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Michael R. Kansler  
President

June 15, 2005  
JPN-05-009

Mr. Frank J. Congel  
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U. S. Nuclear Regulatory Commission  
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**SUBJECT:** Response to NRC request for information on Entergy actions to ensure employees at FitzPatrick remain willing to raise safety concerns

**Reference:** 1. NRC letter, Frank J. Congel to Michael Kansler (EA-05-098) dated May 16, 2005.

Dear Mr. Congel,

In the letter referenced above, you requested information on actions that Entergy has taken, is taking or plans to take to prevent public knowledge of the administrative law judges (ALJ) decision from having a negative effect on the willingness of all FitzPatrick employees to raise safety concerns. As noted in your letter, Entergy has appealed this decision and this appeal is currently pending.

Entergy is sensitive to the possibility that employees' willingness to raise safety concerns could be influenced by news reports of this particular case, and in a larger sense, we recognize that Entergy management must continuously work to foster an environment that assures employees they can, and should raise safety concerns without fear of potential adverse effects.

Following the dismissal of the employee involved in the case currently under review, the senior management of the department in which the employee worked, and the manager of human resources at FitzPatrick met with all employees of this department to discuss the following points:

- That although it would be inappropriate to discuss details, the dismissal of the employee had been based solely on performance issues.
- That the individual had previously brought up safety concerns and that these concerns had been looked into and addressed through normal channels. Based on the individual's concerns, some changes were made. Other recommended changes were deemed unnecessary.
- The dismissal of the employee was based on performance issues and was not associated with the safety concerns raised by the individual.

- That Entergy continues to encourage employees to bring forth concerns through the various channels available, e.g. line management, the corrective action program, the employee concerns program, etc.

The action discussed above was taken specifically to address the potential impact of the dismissal of one employee. However, Entergy management has continuously focused on building and maintaining a culture at all of our facilities that promotes an environment in which employees are comfortable raising potential safety concerns. These efforts predate the case currently under review, and are an ongoing part of our business practices.

All employees at FitzPatrick are encouraged to bring safety concerns to the attention of their line supervisors at any time. However, other avenues are available to employees to bring up concerns, including methods that allow employees to raise concerns anonymously.

Two items central to your question about the willingness of employees to raise safety concerns are the culture at FitzPatrick and evidence that employees are continuing to use the normal methods for raising issues.

- In 2002 and 2004, Entergy Nuclear Northeast contracted with a consultant to perform an independent assessment of the nuclear safety culture and safety conscious work environments at our facilities. 59.1% (2002) and 64.4% (2004) of FitzPatrick employees participated in the assessment through anonymous surveys. The latest assessment report concluded that the nuclear safety culture at FitzPatrick was 'very good' (rated 4.01 out of a possible 5.00) and rated the safety conscious work environment at Fitzpatrick as 'very good to excellent' (rated 4.40 out of a possible 5.00). This independent assessment will continue to be performed periodically to help us monitor the culture at our nuclear facilities.
- The station's Corrective Action Program is the standard Entergy process for documenting actual or potential issues. This process requires formal evaluation and disposition of all issues raised and the results of these evaluations are available in a computer database accessible by all Entergy employees. Issues are entered into the corrective action program electronically, or on paper, by initiation of a condition report. All Entergy employees and supplemental personnel working at Entergy nuclear facilities have the ability to initiate condition reports, and can do so anonymously if they wish. Condition report initiation rates at FitzPatrick vary somewhat based on the pace and scope of activities but typically run from 400 to 500 per month.
  - From 2001 through 2003, FitzPatrick employees initiated an average of 5614 condition reports each year, or 467 per month. In 2004, following the dismissal of the employee in question (November 2003), FitzPatrick employees initiated 5670 condition reports, an average of 472 each month.
  - In the first 3 months of 2005, employees at FitzPatrick initiated an average of 421 condition reports each month. In April and May of 2005, the first two months following the decision of the ALJ, employees at FitzPatrick initiated 435 and 446 condition reports respectively.

This indicates no adverse effect on employees' willingness to identify issues and document them in the Corrective Action Program. The initiation rate of condition reports is one of many data points reviewed monthly by station management to monitor the health of the corrective action program.

Another method available for employees to raise safety issues is the Employee Concerns Program (ECP). This program provides a confidential avenue for employees to raise any issue, including safety concerns. Employees and supplemental workers are trained on this program as part of orientation training required for unescorted access to any of Entergy's nuclear facilities. The purpose and availability of this program to all employees is continuously reinforced through various methods including pamphlets, letters to employees, company wide electronic mail notices (Inside Entergy Nuclear News) and employee meetings. For example, there have been 4 Inside Entergy Nuclear News items on the Employee Concerns Program issued since November 2004. These articles are distributed to all employees electronically and hard copies are placed in public areas like maintenance shops, building lobbies, the cafeteria and the training building.

The Entergy ECP is formalized in procedure EN-EC-100, Guidelines for Implementation of the Employee Concerns Program. This procedure defines the program itself and 'protected activities', as well as specifying the responsibilities of management and supervision for ensuring personnel are familiar with the ECP and for maintaining a strong safety culture.

Each Entergy Nuclear facility has an ECP coordinator who has a reporting relationship independent of site management. The ECP coordinators at the Entergy facilities work with each other to help resolve issues consistently, promptly and confidentially.

Of course, Entergy employees are also able to report issues and concerns directly to the NRC. The rights of employees to report issues to the Commission and to be protected from any adverse effects in accordance with Title 10 of the Code of Federal Regulations (10CFR), section 50.7 are posted at various areas of the plant (NRC Form 3), and the same information is included in initial and periodic refresher training to all personnel having unescorted access to any of Entergy's nuclear facilities.

The Entergy Nuclear Corrective Action and Employee Concerns Programs are parts of our ongoing actions to maintain a culture which ensures employees know they can bring up issues without concern for adverse consequences. We have also taken a number of specific actions aimed at maintaining and reinforcing this culture at FitzPatrick and our other nuclear facilities.

Examples of actions taken previously include:

- Following the purchase of the FitzPatrick plant by Entergy in November 2000, a team of employees, including management and bargaining unit personnel, developed the 'stakes in the ground', a set of 4 guiding principles which govern decision making at all levels. The stakes are:
  - Never compromise safety
  - Be best of best
  - Make sound economic decisions
  - Be a learning organizationThe 'never compromise safety' and 'be a learning organization' stakes both drive a focus on openness to varying opinions and points of view, and a focus on nuclear, radiological and industrial safety. These stakes in the ground have remained unchanged since adoption.
- In 2001 and 2002, employees at FitzPatrick were given an opportunity to attend the Pacific Institute, a 4 day seminar provided by an outside consultant designed to foster teamwork and openness to change. Attendance was strictly voluntary. 459 of our approximately 700 employees chose to attend. One of the sessions in this program

focused on the corrective action and self-assessment programs and how these work toward maintaining an open environment for all employees to bring up and address issues.

- Entergy Nuclear has a formal change management process, documented in procedure EN-PL-155, Change Management. This process requires evaluation of the safety impact of changes to programs and processes at the nuclear facilities.
- In June of 2004, I sent a letter directly to all Entergy Nuclear Northeast employees discussing my commitment to maintaining a safety conscious work environment and to encouraging the free flow of communication regarding potential safety problems.
- In August of 2004, a handbook entitled "Understanding Safety Conscious Work Environment" was distributed to all supervisors, managers and directors. The handbook was accompanied by a letter from each of the Site Vice Presidents reaffirming Entergy's commitment to maintaining a safety conscious work environment and each supervisor's role in doing so.
- As discussed above, we periodically use an outside firm to conduct an independent assessment of the culture at each of our nuclear facilities with emphasis on our attitudes, behaviors and practices related to nuclear safety culture and safety conscious work environment. This survey was last conducted at FitzPatrick in 2004, with a 64.4% participation rate. I notified each employee, by direct mailing, of the importance of this survey and encouraged them to participate. I also visited the station in February 2005 to share the results of the survey with the management team. Both the employee participation rate and the survey results discussed above reflect positively on the culture at Fitzpatrick.

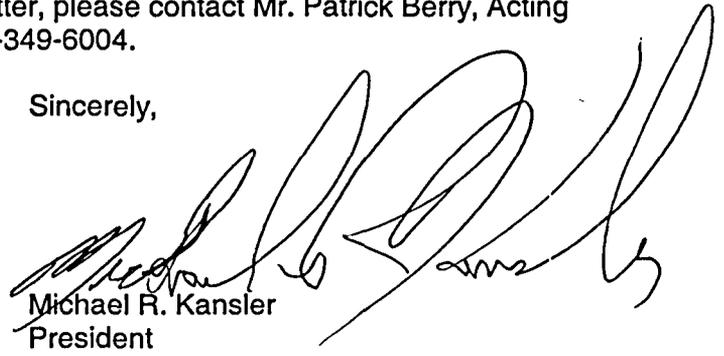
More recently, the following activities have been completed or are in progress:

- A new Entergy Nuclear fleet wide policy, EN-PL-187, Safety Conscious Work Environment was issued on May 10, 2005. This policy documents the commitment of Entergy Nuclear to maintain a safety conscious work environment for all workers at our facilities and specifies responsibilities for supervisors, managers and employees.
- All supervisory personnel in Entergy Nuclear are receiving a 4-hour course on safety conscious work environment. This course is being taught by senior station managers. This training is being delivered at FitzPatrick during May and June of 2005.
- All managers and above in Entergy Nuclear are receiving a 6-hour course on conservative decision making. This course is being taught by the Site Vice Presidents. An element of this course is the importance of maintaining a focus on industrial, nuclear and radiological safety. This training is being conducted at FitzPatrick in June 2005.
- A pamphlet distributed to all Entergy supervisors and managers in April 2005 on 'key messages' contained information to help supervisors communicate the company's culture and priorities to our employees, family members and the public. The first of the 5 key messages is that Entergy is 'focused on safety'.
- Our most recent Inside Entergy Nuclear News item, issued June 1, 2005, is focused on nuclear safety and the importance of maintaining a strong nuclear safety culture.
- Following a recent change in a management position in the FitzPatrick Engineering Department, a facilitated assimilation session was conducted with the new manager and his direct reports. Assimilation sessions are routinely conducted following changes in management positions. These sessions are intended to promote an open and effective working relationship between the new manager and his/her direct reports, consequently promoting a willingness of employees to bring up safety concerns to their new supervisor or manager.

In summary, a strong safety conscious work environment currently exists at the FitzPatrick plant. This environment is maintained by both the existence of well established Corrective Action and Employee Concerns Programs and by the ongoing efforts of management to reinforce the need for open communications throughout the organization. We will continue to communicate the importance of employees bringing up issues and concerns through the available channels in periodic meetings with employees, company wide communications and training as appropriate. We will continue to monitor the health of our programs and our safety culture through review of performance indicators and periodic assessments.

Should you have any questions regarding this matter, please contact Mr. Patrick Berry, Acting Director of Safety Assurance at FitzPatrick at 315-349-6004.

Sincerely,



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cc:

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