

January 10, 2000

EA 2000-004

Mr. R. P. Necci, Vice President  
Nuclear Oversight and Regulatory Affairs  
c/o Mr. D. A. Smith, Manager - Regulatory Affairs  
NORTHEAST NUCLEAR ENERGY COMPANY  
PO Box 128  
Waterford, CT 06385

**SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT NO. 1-1997-036**

Dear Mr. Necci:

This letter refers to an investigation initiated at the Millstone Nuclear Power Station by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), on September 15, 1997. The purpose of the investigation was to determine whether several Northeast Utilities (NU) employees were involved in the creation of false documents, which were used to mislead the NRC during an inspection of an incident involving the contamination of several workers. A summary of the results of the OI investigation is enclosed.

Based on the results of this investigation, an apparent violation was identified and is being considered for enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The violation involves a Senior Health Physics Technician deliberately altering a record documenting the ALARA controls taken for an activity involving the transfer of radioactive waste. The record in question was the ALARA Checklist Discussion Sheet, which was attached to the ALARA Exposure Controls Summary, for the transfer of radioactive, asbestos-containing material from drums to a processing liner on January 24, 1997. After the transfer occurred and workers were contaminated, the Senior Health Physics Technician altered the ALARA Checklist Discussion Sheet by adding a statement that it was likely for personnel contaminations to occur during the job.

The statement added to the ALARA Checklist Discussion Sheet was material in that it was provided to, and misled the NRC inspector. The inspector believed that the likelihood of workers becoming contaminated was in the documentation prepared prior to the job and was discussed at the pre-work briefing, indicating that proper ALARA controls were in place as required by procedure. In fact, the investigation indicated that this statement was not provided. As such, the Senior Health Physics Technician's actions caused NNECO to be in violation of 10 CFR 50.9, which requires in part, that information provided to the Commission shall be complete and accurate in all material respects.

JES4

Mr. R. P. Necci

2

Based on the above information, it may not be necessary to conduct a predecisional enforcement conference in order for the NRC to make an enforcement decision. Before the NRC makes its enforcement decision, we are providing you an opportunity to either (1) respond to the apparent violation within 30 days of the date of this letter or (2) request a predecisional enforcement conference. If a conference is held, it will be closed to public observation and transcribed. Please contact Mr. James C. Linville at 610-337-5129 within seven days of the date of this letter to notify the NRC of your intended response.

If you choose to provide a response, it should be clearly marked as a "Response to Apparent Violation Based on Office of Investigations Investigation No. 1-1997-036" and should include for the apparent violation: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent 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 should be submitted under oath or affirmation and may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a predecisional enforcement conference.

In addition, please be advised that the characterization of the apparent violation described in this letter may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.790 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 placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

Sincerely,

ORIGINAL SIGNED BY:

James C. Linville, Director  
Millstone Inspection Directorate, Region I

Docket No. 50-245  
License No. DPR-21

Enclosure:  
Summary of Findings of OI Investigation No. 1-1997-036

Mr. R. P. Necci

3

cc w/encl:

B. D. Kenyon, President and Chief Executive Officer - NNECO  
L. J. Olivier, Senior Vice President and Chief Nuclear Officer - Millstone  
M. H. Brothers, Vice President - Nuclear Operations  
F. C. Rothen, Vice President - Nuclear Work Services  
D. B. Amerine, Vice President - Engineering Services  
J. T. Carlin, Vice President - Human Services  
G. D. Hicks, Director - Nuclear Training Services  
C. J. Schwarz, Station Director  
L. M. Cuoco, Senior Nuclear Counsel  
J. R. Egan, Esquire  
N. Burton, Esquire  
V. Juliano, Waterford Library  
J. Buckingham, Department of Public Utility Control  
State of Connecticut SLO Designee  
First Selectmen, Town of Waterford  
D. Katz, Citizens Awareness Network (CAN)  
T. Concannon, Co-Chair, NEAC  
R. Bassilakis, CAN  
J. M. Block, Attorney, CAN  
G. Winslow, Citizens Regulatory Commission (CRC)  
E. Woollacott, Co-Chair, NEAC

Mr. R. P. Necci

4

Distribution w/encl 1 only:  
Region I Docket Room (with concurrences)  
Nuclear Safety Information Center (NSIC)  
PUBLIC  
NRC Resident Inspector  
H. Miller, RA, RI  
J. Wiggins, DRA, RI  
J. Linville, RI  
D. Lew, RI  
R. Urban, RI  
K. Jenison, RI  
M. Oprendeck, RI  
D. Screnci, RI  
B. Letts, RI  
T. Bergman, OEDO  
W. Borchardt, OE  
E. Adensam, NRR  
J. Clifford, NRR  
J. Zimmerman, NRR  
R. Correia, NRR  
V. Nerses, NRR  
DOCDESK

DOCUMENT NAME: G:\Branch6\ALARA\_Lic\_Choice.wpd

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	ORA/MID	ORA	ORA	OI	ORA/MID
NAME	RUrban	D. Hody	BFewell	BLetts	JLinville
DATE	1/5/00	1/6/00	1/6/00	1/7/00	1/10/00

OFFICIAL RECORD COPY

## **SUMMARY OF FINDINGS OF OI INVESTIGATION NO. 1-1997-036**

000 13 240

Office of Investigations (OI) Report 1-1997-036 involves the creation of a false document that was used to mislead the NRC during an inspection of an incident involving the contamination of several workers.

On January 24, 1997, workers at Millstone Unit 1 were transferring radioactive, asbestos-containing material from drums to a liner. During this transfer, four workers sustained skin contamination.

In accordance with Northeast Nuclear Energy Company (NNECo) procedure RPM 1.4.1, Rev 0, dated 1/1/94, "ALARA Reviews and Reports," an ALARA review was required for any jobs within a radiological controlled area (RCA) with an estimated exposure of 1 rem Total Effective Dose Equivalent (TEDE) or greater. This transfer job occurred within an RCA and was estimated at 1.15 rem TEDE. NNECo procedure RPM 1.4.1 also provided instructions for completing an ALARA Exposure Controls Checklist and an ALARA Exposure Controls Summary. The ALARA Exposure Controls Checklist required a pre-work briefing in order to discuss ALARA controls. The ALARA Exposure Controls Summary documented this meeting and also required reading the attached ALARA Checklist Discussion Sheet.

The evidence indicates that a Senior Health Physics Technician deliberately altered the ALARA Checklist Discussion Sheet (associated with the transfer job) after the job was complete, contrary to NNECo procedure RPM 1.4.1. Specifically, the ALARA Checklist Discussion Sheet was altered to indicate that it was likely for personnel contaminations to occur during the job. Although the ALARA documentation was required to be prepared prior to the job, internal computer software date stamping related to the creation of the ALARA Checklist Discussion Sheet indicated that it was created after the job was complete. Further, statements of NNECO employees and contractors who attended the pre-work briefing and participated in the job indicated that the issue of likely contamination was not briefed.

The statement added to the ALARA Checklist Discussion Sheet was material in that it was provided to, and misled the NRC inspector. The inspector believed that the likelihood of workers becoming contaminated was in the ALARA Checklist Discussion Sheet prepared prior to the job and was discussed at the pre-work briefing, indicating that proper ALARA controls were in place as required by procedure. In fact, the investigation indicated that this statement was not provided.