PSC as documented in its December 1994 report, the results of which were subsequently confirmed by the NRC's Office of Investigations (OI). Briefly, the investigation found that several SEG supervisors and technicians had participated in falsely documenting two categories of radiation survey records associated with the decommissioning project. These included 14 survey records associated with the release of material from the facility in late 1992 and 20 survey records to support work conducted under various radiation work permits at FSV in early 1993. The involved records were created substantially after the surveys were purported to have been performed, but were dated and signed to make it appear they had been prepared by a radiation protection technician (RPT) and reviewed by a supervisor at the appropriate time. Furthermore, the created records contained numerous inaccuracies, such as survey instrument usage and calibration dates, that could not be supported by factual information.

The SAM investigation concluded that you participated in the backdating activity by preparing all 14 falsified material release survey documents and by preparing several falsified RWP survey documents. Noting that "[n]either the RPTs who prepared the backdated survey forms nor the supervisors who reviewed them made any notation that would have alerted an outside observer that the documentation came into existence at a much later date than the alleged survey activity described on the forms," the investigation concluded

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Mr. James Bixby

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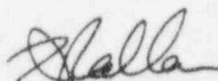
that "[t]he weight of the evidence supports the conclusion that the backdated RWP survey forms were intended to mislead."

Despite these records being falsified, it appears from the investigations that surveys were actually done to assure that materials were properly released from the facility and that workers were adequately protected from radiation hazards during these work activities. Nonetheless, such widespread falsification of required radiation protection-related records is a significant regulatory concern to the NRC. It is of particular concern that individuals entrusted with assuring radiation safety would attempt to resolve a concern about missing survey documentation by creating false records and, furthermore, that they would conspire to do so with supervisory involvement.

Recognizing that you had no supervisory role in this matter, and the actions already taken by SEG and PSC to address this matter, the NRC has decided not to impose any sanctions against you beyond the issuance of this letter. However, you are on notice that further violations or misconduct on your part may result in more significant action.

You are not required to respond to this letter. In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," enforcement actions are placed in the NRC Public Document Room (PDR). A copy of this letter with its enclosure and your response, if one is submitted, with your address removed will be placed in the PDR.

Sincerely,



L. J. Callan
Regional Administrator

cc:
Scientific Ecology Group, Inc.
ATTN: Mr. Don Neely
Vice President
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