



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION II
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW, SUITE 23T85
ATLANTA, GEORGIA 30303-3415

July 17, 1998

IA 98-035

Mr. Charles J. Naivar
[HOME ADDRESS DELETED
PURSUANT TO 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NOS. 50-325, 324/98-06 AND OFFICE OF
INVESTIGATIONS REPORT NO. 2-97-024)

Dear Mr. Naivar:

This letter refers to a Nuclear Regulatory Commission (NRC) inspection completed on June 6, 1998, and an NRC Office of Investigations (OI) investigation completed on May 7, 1998. During these reviews, the NRC examined the facts and circumstances surrounding work you performed in August 1997 at Carolina Power and Light Company's (CP&L) Brunswick Nuclear Plant. You were interviewed on April 17 and 28, 1998, by OI as part of the investigation. Copies of the subject inspection report and the synopsis to the OI report are enclosed.

Based on the information developed during the inspection and investigation, the NRC concluded that you violated 10 CFR 50.5(a)(2), when you submitted to CP&L information you knew to be inaccurate. Specifically, you submitted to CP&L inaccurate information after you deliberately failed to follow plant procedures while conducting an inspection of the diesel generator building and falsified the corresponding procedural documentation. TS 6.8.1 requires, in part, that written procedures shall be established, implemented, and maintained covering process control program implementation. On August 11 and 12, 1997, you were tasked with conducting an inspection of the diesel generator building in accordance with Operating Instruction 00I-03.4, Outside Auxiliary Operator Daily Check Sheets. However, you deliberately failed to follow Operating Instruction 00I-03.4, in that you did not perform a portion of the procedure involving inspection of the four-day tank room and the diesel generator basement. After your failure to conduct the inspection of the diesel generator building in accordance with procedures, you deliberately falsified corresponding procedural documentation indicating the inspections had been done when in fact they had not. These records were material to the NRC and were required to be maintained by the licensee.

As an auxiliary operator at the Brunswick Nuclear Plant, you were entrusted with the responsibility to assure that activities assigned to you were conducted safely and in accordance with procedural requirements. Your actions in August 1997 did not adhere to these standards. Public health and safety require that licensee employees comply with regulatory requirements related to all work associated with nuclear power plant equipment and processes. Your deliberate failure to follow plant procedures and subsequent falsification of corresponding procedural documentation represent a significant regulatory concern. Therefore, after consultation with the Director, Office of

CERTIFIED MAIL NUMBER: Z 238 568 472
RETURN RECEIPT

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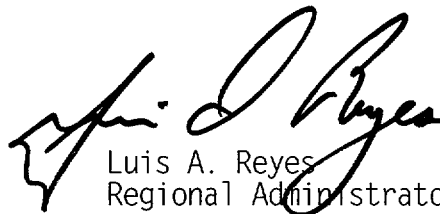
Enforcement, the NRC has decided to issue the enclosed Notice to you based on your violation of regulations regarding deliberate misconduct. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, the violation has been classified at Severity Level III. Copies of the applicable regulation and Enforcement Policy are enclosed for your reference.

In determining the appropriate sanction to be issued in this case, the NRC gave considerable weight to the fact that you were subjected to a substantial disciplinary action. However, should there be evidence of similar conduct on your part in the future, you may be subject to further enforcement action that could include an order prohibiting your involvement in NRC-licensed activities for a term of years.

The NRC has concluded that information regarding the reason for the violation has been adequately addressed during our investigation. Further, because you have been terminated from employment with CP&L, you are not required to respond to this Notice, unless you plan to contest the Notice or provide additional information, in which case you should follow the instructions specified in the Notice.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, 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 any response you submit will be placed in the Public Document Room (PDR) 45 days after the date of this letter unless you provide sufficient basis to withdraw this letter. Upon placement of these documents in the PDR, a copy of this enforcement action will also be provided to CP&L. Questions concerning this letter may be addressed to Mr. Mike Ernstes, Acting Chief, Branch 4, Division of Reactor Projects, at 404-562-4540 or Mrs. Anne Boland, Director, Enforcement and Investigations Coordination Staff at 404-562-4421.

Sincerely,



Luis A. Reyes
Regional Administrator

Enclosures:

1. Notice of Violation
2. Synopsis to OI Report No. 2-97-024
3. Inspection Report No. 50-325, 324/98-06
4. 10 CFR 50.5, Deliberate Misconduct
5. NUREG-1600

C. Naivar

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cc w/enc1 1 and 2 only w/HOME ADDRESS DELETED:
(HOLD FOR 45 DAYS - EICS ACTION)

Carolina Power and Light Company
Mr. J. S. Keenan, Vice President
Brunswick Steam Electric Plant
P. O. Box 10429
Southport, NC 28461

NOTICE OF VIOLATION

Mr. Charles J. Naivar

IA 98-035

During an NRC inspection completed on June 6, 1998, and an NRC Office of Investigations (OI) investigation completed on May 7, 1998, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 50.5 (a)(2) states, in part, that any employee of a licensee may not 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.

Technical Specification (TS) 6.8.1 requires, in part that written procedures shall be established, implemented, and maintained covering the applicable procedures recommended in Appendix "A" of Regulatory Guide 1.33, November 1972 which includes procedures for equipment control, log entries and record retention.

Operating Instruction 001-03.4, Outside Auxiliary Operator Daily Check Sheets, Revision 70, dated June 6, 1997, required the Duty Auxiliary Operator (Outside - Nightshift) to perform a tour of the four day tank room in the diesel generator building and the diesel generator building basement. Section 3.2 of the procedure further required the Auxiliary Operator to record the required reading on the field and master daily check sheets. Section 1.1 of the "Instructions for Use of the Auxiliary Operator Daily Check Sheet," of the same procedure required that all persons performing checks for the check sheets will initial on the Documentation and Review Sheet.

Administrative Procedure, OAP-009, Records Management Procedure, Revision 0, required that records associated with Procedure 001-03.4 be retained for a period of five years.

Contrary to the above, Charles J. Naivar submitted information to Carolina Power and Light Company (CP&L) that he knew to be inaccurate in some respect material to the NRC. Specifically, on August 11 and 12, 1997, Mr. Naivar deliberately failed to perform an inspection of the four-day tank room and the diesel generator basement as required by Operating Instruction 001-03.4. Subsequent to his failure to follow procedures, Mr. Naivar deliberately falsified the corresponding documentation, indicating the inspections had been performed when in fact they had not been performed, and submitted this inaccurate information to CP&L. The inaccuracy of this documentation, which is required to be maintained by the licensee, is material, for the NRC relies on this information to assure that equipment and facilities are being inspected and maintained in accordance with regulatory and license requirements. (01013)

This is a Severity Level III violation (Supplement I).

Enclosure 1

The NRC has concluded that information regarding the reason for the violation has been adequately documented in our investigation of this matter. Further, because you have been terminated from employment with CP&L, you are not required to respond to this Notice unless you plan to contest it or to provide additional information, in which case you should follow the instructions below. If you choose to respond, clearly mark your response as a "Reply to Notice of Violation", and send it, within 30 days of the date below, to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region II, Atlanta Federal Center, 61 Forsyth St., SW, Suite 23T85, Atlanta, Georgia, 30303, and a copy to the NRC Resident Inspector at the Brunswick Nuclear Plant, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). If you contest the violation you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

If you submit a response to this notice, your response will be placed in the NRC Public Document Room (PDR). Therefore, 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 would like 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 at Atlanta, Georgia
this 17th day of July 1998

SYNOPSIS

The U.S. Nuclear Regulatory Commission, Region II, Office of Investigations, initiated this investigation on September 24, 1997, to determine if a Carolina Power and Light Company Brunswick Steam Electric Plant employee deliberately failed to perform an inspection of the diesel generator building as required by procedures. Additionally, this investigation was initiated to determine if this employee deliberately falsified the inspection report.

The evidence developed during this investigation substantiated that this employee deliberately failed to perform the inspection of the diesel generator building as required by procedures. Specifically, this employee failed to inspect the 4-day tank room and the diesel generator basement. Also, this individual deliberately falsified the inspection report, claiming those areas had been inspected.

Approved for release 7/17/98

~~NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF~~
~~FIELD OFFICE DIRECTOR, OFFICE OF INVESTIGATIONS, REGION II~~

~~CONFIDENTIAL~~

July 17, 1998

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Sincerely,

original signed by LAR

Luis A. Reyes
Regional Administrator

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 OE:EA File (BSummers, OE)(2 letterhead)
 PUBLIC (HOLD FOR 45 DAYS - EICS ACTION)
 NRC Resident Inspector
 U. S. Nuclear Regulatory Commission
 8470 River Road, SE
 Southport, NC 28461

SEND TO PUBLIC DOCUMENT ROOM?		YES		NO						
OFFICE	RII:DRP	RII:ORA	RII:EICS	RII:DRS	OI	RII:ORA				
Signature	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>				
NAME	LPLISCO	CEVANS	ABOLAND	JJAUDON	WMCNUITY	JJOHNSON				
DATE	7/10/98	7/10/98	7/10/98	7/10/98	7/10/98	7/10/98				
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CONTAINS PREDECISIONAL INFORMATION - NOT FOR PUBLIC DISCLOSURE
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Attachment *T*

** See previous concurrence*

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COPY?	YES NO	YES NO	YES NO						

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*OE concurrence
per J. Lieberman
on 07/17/98
via telephone*