



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PA 19406-2713

January 26, 2022

IA-21-040

Mr. Kevin Wright
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390(a)]

SUBJECT: NOTICE OF VIOLATION - NRC OFFICE OF INVESTIGATIONS REPORT NO.
1-2020-007

Dear Mr. Wright:

This letter refers to the investigation initiated on March 13, 2020, by the U.S. Nuclear Regulatory Commission's (NRC's) Office of Investigations (OI) and conducted at Holtec Decommissioning International, LLC's (HDI's) Oyster Creek Nuclear Generating Station (Oyster Creek). The investigation, which was completed on March 11, 2021, was conducted, in part, to determine whether you, as the individual responsible for armorer duties while employed as the Oyster Creek Security Department Training Superintendent, willfully caused HDI to violate NRC requirements by failing to perform required firearms inspection activities and falsifying records submitted to the NRC that related to those activities.

In a letter dated July 28, 2021 (ML21176A048),¹ the NRC transmitted to you a factual summary of the OI report, described the apparent violation, and informed you that the NRC was considering escalated enforcement action against you. In the letter, we offered you the opportunity to address the apparent violation by either attending a pre-decisional enforcement conference or providing a written response before we made our final enforcement decision. In a letter dated August 26, 2021 (ML21292A210), you provided a written response to the apparent violation.

The NRC carefully considered the information you provided in your August 26, 2021, letter and determined that it did not constitute new information (i.e., material information that was not considered during the investigation). Therefore, based on the information developed during the investigation and the information that you provided in your August 26, 2021 response, the NRC has determined that a deliberate violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) (Enclosure 1). The violation involves your deliberate failure to perform required annual material condition inspections of firearms in 2019 and, your falsification of records submitted to the NRC that related to these activities. Specifically, the NRC maintains that for calendar year 2019, you deliberately did not perform required annual material condition inspections on all duty firearms as described in facility procedures and the Commission-approved Training and Qualification Plan (Appendix B to the Site Physical Security

¹ Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Unless otherwise noted, documents referenced in this letter are publicly-available using the accession number in ADAMS.

Plan). Additionally, in April 2020, after the NRC questioned you about not performing the annual material condition inspection, you inaccurately documented in the firearms maintenance logs that the inspections had been performed in 2019. HDI subsequently submitted these inaccurate records to the NRC in response to an April 10, 2020, information request. The information is material to the NRC because the NRC requires testing and maintenance of weapons to ensure they are in acceptable working condition. Accurate recordkeeping of such activities ensures that the weapons maintenance program is fulfilling these requirements.

Your deliberate actions placed HDI in violation of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, Appendix B, Criterion VI.G, "Weapons, Personal Equipment, and Maintenance," and procedures required by the Commission-approved Oyster Creek Training and Qualification Plan that require the performance of annual material condition inspections of firearms, as well as in violation of 10 CFR 50.9(a), which requires that information provided to the NRC by a licensee must be complete and accurate in all material respects.

Your deliberate actions also placed you in violation of 10 CFR 50.5, "Deliberate Misconduct." Given the significance of the underlying issues and the deliberate nature of your actions, your violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III. HDI elected to participate in Alternative Dispute Resolution (ADR) with the NRC to address their violations. For your information, Enclosure 2 includes a copy of the letter and Confirmatory Order issued to HDI as a result of the agreement reached during the ADR mediation session conducted on October 14, 2021.

In determining the appropriate sanction to be issued in this case, the NRC considered issuing an Order prohibiting your involvement in NRC-licensed activities as a result of your actions. However, after consultation with the Director, Office of Enforcement, and after considering the circumstances of this case, including: (1) the actual security significance was low; and (2) HDI took action regarding your wrongdoing, including permanently denying your unescorted access authorization to Oyster Creek, terminating your employment, and including information in the Personnel Access Database System regarding your access denial and lack of trustworthiness and reliability, I have decided to issue the enclosed Notice of Violation. You should be aware that if you are involved in NRC-licensed activities in the future, additional deliberate violations could result in more significant enforcement action or criminal action.

Because you are no longer employed by HDI, and in consideration of your August 26, 2021, letter, you are not required to respond to the Notice of Violation. If you disagree with this enforcement sanction, you may deny the violation within 30 days of the date of this letter as described in the Notice.

Please note that final NRC investigation documents, such as the OI report described above, may be made available to the public under the Freedom of Information Act (FOIA), subject to redaction of information appropriate under the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, "Requests for Records." Additional information is available on the NRC website at <http://www.nrc.gov/reading-rm/foia/foia-privacy.html>. In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." This system, which is not publicly-accessible, includes all records pertaining to individuals who are being considered for, or have been considered for enforcement action, whether such action was taken or not. Detailed information about this system of records, including the NRC-3 system notice, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>.

Please feel free to contact Mr. Daniel Schroeder, Chief, Security, Emergency Preparedness, and Incident Response Branch, NRC Region I, at 610-337-5262 or Daniel.Schroeder@nrc.gov if you have any questions.

Sincerely,

Raymond K. Lorson
Deputy Regional Administrator

Enclosures: 1. Notice of Violation
2. Confirmatory Order to HDI

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SUBJECT: NOTICE OF VIOLATION - NRC OFFICE OF INVESTIGATIONS REPORT NO. 1-2020-007 DATED January 26, 2022

DISTRIBUTION:

ADAMS (PARS)	RIDSSECYMAILCENTER
SECY	
OEMAIL	
OEWEB	
D Dorman, EDO	RIDSEDOMAILCENTER
C Haney, DEDM	
M Lombard, OE	RIDSOEMAILCENTER
J Peralta, OE	
N Hasan, OE	
D Furst, OE	
J Lubinski, NMSS	RIDSNMSSMAIL CENTER
R Lewis, NMSS	
K Williams, NMSS	
M Burgess, NMSS	
M Gavrilas, NSIR	RIDSNSIRMAILCENTER
S Prasad, NSIR	
Enforcement Coordinators RII, RIII, RIV (M Kowal, S Lewman, J Groom)	
M Lemoncelli, OGC	RIDSOGCMAILCENTER
T Steinfeldt, OGC	
H Harrington, OPA	RIDSOPAMAILCENTER
R Feitel, OIG	RIDSOIGMAILCENTER
A Higgs, OI	RIDSOIMAILCENTER
D D'Abate, OCFO	RIDSOCFOMAILCENTER
D Lew, RA	R1ORAMAIL RESOURCE
R Lorson, DRA	R1ORAMAIL RESOURCE
B Welling, DRSS	R1DRSSMAIL RESOURCE
T Bloomer, DRSS	R1DRSSMAIL RESOURCE
A Dimitriadis, DRSS	
D Schroeder, DRSS	
D Screnci, PAO-RI / N Sheehan, PAO-RI	
D Tiff, SLO-RI	
B Klukan, RI	
R McKinley, RI	
C Crisden, RI	
D Garvin, RI	
T Haverkamp, RI	

Region I OE Files (with concurrences)

ML21292A219

SUNSI Review/ MMM		<input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive		<input checked="" type="checkbox"/> Publicly Available <input type="checkbox"/> Non-Publicly Available	
OFFICE	RI/ORR	RI/DRSS	RI/ORR	RI/ORR	OE
NAME	M McLaughlin	F Bower	R McKinley	B Klukan NLO	M Lombard
DATE	10/20/21	10/20/21	10/22/21	10/20/21	11/02/21
OFFICE	NSIR	OGC		RI/ DRSS	RI/ ORR
NAME	S Lee	T Steinfeldt NLO		B Welling	R Lorson
DATE	10/28/21	11/01/21		11/12/21	01/26/22

ENCLOSURE 1

NOTICE OF VIOLATION

Kevin Wright
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

IA-21-040

During an NRC investigation conducted between March 13, 2020 and March 11, 2021, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 50.5(a) states that any employee of a licensee may not: (1) Engage in deliberate misconduct that causes a licensee to be in violation of any rule, regulation, or order; or any term, condition, or limitation of any license issued by the Commission; and (2) Deliberately submit to the NRC or a licensee information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC.

Contrary to the above, during calendar year 2019 and on approximately April 10, 2020, while employed by the licensee, Holtec Decommissioning International, LLC (HDI), as the security training superintendent responsible for implementing the armory program at Oyster Creek Nuclear Generating Station, you: 1) engaged in deliberate misconduct that caused the licensee to be in violation of NRC regulations; and 2) deliberately submitted to the licensee information that you knew to be incomplete or inaccurate in some respect material to the NRC, and that information was, in turn, submitted to the NRC. Specifically:

- a. 10 CFR Part 73, Appendix B, Criterion VI.G, "Weapons, Personal Equipment, and Maintenance," Section 3(a), "Firearms maintenance program," requires that each licensee shall implement a firearms maintenance and accountability program in accordance with the Commission regulations and the Commission-approved Training and Qualification Plan. From January 1, 2019, through December 31, 2019, you did not implement the firearms testing and maintenance program in accordance with NRC regulations and as described in facility procedures and the Commission-approved Training and Qualification Plan (Appendix B to the Site Physical Security Plan). Specifically, for calendar year 2019, you deliberately did not perform the required annual material condition inspection on all duty firearms.
- b. On approximately April 10, 2020, you deliberately submitted information to HDI that you knew was incomplete or inaccurate in some respect material to the NRC. Specifically, after the NRC questioned you about not performing the annual material condition inspection on all duty firearms for calendar year 2019, you inaccurately documented in the firearms maintenance logs that the inspections had been performed in 2019. HDI subsequently submitted these inaccurate records to the NRC in response to an April 10, 2020, information request. The information is material to the NRC because the NRC requires testing and maintenance of weapons to ensure they are in acceptable working condition. Accurate recordkeeping of such activities ensures that the weapons maintenance program is fulfilling these requirements.

This is a Severity Level III violation (Enforcement Policy Sections 2.2.1 & 6.9).

You are not required to respond to the Notice unless you contest the violation. Should you contest the violation, a response is required within 30 days of the date of the letter transmitting this Notice, addressing the specific basis for disputing the violation. This response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, NRC Region I, 2100 Renaissance Blvd., Suite 100, King of Prussia, PA 19406, and marked Open by Addressee Only – Response to a Notice of Violation; (IA-19-033). If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's Agencywide Document Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public 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 2.390(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.

This letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." This system, which is not publicly-accessible, includes all records pertaining to individuals who are being, or have been considered, for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Dated this 26th day of January, 2022.

ENCLOSURE 2

CONFIRMATORY ORDER TO OYSTER CREEK NUCLEAR GENERATING STATION –NRC
INVESTIGATION REPORT I-2020-007; NRC INSPECTION REPORT NOS. 05000219/2021402
& 07200015/2021401