

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

In the Matter of  
Julian H. McGriff

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IA 97-067

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

I

During the period of April 1996 through March 5, 1997, Julian H. McGriff was employed by Southern Nuclear Operating Company, Inc. (SNC or licensee) at its Joseph M. Farley Nuclear Plant as an Emergency Preparedness Technician. SNC holds License Nos. NPF-2 and NPF-8 for Joseph M. Farley Nuclear Plant Units 1 and 2 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 50 on June 25, 1977, and March 31, 1981, respectively. The licenses authorize SNC to operate the Joseph M. Farley Nuclear Plant (FNP or licensee) Units 1 and 2 in accordance with the conditions specified therein.

II

During an audit conducted by the licensee for the period November 25, 1996, through February 19, 1997, an inconsistency was identified relating to the documentation associated with the monthly check of a self-contained breathing apparatus (SCBA) on the 83 foot elevation of the FNP Unit 2 Auxiliary Building. The monthly check was required by Procedure FNP-0-EIP 16, Emergency Equipment and Supplies, Revision 31. Subsequently, the licensee performed a

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more in-depth investigation and determined that a December 17, 1996 inspection, documented by Mr. Julian H. McGriff, had not been conducted. The licensee identified approximately 36 additional discrepancies in the documentation associated with Mr. McGriff's inspections of emergency equipment. Specifically, the licensee identified instances where inventory checklists were completed on dates different from the date the inspections were actually conducted, the deliberate misdating of checklists, and the completion of checklists for inspections never conducted. Mr. McGriff was terminated from employment with SNC on March 5, 1997.

On June 30, 1997, the NRC Office of Investigations (OI) completed an investigation of the alleged falsification of emergency preparedness checklists by Mr. McGriff. OI, in Report No. 2-97-005, concluded that during the period April 1996 through January 1997, Mr. McGriff failed to conduct at least three required inspections and deliberately falsified at least four checklists. The finding was based on the fact that inventory checklist documentation did not coincide with plant access records for Mr. McGriff, which indicated that entries were not made into the documented areas on the dates indicated on the checklists. Specifically, based on plant access data, the following checklist entries were falsified: (1) a December 17, 1996, entry for an inspection of the SCBA on the 83 foot elevation of the FNP Unit 2 Auxiliary Building that was documented but not performed; (2) a July 12, 1996, entry for an inspection of the SCBA in the Diesel Generator Building that was not performed; (3) an entry for an inspection of emergency supplies located in the Auxiliary Building that was intentionally documented as being performed on September 4, 1996, due to admonitions from Mr. McGriff's supervisor regarding the timeliness of inventory checks, when it was actually performed on September 30, 1996; and (4) a

September 30, 1996, entry for an inspection of SCBAs in the Diesel Generator Building that was never performed. Numerous other instances where documentation did not coincide with plant access records for Mr. McGriff were also identified.

FNP Technical Specification (TS) 6.8.1.e requires that written procedures be established and implemented for Emergency Plan implementation. Emergency Plan Implementing Procedure FNP-O-EIP-16.0, Emergency Equipment and Supplies, Revision 31 requires periodic inventory verification of emergency equipment and supplies. Records associated with FNP-O-EIP-016, a safety related procedure at Farley, are required to be maintained in accordance with Section 17.2 of the licensee's 10 CFR Appendix B required Quality Assurance Operations Manual, Revision 32. The checklists, that are to be completed pursuant to FNP-O-EIP-016, are required to be maintained for the lifetime of the plant in accordance with Section 8.7 of licensee procedure FNP-O-AP-4, Control of Plant Records, Revision 18. FNP-O-AP-4 implements item 1.h of Appendix A to Regulatory Guide 1.33, dated 1978, and is required to be established, implemented and maintained in accordance with TS 6.8.1.a. The failure to perform the emergency equipment inventories as prescribed by FNP procedures is a violation of TS 6.8.1.e. In addition, 10 CFR 50.9(a) states, in part, that information required by the Commission's regulations to be maintained by the licensee shall be complete and accurate in all material respects. The failure of SNC to maintain complete and accurate records of emergency equipment inspections due to Mr. McGriff's falsification of inventory checklists is a violation of 10 CFR 50.9(a). The inaccuracy of these records is material because the licensee and the NRC relied upon them to determine the availability and status of emergency equipment.

On August 22, 1997, the NRC sent a letter to Mr. McGriff advising him that his actions appeared to be in violation of 10 CFR 50.5, "Deliberate Misconduct." 10 CFR 50.5, in part, prohibits an employee of a licensee from (1) engaging in deliberate misconduct that causes a licensee to be in violation of any rule or regulation or license condition or limitation of any license issued by the Commission; or (2) deliberately submitting to a licensee information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC. Mr. McGriff was offered the opportunity to either attend a predecisional enforcement conference or respond to the apparent violation in writing. After being granted an extension, Mr. D. Lewis Terry, Esquire, on behalf of Mr. McGriff, responded by letter dated October 28, 1997, to the apparent violation admitting that several of the inspections for which Mr. McGriff was responsible were not conducted and explaining the various discrepancies in Mr. McGriff's documentation of the inventories. The explanation of the discrepancies did not refute the violations, but merely provided Mr. McGriff's rationale for why he chose not to perform the required emergency equipment inventories and why documentation of inventories did not match his plant access records. Notwithstanding this explanation, the result was that records indicated completed inventories which were not performed on the dates specified. Mr. McGriff made no attempt to indicate to either his supervisor or document that he was not completing the records at the time of the inspections. In addition, he failed to annotate records to explain his assumptions and expectations rather than perform certain required emergency equipment inventories based on visual observation.

### III

Based on the above, it appears that Mr. McGriff engaged in deliberate misconduct when he failed to perform certain required inspections of emergency equipment and deliberately falsified

inventory checklists that SNC and the NRC relied upon to determine the availability and status of emergency equipment. Mr. McGriff's deliberate misconduct caused the licensee to be in violation of FNP TS 6.8.1.e and 10 CFR 50.9(a) and is, therefore, a violation of 10 CFR 50.5(a)(1) and (2). The NRC must be able to rely on licensees and their employees to fully comply with NRC requirements, including plant procedural requirements which ensure the availability and operability of equipment used in emergency situations and requirements to maintain records that are complete and accurate in all material respects. Mr. McGriff's deliberate misconduct, that caused the licensee to violate TS 6.8.1.e and 10 CFR 50.9(a), raises serious doubt as to whether he can be relied upon to comply with NRC requirements and to provide complete and accurate information to the NRC.

Consequently, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with Commission requirements and that public health and safety will be protected if Mr. McGriff were permitted to be involved in NRC-licensed activities at this time. Therefore, public health, safety and interest require that Mr. McGriff be prohibited from any involvement in NRC-licensed activities for a period of three years from the date of his dismissal from SNC, March 5, 1997, and, if he is currently involved with another licensee in performing NRC-licensed activities, he 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. McGriff is required to notify the NRC of his first employment in NRC-licensed activities for one year following the prohibition period. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Mr. McGriff's conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

Accordingly, pursuant to Sections 103, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR 50.5 and 10 CFR 150.20, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT:

- A. Mr. Julian H. McGriff is prohibited until March 5, 2000, from engaging in or exercising control over individuals engaged in NRC-licensed activities. If Mr. McGriff is currently involved in NRC-licensed activities, he must immediately cease such activities, inform the NRC of the name, address and telephone number of the employer, and provide a copy of this Order to the employer. NRC-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.
- B. For a period of one year following the period of prohibition set forth in Paragraph IV.A above, Mr. Julian H. McGriff shall, within 20 days of his acceptance of his first employment offer involving NRC-licensed activities as defined in Paragraph IV.A 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 NRC-licensed activities. The notice shall include a statement of his commitment to compliance with regulatory requirements and the basis for why the Commission should have confidence that he will now comply with applicable NRC requirements.

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

## V

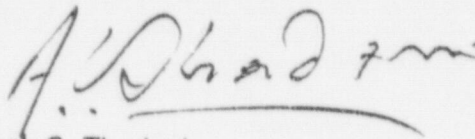
In accordance with 10 CFR 2.202, Mr. McGriff must submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must 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. McGriff 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 Adjudications Staff, Washington, D.C. 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, and to the Regional Administrator, NRC Region II, Atlanta Federal Center, 61 Forsyth Street, SW, Suite 23T85, Atlanta, Georgia 30303 and to Mr. McGriff if the answer or hearing request is by a person other than Mr. McGriff. If a person other than Mr. McGriff requests a hearing, that person shall set forth with particularity the manner in which his 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. McGriff, 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. McGriff may, in addition to demanding a hearing, at the time the 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 request 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 in which 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 HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

FOR THE NUCLEAR REGULATORY COMMISSION



Ashok C. Thadani  
Acting Deputy Executive Director for  
Regulatory Effectiveness

Dated at Rockville, Maryland  
this 23 day of February 1998



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