



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

February 23, 2012

EA-11-249

John Ventosa  
Site Vice President  
Entergy Nuclear Operations, Inc.  
Indian Point Energy Center  
450 Broadway, GSB  
Buchanan, NY 10511-0249

SUBJECT: NRC INVESTIGATION REPORT NO. 1-2011-029

Dear Mr. Ventosa:

This letter refers to the investigation by the U. S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) conducted at Entergy Nuclear Operations, Inc.'s (Entergy's) Indian Point Energy Center (IPEC), which was completed on October 18, 2011. The investigation was conducted to determine whether a contract employee previously employed at IPEC, deliberately failed to report a January 4, 2011 felony robbery arrest on his first day back to work. Entergy had previously identified this failure and entered it into its Corrective Action Program (CAP), and the NRC became aware of this issue during a review of CAP Condition Reports.

Based on the evidence gathered during the OI investigation, including the contractor's admission to OI that he knew he should have promptly reported the arrest but did not, the NRC has concluded that the contractor did, in fact, deliberately violate requirements set forth in 10 CFR 73.56(g), which requires, in part, that any individual maintaining unescorted access (UA) shall promptly report to the reviewing official, his supervisor, or other management personnel any legal action taken by a law enforcement authority to which the individual has been subject that could result in incarceration or a court order that requires a court appearance, including an arrest.

Specifically, on January 4, 2011, the contractor, who had UA to IPEC at the time, was arrested while he was offsite and during non-working hours. Although the contractor should have promptly reported the arrest to IPEC, he continued working at IPEC without reporting the arrest. Further, on March 21, 2011, during a re-investigation Entergy performed to maintain his UA, the contractor provided Entergy a document that indicated that he had not had any arrests. During Entergy's re-investigation of the contractor, his arrest was discovered. As a result, Entergy removed the contractor's UA, terminated his employment, and updated his Personal Access Data System entry to reflect the unfavorable termination.

After reviewing the specific circumstances regarding this issue, the NRC is not taking any enforcement action against Entergy.

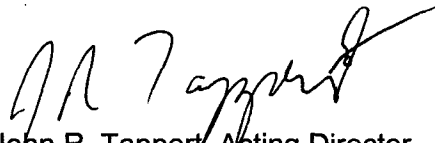
You are not required to respond to this letter. However, should you chose to respond, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region I, 475 Allendale Rd., King of Prussia, PA 19406, and marked "Open by Addressee Only," within 30 days of the date of this letter, with a copy to the NRC Senior Resident Inspectors at IPEC.

J. Ventosa

2

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room and from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Should you have any questions regarding this letter, please contact Mr. Mel Gray at 610-337-5209.

Sincerely,

A handwritten signature in black ink, appearing to read "JR Tappert", with a stylized flourish at the end.

John R. Tappert, Acting Director  
Division of Reactor Projects

Docket No. 50-286  
License No. DPR-64

cc: Distribution via ListServ

J. Ventosa

2

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room and from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Should you have any questions regarding this letter, please contact Mr. Mel Gray at 610-337-5209.

Sincerely,

/RA/

John R. Tappert, Acting Director  
Division of Reactor Projects

Docket No. 50-286  
License No. DPR-64

cc: Distribution via ListServ

Distribution:

W. Dean, RI, RA  
D. Lew, DRA  
D. Roberts, DRP  
J. Clifford, DRP  
C. Miller, DRS  
P. Wilson, DRS  
M. Gray, DRP  
B. Bickett, DRP  
S. McCarver, DRP  
M. Jennerich, DRP  
J. Trapp, DRS  
D. Screnci / N. Sheehan, RI  
K. Farrar, RI  
D. Holody, RI  
M. McLaughlin

P. Cataldo, Site SRI  
M. Halter, Site RI  
D. Hochmuth, Site Admin  
C. O'Daniell, RI  
Enforcement Coordinators RII, RIII, RIV  
(C. Evans, S. Orth, H. Gepford)  
D. Furst, OE  
M. Ashley, NRR  
S. Coker, NSIR  
J. Teator, OI  
J. Ferich, OI  
R1DRPMailResource  
R1 OE Files (with concurrences)  
ROPreportsResource@nrc.gov  
RidsNrrPMIndianPointResource

**SUNSI Review Complete: \_\_\_aed\_\_\_ (Reviewer's Initials)**

**ML12054A187**

DOC NAME:S:\Enf-allg\Enforcement\Proposed-Actions\Region1\EA-11-249 IP Arrest Rpt, no violation.docx

After declaring this document "An Official Agency Record" it **will** be released to the Public.

To receive a copy of this document, indicate in box: 'C' = Copy w/o attachment/enclosure 'E' = Copy w/attachment/enclosure 'N' = No copy

OFFICE	RI/ORA	RI/DRP	RI/DRS	RI/DRS	RI / OI
NAME	ADeFrancisco/AED	MGray/MXG	JTrapp/JMT	CMiller/PRW for	JTeator/JF for
DATE	12/30/11	1/04/12	1/05/12	1/06/12	1/06/12
OFFICE	RI/ORA	RI/ORA	OE	OGC	RI/DRP
NAME	KFarrar/KLF	DHolody/DJH	DFurst/DF	BKlukan/BMK	JTappert/JRT
DATE	1/09/12	1/09/12	2/17/12	2/06/12	2/23/23

OFFICIAL RECORD COPY