

May 21, 1997

EA No. 97-078

Mr. Steven F. Nevin
HOME ADDRESS DELETED
UNDER 10 CFR 2.790

SUBJECT: NRC INVESTIGATION REPORT NO. 1-96-006

Dear Mr. Nevin:

This refers to an investigation conducted by the NRC Office of Investigations (OI) at the Limerick facility. The purpose of the investigation was to follow up on the discovery of apparent record falsification that was reported to the NRC by the PECO Energy Company on February 9, 1996. In this investigation, OI found that you and a PECO chemistry technician deliberately falsified reactor enclosure cooling water (RECW) sample documentation on February 7, 1996, at the direction of the former PECO Primary Chemistry Manager. A synopsis of the OI report is enclosed.

The NRC is concerned that you may have engaged in deliberate misconduct concerning this matter. Such behavior is clearly unacceptable in the nuclear industry, is a violation of NRC requirements, and cannot be tolerated. The NRC and its licensees must be able to rely on nuclear industry workers to properly perform the duties assigned to assure compliance with requirements, as well as to maintain complete and accurate records of these actions.

The NRC notes that its regulations allow the issuance of civil sanctions directly against unlicensed persons who, through their deliberate misconduct, cause a licensee to be in violation of NRC requirements. Deliberate misconduct, as set forth in 10 CFR 50.5 (enclosed), includes an intentional act or omission that the person knows would cause a licensee to be in violation of any rule or regulation or other NRC requirement, or any term, condition, or limitation of its license. The deliberate misconduct rule also addresses the deliberate submission to the NRC or a licensee, of information that the person knows to be incomplete or inaccurate in some respect material to the NRC. An Order may also be issued to an individual to prevent his or her engaging in licensed activities at all NRC licensed facilities. A violation of this regulation, may also lead to criminal prosecution.

Based on the results of this investigation, you appear to have violated 10 CFR 50.5, and the violation is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600 (also enclosed). The apparent violation relates to your role in the deliberate falsification of records pertaining to technical specification chemistry samples required by the NRC licenses for Limerick. Accordingly, no Notice of Violation is presently being issued for these findings. In addition, please be advised that further NRC review will determine the number and characterization of the apparent violations.

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During a telephone conversation between you and Mr. F. Paul Bonnett on May 15, 1997, you were offered the opportunity to discuss these apparent violations during a predecisional enforcement conference. This conference was being held to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root causes, corrective actions, and significance of the issues. This was an opportunity for you to point out (1) your involvement in this matter, (2) why the NRC should have confidence that you will adhere to NRC requirements, and also maintain accurate records in the future; and (3) why the NRC should not issue an Order barring you for some period of time from any further involvement in NRC licensed activities. However, you have declined this offer and, therefore, the will NRC continue to pursue this enforcement issue.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding the apparent violation is required at this time.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, records or documents compiled for enforcement purposes are placed in the NRC Public Document Room (PDR). A copy of this letter, with your address removed, Enclosure 1, and any response (if you choose to provide one) will be placed in the PDR. To the extent possible, any response you provide should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the Public Document Room without redaction.

If you have any questions or comments regarding this conference, please contact Mr. Richard Keimig at 610-337-5255.

Sincerely,

ORIGINAL SIGNED BY:

Charles W. Hehl, Director
Division of Reactor Projects

Enclosures: 1. OI Synopsis 1-96-006
2. 10 CFR 50.5
3. NUREG 1600

Mr. S. Nevin

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cc w/o Enclosure 1 and w/o home address:
D. Smith, President - PECO Nuclear
Commonwealth of Pennsylvania

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