

April 9, 2010

EA-10-034

Mr. John Herron
President, CEO and CNO
Entergy Nuclear Operations
1340 Echelon Parkway
Jackson, MS 39213

SUBJECT: ENTERGY NUCLEAR OPERATIONS RESPONSE TO NRC DEMAND FOR
INFORMATION ISSUED ON MARCH 1, 2010

Dear Mr. Herron:

By letter dated March 31, 2010, Entergy Nuclear Operations (Entergy) submitted its reply to the US Nuclear Regulatory Commission (NRC) Demand for Information (DFI) issued on March 1, 2010 (ML100570237)¹. The NRC issued the DFI in response to Entergy's notification, on February 24, 2010, that it had taken actions regarding certain employees at Entergy as a result of its independent internal investigation into alleged contradictory or misleading information provided to the State of Vermont, concerning the Vermont Yankee Nuclear Power Station (Vermont Yankee) that was not corrected. In the DFI, the NRC required that Entergy: 1) confirm that communications over the past five years to the NRC by the aforementioned employees (AFEs), that were material to NRC-regulated activities, were complete and accurate; 2) describe corrective actions for any identified incomplete or inaccurate communications; 3) describe how continuing regulatory program performance is being provided for in light of organizational changes resulting from this action; 4) describe how potential adverse impacts to site safety culture are being identified and addressed; and 5) make the results of Entergy's independent investigation available to the NRC for review.

In its response, Entergy noted that it found no evidence of incomplete or inaccurate information material to NRC-regulated activities provided by the AFEs to the NRC in the past five years. Entergy further stated that it has filled the positions resulting from the organizational changes with qualified individuals to serve in acting capacities, and that it has implemented change management plans to effect their transition. In addition, Entergy described the method and results of an independent review conducted by a contract organization to identify any adverse effect that the investigation and resulting personnel actions may have had on Vermont Yankee safety culture. Entergy related that the independent review identified that there has been no adverse effect on the safety culture at Vermont Yankee. Finally, Entergy affirmed that it made the results of its independent investigation available for the NRC to review.

The NRC staff has carefully evaluated Entergy's March 31, 2010 DFI response (ML100910420). Based on that NRC evaluation, I have concluded, after consultation with the Director, Office of

¹ Designation in parentheses refers to an Agencywide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly-available using the accession number in ADAMS.

Enforcement, that these submittals are of sufficient scope and depth to allow the NRC to initiate a detailed review and independent assessment of the acceptability of Entergy's conclusions set forth in the response to the DFI. On April 5, 2010, the NRC Executive Director for Operations authorized a deviation from the reactor oversight process, in part, to provide the resources to conduct this review (ML100960321).

The NRC review and assessment will entail inspections, audits, and other reviews by the NRC staff, including in-office and/or on-site examination of the documents and other communications, considered by Entergy in its DFI response. On April 5, 2010, Mr. John McCann, Entergy Vice President, Nuclear Safety, verbally indicated that Entergy will: 1) make available an individual or individuals as a point of contact to the NRC staff performing this review; and 2) make available for NRC review, whether onsite at Vermont Yankee or at an Entergy corporate office or other, suitable location, those communications and reports considered by Entergy in reaching its conclusions in the DFI response.

Upon completion of the NRC reviews, the NRC will communicate the results of its reviews. This will include the result of the NRC staff review of Entergy's independent investigation, which the NRC staff conducted in March at the law offices of Morgan, Lewis, and Bockius in Philadelphia, Pennsylvania. The NRC will also inform Entergy whether further action is necessary to ensure compliance with regulatory requirements.

You are not required to respond to this letter. Should you decide to provide a written response, address your response to the Regional Administrator, NRC Region 1, 475 Allendale Road, King of Prussia, PA, 19406 (with copies to the Director, Office of Enforcement and to the Assistant General Counsel for Materials Litigation and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001).

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response should you decide to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information.

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If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection, described in 10 CFR 73.21.

If you have any questions, please contact Marjorie McLaughlin, NRC Region I Senior Enforcement Specialist, at (610) 337-5240.

Sincerely,

/RA/

Samuel J. Collins
Regional Administrator

Docket No. 05000271
License No. DPR-28

cc: via Listserve

J Herron

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DATE	4/07/10	4/07/10	4/07/10	4/08/10	4/08/10

* See concurrence on previous page

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