



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REG'ON IV

611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064

September 16, 1997

IA 97-075

Mr. Kelly N. Ross  
[Home address deleted  
pursuant to 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION (NRC INVESTIGATION 4-97-040)

Dear Mr. Ross:

This is in reference to an investigation conducted by the NRC's Office of Investigations (OI). The investigation was based on Entergy Operations, Inc.'s decision to deny you access to River Bend Station, St. Francisville, Louisiana, and was conducted to determine whether you violated the NRC's deliberate misconduct rule, 10 CFR 50.5. The investigation was completed August 4, 1997.

The NRC's deliberate misconduct rule, a copy of which is enclosed, prohibits any employee of a contractor to an NRC licensee from deliberately providing inaccurate or incomplete information to a licensee, if the information is of a material nature to the NRC.

Based on a review of Entergy Operations, Inc. (Entergy), documents, and interviews of Entergy personnel, the NRC has concluded that you deliberately omitted certain criminal history information from your access authorization questionnaire which you completed in September 1996 for access to River Bend Station. Specifically, you omitted information about a 1994 felony conviction for grand theft auto. The omitted information is material because the NRC requires licensees to consider criminal history information in making access authorization decisions at nuclear power plants.

This intentional omission constitutes a violation of the NRC's rule prohibiting deliberate misconduct. In carrying out its responsibilities, the NRC must be able to rely on information provided by licensees and their employees and the integrity of employees involved in licensed activities. This violation is described in the enclosed Notice of Violation, and has been categorized at Severity Level III in accordance with the General Statement of Policy and Procedure for NRC Enforcement Actions, NUREG-1600.

While the NRC has decided to issue the enclosed Notice of Violation in this case, based in part on actions already taken by Entergy, you should be aware that violations of the deliberate misconduct rule may result in orders prohibiting involvement in NRC-licensed activities and may be referred to the Department of Justice for possible criminal prosecution. Similar violations on your part in the future will result in consideration of additional sanctions.

You are required to respond to this Notice within 30 days of the date of this letter, and should follow the instructions contained in the Notice. In addition, the NRC requests that



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Mr. Kelly N. Ross

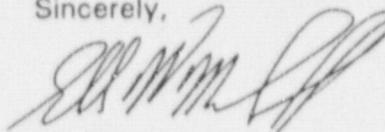
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you include in your response a statement as to why the NRC should have confidence you will provide complete and accurate information in the future. The NRC will review your response in determining whether further enforcement action is necessary to assure compliance with NRC requirements.

In accordance with 10 CFR 2.790 of the NRC's Rules of Practice, documents compiled for enforcement purposes normally are placed in the NRC's Public Document Room (PDR). However, we will delay placing a copy of this letter and Notice in the PDR for 45 days, to allow you an opportunity to challenge the NRC's basis for issuing the enclosed Notice. If you do not respond, or do not provide an adequate basis for the NRC to withdraw its action, the NRC will consider this matter closed and will place copies of this letter and your response in the PDR.

If you have any questions about this Notice, or questions about how to respond, please contact Gary Sanborn, regional Enforcement Officer, at (800)952-9677 or (817)860 8222.

Sincerely,



Ellis W. Merschorf  
Regional Administrator

Enclosures:

1. Notice of Violation
2. Deliberate Misconduct Rule, 10 CFR 50.5

Mr. Kelly N. Ross

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bcc w/Enclosure 1: \*\*delay 45 days

\*\*PDR  
\*\*LPDR  
\*\*Entergy Operations, Inc.

~~\*\*JE 14~~  
\*\*NUDOCS

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