



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064**

November 1, 2000

EA-00-190

Randal K. Edington, Vice President - Operations
River Bend Station
Entergy Operations, Inc.
P.O. Box 220
St. Francisville, Louisiana 70775

**SUBJECT: APPARENT VIOLATION OF EMPLOYEE PROTECTION REQUIREMENTS
(NRC INVESTIGATION REPORT 4-2000-017A)**

Dear Mr. Edington:

This is in reference to your September 21, 2000 letter, in which you responded to our August 24, 2000 letter describing an apparent violation of NRC requirements prohibiting discrimination against employees who engage in protected activities. The apparent violation involved remarks made by a River Bend Station (RBS) security manager to members of the security force at a shift turnover meeting on March 3, 2000, based on his belief that a member of the security force had taken concerns about required agility testing to the NRC. The security manager said if he found out who went to the NRC he would choke that person, or remarks to that effect, and that he could make the agility test so difficult that no one could pass it.

In your letter, you stated that Entergy Operations Inc.'s (EOI) investigation concluded that the comments made by the security manager were perceived by some individuals as intimidating and threatening, and that this perception by workers could potentially generate an adverse effect if allowed to persist. You acknowledged that a violation of 10 CFR 50.7 may have occurred. However, you also cited EOI's prompt actions to address this matter and your belief that as a result of your actions, no actual discrimination occurred and that the potential for adverse safety consequences was minimal. Your actions following your investigation included removal of the security manager from his position and numerous actions aimed at reversing the potential chilling effect that his remarks had on members of the security organization.

Your letter stated that EOI management believed that the remarks and conduct of the security manager were "unwarranted, unacceptable and had the potential to impose a reluctance on the part of the Security Force to raise concerns." The NRC agrees with your characterization of his conduct, and considers his actions contrary to the Commission's expectations for a safety-conscious work environment. We find it disturbing that this manager was made aware of the reaction to his comments and chose not to communicate that to higher level EOI management, and that after making his comments he seemed intent on finding out who had gone to the NRC. Notwithstanding our views about the inappropriateness of his conduct, we agree that the primary concern in this case is the potential chilling effect that was created by the security manager's remarks. EOI's prompt actions in response to this matter appear to have addressed the potential for a chilling effect and to have prevented specific acts of retaliation against any

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particular individual who may have raised these concerns. Therefore, the NRC does not plan to pursue enforcement action in this matter. We encourage EOI to continue to impress upon all of its managers -- not just those in the security area -- the importance of maintaining an environment in which individuals do not feel threatened for raising safety or compliance concerns.

Should you have any questions about this matter, please contact me at (817)860-8225.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Ellis W. Merschoff
Regional Administrator

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

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- Branch Chief, DRP/TSS **(PHH)**
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- D. Lange **(DJL)**
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RIV:D:ACES	RC	D:DRS	D:DRP	D:OE
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OGC	DRA	RA		
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