



UNITED STATES
NUCLEAR REGULATORY COMMISSION

July 22, 1998

IA 98-037

David Lee Brown, Sr.
[HOME ADDRESS DELETED FROM
COPIES PURSUANT TO 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION (NRC INVESTIGATION REPORT 4-97-051)

Dear Mr. Brown:

This is in reference to an investigation conducted by the NRC's Office of Investigations (OI) to determine whether you deliberately provided false information to Entergy Operations, Inc. (Entergy), to obtain access to Entergy's River Bend Station nuclear power plant. The investigation was completed February 18, 1998.

This investigation was initiated after the NRC was informed by Entergy in September 1997 that your access to the facility, which had been granted in July 1997, had been terminated based on Entergy's determination that you deliberately provided false information on a security questionnaire. Entergy reported that you had been employed as a millwright by an Entergy contractor at River Bend Station from July 17, 1997 to September 5, 1997.

The NRC's investigation consisted of interviews of Entergy personnel and a review of documents compiled by Entergy. The investigation found that you did not inform Entergy about a recent termination from a job with General Motors in Wilmington, Delaware based on a positive drug test. Entergy's records indicate that when you were interviewed by River Bend Station's supervisor of access authorization about this omission that you stated you had omitted this information because you knew you would not be able to work in the nuclear field with a prior positive drug test. In your written statement to Entergy, you indicated that you omitted this information because you had not yet entered it into your employment ledger and denied that it was intentional.

OI's review of documents in this case indicate that you completed Entergy's questionnaire on July 11, 1997, two weeks after your termination from General Motors. On the questionnaire, you indicated that you had been unemployed from May 27, 1997 to July 14, 1997, when in fact you were employed by General Motors from June 23-27, 1997. In addition, in response to Question 21, asking whether you had ever been fired, terminated for cause, or asked to resign from a job, you answered "yes" but listed only one such instance involving Exxon, and made no reference to your recent termination from General Motors. You also signed a statement that you understood that willful omission or falsification of the information on the security questionnaire may be cause for denial of unescorted access and possible prosecution by the NRC. Based on a review of the available evidence in this case, the NRC concludes that you deliberately omitted derogatory employment information on your security questionnaire in order to gain unescorted access to River Bend Station.

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This intentional falsification of information required by the NRC constitutes a violation of the NRC's rule prohibiting deliberate misconduct, 10 CFR 50.5. Your actions were intended to circumvent Entergy's program to ensure that individuals who are granted unescorted access to its nuclear plants are trustworthy and reliable, a program that is required by NRC regulations. This violation is described in the enclosed Notice of Violation, and has been categorized at Severity Level IV in accordance with the General Statement of Policy and Procedure for NRC Enforcement Actions, NUREG-1600, Revision 1.

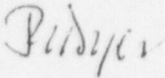
While the NRC's decision in this case is to issue the enclosed Notice of Violation to you, you should be aware that the NRC's regulations allow the issuance of orders to individuals to prevent their employment in licensed activities at all NRC licensed facilities. A violation of 10 CFR 50.5 also may lead to criminal prosecution. Should you be involved in NRC-licensed activities in the future, similar violations on your part may result in additional sanctions against you.

You are not required to respond to this letter and Notice at this time unless you contest the violation. If you believe that any information on this matter is inaccurate or if you wish to add information you believe is important to this matter, please provide it to me in writing within 30 days of receipt of this letter. Should you contest the Notice of Violation, a response is required within 30 days of the date of this letter addressing the specific bases for disputing the violation. This response should be sent as specified in the enclosed 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 PDR after 45 days unless you submit a response that provides a basis for the NRC to withdraw this action. In addition, the NRC will provide a copy of this action to Entergy Operations, Inc.

If you have any questions, please contact Gary Sanborn at (817) 860-8222 or (800) 952-9677.

Sincerely,


fw Ellis W. Merschoff
Regional Administrator

Docket No. 50-458
License No. NPF-47

Enclosures:

1. Notice of Violation
2. Synopsis of OI Report No.4-97-051

Mr. David L. Brown, Sr.

-3-

cc w/Enclosures: (HOLD FOR 45 DAYS)
John R. McGaha, Vice President - Operations
River Bend Station
Entergy Operations, Inc.
P.O. Box 220
St. Francisville, Louisiana 70775

Mr. David L. Brown, Sr.

-4-

bcc w/Enclosure\$:

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*PDR

*LPDR

*CA

*RIV Files

*IE 14

*NUDOCS

*PA (O-2G4)

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OIG (T-5D28)

LIEBERMAN, OE (O-7H5)

OI (O-3E4)

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BOGER, NRR/ADP (O-12G18)

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