

## NOTICE OF VIOLATION

Mr. Kenneth F. Enoch

IA 99-036

During an investigation conducted by the NRC Office of Investigations completed on May 24, 1999, a violation of NRC requirements was identified. In accordance with NUREG-1600, "General Statement of Policy and Procedures for NRC Enforcement Actions," the violation is listed below:

10 CFR 50.5 (a)(1), "Deliberate Misconduct," requires, in part, that any employee of a licensee may not engage in deliberate misconduct that causes a licensee to be in violation of any condition of any license issued by the Commission.

The Fermi-2 Facility Operation License issued to Detroit Edison Company (Docket 50-341) on July 15, 1985, states, in part, in paragraph 2.C.(2) that the license is subject to the Technical Specifications contained in Appendix A of the license.

Fermi-2 Technical Specification 6.8.1.d, "Procedures and Programs," contained in Appendix A of the license requires, in part, that written procedures shall be established, implemented, and maintained covering surveillance activities of safety-related equipment.

Fermi 2 Plant Technical Surveillance Procedure 24.000.03, "Mode 5 Shiftly, Daily, and Weekly Surveillances," implemented the requirement of Technical Specification 6.8.1.d and stated, in part, at step 6.1.4 that for all surveillance items, unless specified by notes, the operator records data, as required, and if the surveillance item is satisfactory, initials the log.

Contrary to the above, on September 20, 1998, Mr. Kenneth F. Enoch, a licensed reactor operator at Detroit Edison's (the licensee) Fermi Nuclear Station engaged in deliberate misconduct that caused the licensee to be in violation of a condition of its license. Specifically, Mr. Enoch initialed several line items of the surveillance 24.000.03 log as satisfactory when, in fact, the security system demonstrated that Mr. Enoch did not enter the areas that house the equipment. Examples included checks to ensure that doors to the division two battery chargers and the reactor building closed cooling water equipment area were closed. Additionally, Mr. Enoch recorded data in the surveillance 24.000.03 log when, in fact, the security system demonstrated that Mr. Enoch spent insufficient time in the room to accomplish the required equipment checks. Examples included checks to verify: (1) parameters on the standby liquid control system; (2) functionality of reactor coolant conductivity recorders; (3) regulator pressure to a floodup indicator; (4) that several fire doors were unlocked; and (5) that no leakage existed between the reactor to drywell bellows.

This is a Severity Level III Violation (Supplement VII). (01013)

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Pursuant to the provisions of 10 CFR 2.201, Mr. Kenneth F. Enoch is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken to avoid further violations; and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790 (b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated this 23rd day of July 1999.

## **OI SYNOPSIS**

This investigation was initiated on October 21, 1998, by the U.S. Nuclear Regulatory Commission, Office of Investigations, Region III, to determine if a licensed operator at the Fermi Power Plant deliberately falsified equipment surveillance logs.

Based upon the evidence developed during this investigation, it is concluded that the licensed operator deliberately falsified equipment surveillance logs.

## 50.5 Deliberate Misconduct.

- (a) Any licensee, applicant for a license, employee of a licensee or applicant; or any contractor (including a supplier or consultant), subcontractor, employee of a contractor or subcontractor of any licensee or applicant for a license, who knowingly provides to any licensee, applicant, contractor, or subcontractor, any components, equipment, materials, or other goods or services that relate to a licensee's or applicant's activities in this part, may not:
  - (1) Engage in deliberate misconduct that causes or would have caused, if not detected, a licensee or applicant to be in violation of any rule, regulation, or order; or any term, condition, or limitation of any license issued by the Commission; or
  - (2) Deliberately submit to the NRC, a licensee, an applicant, or a licensee's or applicant's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC.
- (b) A person who violates paragraph (a)(1) or (a)(2) of this section may be subject to enforcement action in accordance with the procedures in 10 CFR Part 2, Subpart B.
- (c) For the purposes of paragraph (a)(1) of this section, deliberate misconduct by a person means an intentional act or omission that the person knows:
  - (1) Would cause a licensee or applicant to be in violation of any rule, regulation, or order; or any term, condition, or limitation, of any license issued by the Commission; or
  - (2) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order, or policy of a licensee, applicant, contractor, or subcontractor.