



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
801 WARRENVILLE ROAD  
LISLE, ILLINOIS 60532-4351

July 23, 1999

IA 99-036

Mr. Kenneth F. Enoch  
[HOME ADDRESS DELETED]  
PURSUANT TO 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION FOR FALSIFICATION OF RECORDS (NRC OFFICE  
OF INVESTIGATIONS (OI) REPORT NO. 3-98-039)

Dear Mr. Enoch:

This letter refers to an NRC OI investigation completed on May 24, 1999. During this investigation, the NRC examined the facts and circumstances surrounding your apparent violation of NRC requirements on September 20, 1998. At that time, you were working for Detroit Edison (the licensee) as a licensed reactor operator at the Fermi Nuclear Station. A copy of the OI report synopsis is enclosed.

The NRC concluded that you violated 10 CFR 50.5, "Deliberate Misconduct," when you deliberately submitted to the licensee Surveillance Procedure 24.000.03, "Mode 5 Shiftly, Daily, and Weekly Surveillances," that you knew was not correct. This conclusion was based on the information developed during the investigation. Specifically, you initialed several items in surveillance 24.000.03 as satisfactory when, in fact, the security logs demonstrated that you did not enter the areas (ingress and egress limited to doors RBD-02 and 21) that house the equipment. Examples included status checks of fire doors to the division two battery chargers and the reactor building closed cooling water equipment area. Additionally, you recorded data or logged items as satisfactory when, in fact, the licensee demonstrated that you spent insufficient time<sup>1</sup> in the area to accomplish the required equipment checks. Examples included checks to verify: (1) parameters on the standby liquid control system; (2) functioning reactor coolant conductivity recorders; (3) regulator pressure to a floodup indicator; (4) status of several fire doors; and (5) no leakage between the reactor to drywell bellows.

As a nuclear plant employee -- and particularly as a licensed reactor operator -- you were entrusted with the responsibility to conduct activities assigned to you safely and in accordance with procedural requirements. Your actions in September 1998, did not adhere to these

The licensee performed the rounds in the room several times and monitored the time required to accomplish the assigned task. The best time performed (without running) was slightly more than nine minutes. The ingress and egress logs for September 20, 1998, documented that you spent six minutes and 42 seconds in the area. This prompted the licensee to conclude that you spent insufficient time in the area to complete the assigned task.

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standards. Public health and safety require that licensee employees comply with NRC regulations related to all work associated with nuclear power plant equipment and processes.

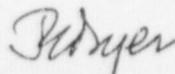
In determining the appropriate sanction for this case, the NRC gave considerable weight to: (1) your former position in the company; (2) the significant action (dismissal) that the licensee took against you; (3) the fact that you stated to the OI investigator that you now understand the consequences of your actions; (4) the isolated nature of your deliberate misconduct; and (5) the fact that you cooperated with OI. Therefore, after consultation with the Director, Office of Enforcement, I have been authorized to issue the enclosed Notice of Violation (Notice) to you based on your violation of the NRC's regulations regarding deliberate misconduct. In accordance with the NUREG-1600, "General Statement of Policy and Procedures for NRC Enforcement Actions," the violation has been classified at Severity Level III. A copy of the applicable regulation is enclosed for your reference. However, should there be evidence of similar misconduct on your part in the future, you may be subject to further enforcement sanctions that could include an order prohibiting your involvement in NRC-licensed activities for a number of years.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. In addition, please include in your response why, in light of your actions in September 1998, the NRC should have confidence that you will adhere to NRC requirements should you be employed in the nuclear industry in the future.

In accordance with Section 10 CFR 2.790, "Rules of Practice," 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, and your response will be placed in the PDR.

Questions concerning this letter may be addressed to Mr. David Hills, Chief, Operations Branch, at (630)829-9733 or Mr. Brent Clayton, Enforcement/Investigations Officer, at (630)810-4373

Sincerely,



J. E. Dyer  
Regional Administrator

Enclosures: 1. Notice of Violation  
2. Synopsis to OI Report No. 3-98-039  
3. 10 CFR 50.5, Deliberate Misconduct

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OE:EA (2)

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DRP

Resident Inspector, Fermi