



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PA 19406-1415

November 18, 2010

EA-2010-149

Mr. John T. Carlin, Vice President  
R.E. Ginna Nuclear Power Plant, LLC  
Constellation Energy Nuclear Group, LLC  
1503 Lake Road  
Ontario, New York 14519

SUBJECT: NRC INVESTIGATION REPORT 1-2009-050 AND NRC INSPECTION REPORT  
05000244/2010010

Dear Mr. Carlin:

This letter refers to an investigation by the U. S. Nuclear Regulatory Commission's (NRC's) Office of Investigations (OI) that was conducted at Constellation Energy Nuclear Group, LLC's (Constellation's) R.E. Ginna Nuclear Power Plant (Ginna). The investigation, completed on July 29, 2010, was conducted to determine whether two Bartlett Nuclear, Inc. (Bartlett) supervisors, while employed at Ginna, deliberately provided inappropriate assistance to Bartlett custodial technicians at Ginna during their General Employee Training (GET) examinations. Both occurrences were initially reported to the NRC by Constellation.

Based on the evidence developed during this investigation, OI substantiated that the two Bartlett supervisors deliberately provided inappropriate assistance to Bartlett custodial technicians at Ginna during their GET examinations to help them pass.

The actions of the Bartlett supervisors violated Ginna Technical Specifications Section 5.4.1, which caused Constellation to be in violation of its license conditions and NRC requirements. This section states, in part, that written procedures shall be established, implemented and maintained to cover the applicable procedures recommended in Regulatory Guide 1.33, Revision 2, Appendix A, February 1978. Constellation Nuclear Generation Fleet Administrative Procedure, CNG-TR-1.01-1010, "General Employee Training," Revision 00100, Section 5.1, states, in part, that all personnel who are to become eligible, or who are to requalify for Unescorted Access Authorization to nuclear power plants, must satisfy specified requirements, including that all personnel are required to requalify annually by completing GET-PAT (Plant Access Training) and GET-FFD (Fitness for Duty) training modules. Section 3.3, states, in part, that a passing grade on a GET exam shall be equal to or greater than 80%. Section 4.6, states, in part, that no person, at any time, shall copy, share or otherwise compromise the integrity of any exam. Contrary to the above, in August 2009, Constellation identified that Bartlett supervisors were compromising the integrity of GET exams. Specifically, the Bartlett supervisors were providing assistance to contract Bartlett employees taking the exams in order to help them pass. Although Constellation was unaware that the Bartlett supervisors were compromising the integrity of GET exams, Constellation is responsible for the actions of its employees, including contracted employees.

Because you are responsible for the actions of your employees, and because the violation involved deliberate misconduct, the violation was evaluated under the NRC's traditional enforcement process as set forth in Section 2.2.4 of the NRC Enforcement Policy. Absent willfulness, this violation would be categorized as minor; however, due to the willfulness of this violation, the NRC has categorized it at Severity Level IV in accordance with the NRC Enforcement Policy. Because this violation was of very low safety significance and was entered into Ginna's corrective action program, this violation is being treated as a non-cited violation (NCV), consistent with Section 2.3.2 of the NRC Enforcement Policy (NCV 05000244/2010010-01, Deliberately Providing Inappropriate Assistance During General Employee Training). The current NRC Enforcement Policy is included on the NRC's website at <http://www.nrc.gov>; select **About NRC, Regulation, Enforcement**, then, **Enforcement Policy**.

Because the violation is not being cited, a response to this letter is not required. However, if you contest this NCV, or its significance, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN.: Document Control Desk, Washington, D.C. 20555-0001, with copies to the Regional Administrator, Region I and the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

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

Should you have any questions regarding this letter, please contact Mr. Glenn Dentel at 610-337-5233.

Sincerely,



David C. Lew, Director  
Division of Reactor Projects

Docket No. 50-244  
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**/RA/**

David C. Lew, Director  
Division of Reactor Projects

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