

August 22, 2011

EA-11-096

Mr. John McCann
Vice President, Licensing
Entergy Corporation
639 Loyola Avenue
New Orleans, LA 70113

SUBJECT: CONFIRMATORY ORDER (EFFECTIVE IMMEDIATELY)

Dear Mr. McCann:

The enclosed confirmatory order is being issued to Entergy Operations, Inc. and Entergy Nuclear Operations, Inc. (collectively referred to as Entergy), holders of eleven nuclear power plant operating licenses fleet-wide. The enclosed confirmatory order operates as a license modification for each of those operating licenses and is the result of a settlement agreement between the U.S. Nuclear Regulatory Commission (NRC) and Entergy.

By letter dated May 20, 2011, the NRC identified an apparent violation of 10 CFR 50.7 to Entergy Operations Inc. based on the NRC's Office of Investigations, March 17, 2011 report (OI Case No. 4-2010-053). Specifically, the NRC has reached a preliminary conclusion that an employee at the River Bend Station was rated lower in his/her 2008 annual performance appraisal based in part on the employee questioning the qualifications necessary to perform certain work activities in compliance with applicable plant procedure(s).

In its May 20, 2011 letter, the NRC offered Entergy a choice to: (1) attend a pre-decisional enforcement conference, (2) provide a written response, or (3) request alternative dispute resolution (ADR) with the NRC as part of its Post-investigation ADR program. In response, Entergy requested ADR to resolve this matter. The ADR mediation session was held on July 18, 2011, in Washington, D.C., and resulted in a settlement agreement. The terms and conditions of that settlement agreement are set forth in Section V of the enclosed confirmatory order.

Prior to the issuance of the NRC's May 20, 2011 letter but following a separate NRC inquiry, Entergy conducted its own internal investigation of the circumstances giving rise to the apparent violation. The NRC recognizes that as a result of its investigation, Entergy took several specific actions at the River Bend Station and several fleet-wide actions. The fleet-wide actions included conducting supervisory and Employee Concerns Program personnel training on 10 CFR 50.7; reviewing all closed internal retaliation type cases in 2008 and 2009; reviewing all 2009 appraisals for employees with overall "improvement required" rating; and revising several quality-affecting procedures.

As a result of the settlement agreement from the ADR mediation session, Entergy agreed to take a number of additional fleet-wide actions. A summary of those fleet-wide actions are: (1) reorganizing the quality control organization's reporting structure; (2) reinforcing the company's commitment to a safety conscious work environment through a written communication from a senior Entergy nuclear executive; (3) reviewing and, as necessary, revising the existing general employee training on 10 CFR 50.7 to include insights from the circumstances giving rise to this matter; (4) reviewing and, as necessary, revising training to new supervisors for 10 CFR 50.7 to include insights from the circumstances giving rise to this matter; and (5) conducting an effectiveness review of the Employee Concerns Program enhancements and training that were implemented relating to the underlying matter. Entergy also agreed to conduct a plant wide safety culture survey at the River Bend Station prior to December 31, 2012.

In recognition of Entergy's prior actions and in exchange for the additional actions Entergy agreed to take as described in the enclosed confirmatory order, the NRC agreed not to pursue further action relating to this matter which may have otherwise resulted in the issuance of a Notice of Violation with a base civil penalty had it not reached a settlement agreement. Because of Entergy's fleet-wide actions, the NRC has concluded that the public health and safety is assured to a greater degree than it would have been pursuant to traditional enforcement. We will, however, evaluate the implementation of the confirmatory order during future inspections.

We have enclosed a confirmatory order (effective immediately) to confirm the actions made as part of the settlement agreement. As evidenced by your signed "Consent and Hearing Waiver" Form (copy enclosed) dated August 15, 2011, you agreed to the issuance of the enclosed confirmatory order.

Pursuant to Section 223 of the Atomic Energy Act of 1954, as amended, any person who willfully violates, attempts to violate, or conspires to violate, any provision of the enclosed confirmatory order shall be subject to criminal prosecution as set forth in that section. Violation of the confirmatory order may also subject the person to civil monetary penalties.

You are not required to respond to this letter. However, if you choose to provide a response, please provide it to me within 30 days at U.S. Nuclear Regulatory Commission, Mail Stop O4A15A, 11555 Rockville Pike, Rockville, MD 20852. Questions concerning the enclosed confirmatory order should be addressed to Shahram Ghasemian, NRC Office of Enforcement, who can be reached at 301-415-3591 or via e-mail at Shahram.Ghasemian@nrc.gov.

A copy of this letter and its enclosures will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The NRC will also include this letter, and the enclosed confirmatory order, on its website at www.nrc.gov. Your response, if you choose to provide one, will also be made available electronically for public inspection in the NRC Public Document Room or ADAMS.

Sincerely,

/RA/

Roy Zimmerman, Director
Office of Enforcement

J. McCann

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Enclosures:

1. Confirmatory Order
2. Copy of Consent and Hearing Waiver Form dated August 15, 2011.

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