

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of

MR. LONNIE RANDALL WILSON

IA 97-050

ORDER PROHIBITING INVOLVEMENT IN
NRC-LICENSED ACTIVITIES
(EFFECTIVE IMMEDIATELY)

I

Mr. Lonnie Randall Wilson, a contract insulator, was employed at American Electric Power Company's (Licensee) D.C. Cook Nuclear Plant facility. The Licensee is the holder of License Numbers DPR-58 and DPR-74, issued by the Nuclear Regulatory Commission (NRC) on October 25, 1974, and December 23, 1977, respectively. These licenses authorize the operation of D.C. Cook Nuclear Plant Units 1 and 2 in accordance with the conditions specified therein. The facility is located on the Licensee's site in Bridgman, Michigan.

II

In accordance with 10 CFR 73.56, nuclear power plant licensees must conduct access authorization programs for individuals seeking unescorted access to protected and vital areas of the plant with the objective of providing high assurance that individuals granted unescorted access are trustworthy and reliable and do not constitute an unreasonable risk to the health and safety of the public. The unescorted access authorization program must include a background investigation which, at a minimum, verifies a person's true identity, verifies an individual's character and reputation, and develops

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information concerning an individual's employment and criminal histories. The decision to grant unescorted access authorization must be based on the licensee's review and evaluation of all pertinent information.

In order to be certified for unescorted access at the D.C. Cook Nuclear Plant as a contractor employee, Mr. Wilson completed a security background screening questionnaire on December 11, 1993 and answered "no" to questions regarding whether he had ever tested positive for drugs or ever been removed or denied access to a nuclear power plant. Contrary to this response, on July 23, 1991, Mr. Wilson had been denied access to the Turkey Point Nuclear Station for testing positive for illegal drugs. In addition, Mr. Wilson gained unescorted access to the James A. Fitzpatrick Nuclear Power Plant by falsifying his New York Power Authority (NYPA) Personal History Questionnaire for Unescorted Access, dated January 7, 1992.

By deliberately falsifying information on his background questionnaire to gain unescorted access to the D.C. Cook Nuclear Plant, Mr. Wilson was granted unescorted access during the periods February 11, 1994, through April 22, 1994, and September 19, 1994, through November 11, 1994. On November 16, 1994, Mr. Wilson returned to the Fitzpatrick Plant and again applied for access. Mr. Wilson deliberately falsified information on his NYPA Personal History Questionnaire for Unescorted Access dated November 16, 1994 in order to again be granted unescorted access at this plant. During the review process, Fitzpatrick security discovered that Mr. Wilson had tested positive for drug use at Turkey Point, and that Florida Power and Light Company had denied him unescorted access at that plant. When Mr. Wilson was interviewed

on November 18, 1994 by the Access Control Coordinator at Fitzpatrick, in reference to his background investigation, Mr. Wilson commented to the Access Control Coordinator that "it took three plants to finally catch him, he's made 30-40,000 dollars by lying and would do it again, I'm not the only one doing this." Although Mr. Wilson later denied making the statement that he would falsify access forms in the future to gain unescorted access to nuclear power plants, the Access Control Coordinator at Fitzpatrick documented, by an undated memorandum, that Mr. Wilson informed him that Mr. Wilson would lie again to gain unescorted access to nuclear power plants.

Mr. Wilson was prosecuted in the Western Judicial District of Michigan for making false statements on his access application at the D.C. Cook Nuclear Plant. On March 10, 1997, Mr. Wilson was sentenced by Judge Robert H. Bell, U.S. District Court in Grand Rapids, Michigan to a 2-year probation, a \$2,000 fine, and other penalties for making false statements on his access application at D.C. Cook.

III

Based on the above, the NRC has concluded that Mr. Wilson engaged in deliberate misconduct by falsifying information contained in a background questionnaire by not stating that he failed a fitness-for-duty drug test and that he had been denied access to the Turkey Point Nuclear Power Station in July 1991. This falsified information was relied upon, in part, in granting Mr. Wilson unescorted access to the D.C. Cook Nuclear Plant facility on two separate occasions in 1994, and at the Fitzpatrick Plant prior to 1994. Mr.

Wilson's actions constitute a violation of 10 CFR 50.5(a)(2), which prohibits an individual from deliberately providing information to a licensee or contractor that the individual knows is inaccurate or incomplete in some respect material to the NRC. The information that Mr. Wilson provided regarding his background information was material because, as indicated above, licensees are required to consider such information in making unescorted access determinations in accordance with the requirements of 10 CFR 73.56.

The NRC must be able to rely on the Licensee, its contractors, and the Licensee and contractor employees to comply with NRC requirements, including the requirement to provide information that is complete and accurate in all material respects. Mr. Wilson's actions in deliberately providing false information to the Licensee constitute deliberate violations of Commission regulations, and his doing so on multiple occasions raise serious doubt as to whether he can be relied upon to comply with NRC requirements and to provide complete and accurate information to NRC Licensees and their contractors in the future. Mr. Wilson's conduct raises doubt about his trustworthiness and reliability.

Consequently, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with the Commission's requirements and that the health and safety of the public would be protected if Mr. Wilson were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Mr. Wilson be prohibited from any involvement in NRC-licensed activities for a period of five years from the date of this Order. In addition, if Mr. Wilson is

currently involved with another licensee in NRC-licensed activities, Mr. Wilson must immediately cease such activities, and inform the NRC of the name, address and telephone number of the employer, and provide a copy of this Order to the employer. Additionally, Mr. Wilson is required to notify the NRC of his employment in NRC-licensed activities for a period of five years following the prohibition period. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Mr. Wilson's conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to sections 103, 161b, 161c, 161i, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR 50.5, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT:

1. Mr. Lonnie Randall Wilson is prohibited from engaging in activities licensed by the NRC for five years from the date of this Order. For the purposes of this Order, licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20

2. For a period of five years after the five year period of prohibition has expired, Mr. Wilson shall, within 20 days of his acceptance of each employment offer involving NRC-licensed activities or his becoming involved in NRC-licensed activities, as defined in Paragraph IV.1 above, provide notice to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, of the name, address, and telephone number of the employer or the entity where he is, or will be, involved in the NRC-licensed activities. In the first notification, Mr. Wilson shall include a statement of his commitment to compliance with regulatory requirements and the basis why the Commission shall have confidence that he will now comply with applicable NRC requirements.

The Director, Office of Enforcement, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. Wilson of good cause.

V

In accordance with 10 CFR 2.202, Mr. Wilson must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation,

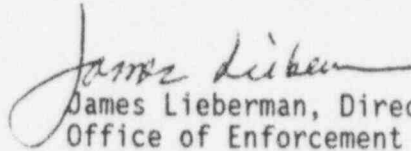
specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Mr. Wilson or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U. S. Nuclear Regulatory Commission, ATTN: Chief, Rulemakings and Adjudications, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, Region III, U. S. Nuclear Regulatory Commission, 801 Warrenville Road, Lisle, Illinois 60532-4351, and to Mr. Wilson, if the answer or hearing request is by a person other than Mr. Wilson. If a person other than Mr. Wilson requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Mr. Wilson or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Mr. Wilson may, in addition to demanding a hearing, at the time that answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. AN ANSWER OR A REQUEST FOR A HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

FOR THE NUCLEAR REGULATORY COMMISSION


James Lieberman, Director
Office of Enforcement

Dated at Rockville, Maryland
this 27th day of June 1997

June 27, 1997

Lonnie Randall Wilson

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