UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 E LAMAR BLVD
ARLINGTON, TX 76011-4511

December 3, 2014

EA-14-009

Mr. Eric W. Olson, Site Vice President
Entergy Operations, Inc.
River Bend Station
5485 US Highway 61N
St. Francisville, LA 70775

SUBJECT: CONFIRMATORY ORDER, NOTICE OF VIOLATION, AND CIVIL PENALTY - NRC SPECIAL INSPECTION REPORT 05000458/2014407 AND NRC INVESTIGATION REPORT 4-2012-022 - RIVER BEND STATION

Dear Mr. Olson:

The enclosed Confirmatory Order is being issued to Entergy Operations, Inc. (Entergy), as a result of a successful Alternative Dispute Resolution (ADR) mediation session. The enclosed commitments were made by Entergy as part of a settlement agreement between Entergy and the U.S. Nuclear Regulatory Commission (NRC). The settlement agreement concerns an apparent violation of NRC security requirements as discussed in the non-public enclosures to our letter dated July 16, 2014 (Agencywide Documents Access and Management System (ADAMS) ML14198A338). The apparent violation involved the willful actions of an unidentified security officer which occurred at Entergy's River Bend Station on March 18, 2012. The willful actions of the unidentified security officer caused Entergy to be in violation of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, "Physical Protection of Plants and Materials."

Our letter also informed you that the apparent willful violation was being considered for escalated enforcement action in accordance with the NRC's Enforcement Policy and provided you an opportunity to (1) respond to the apparent violation in writing; (2) request a predecisional enforcement conference (PEC); or (3) request ADR. In response, Entergy requested ADR to resolve differences it had with the NRC concerning the apparent willful violation.

An ADR mediation session was held on September 22, 2014, during which a preliminary settlement agreement was reached. The elements of the preliminary agreement were formulated and are incorporated in the enclosed Confirmatory Order (Enclosure 1).

Attachment 2 to Enclosure 1, and Enclosure 2 transmitted herewith contain SUNSI. When separated from Attachment 2 to Enclosure 1 and Enclosure 2, this transmittal document and Enclosures 1 and 3 are decontrolled.

This Confirmatory Order confirms the commitments made as part of the preliminary settlement agreement. In addition, this order includes a Notice of Violation (NOV) documenting the final significance determination of Apparent Violation 05000458/2014405-01 opened in NRC Inspection Report 05000458/2014405, dated July 16, 2014.

The NRC and Entergy agree that the actions of an unidentified security officer at River Bend Station, on March 18, 2012, constitute a willful violation of 10 CFR Part 73. However, the NRC and Entergy disagree on the specific aspects of the willful characterization of the violation. At the ADR mediation session, Entergy agreed that a Notice of Violation would be issued. In addition, Entergy agreed to pay a civil penalty of $70,000 as part of the settlement.

The violation is cited in the enclosed NOV (Enclosure 2, Non-public). In light of the significant corrective actions you have already taken and the additional actions you have committed to take to enhance your security program, the NRC is exercising enforcement discretion to reduce the severity level of the escalated enforcement sanction that was initially proposed in our letter dated July 16, 2014 (ML14198A338). The NRC's rationale behind its decision to exercise enforcement discretion in characterizing the violation is incorporated in an attachment to the Confirmatory Order. The attachment will not be publicly available because it contains Security-Related Information.

The NRC is satisfied that its concerns will be addressed by making your commitments legally binding through a Confirmatory Order. Assuming you fulfill your commitments under the Order, the NRC will not pursue any further enforcement action in connection with the issue described in the non-public enclosure to our letter dated July 16, 2014. As evidenced by your signed "Consent and Waiver Form," (Enclosure 3), dated November 21, 2014, you agreed to the issuance of this 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 this Confirmatory Order shall be subject to criminal prosecution as set forth in that section. Violation of this Confirmatory Order may also subject the person to civil monetary penalties.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter and the Confirmatory Order will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's ADAMS, accessible from the NRC website at http://www.nrc.gov/reading-rm/adams.html.

However, the attachment to the Confirmatory Order and the NOV contain Security-Related Information exempt from disclosure under 10 CFR 2.390(d)(1) because its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the attachment and the NOV will not be made available electronically for public inspection in the NRC Public Document Room or from NRC's public ADAMS. The Confirmatory Order will be published in the *Federal Register*. The NRC also publishes Confirmatory Orders on its Web site under Significant Enforcement Actions at http://www.nrc.gov/aboutnrc/regulatory/enforcement.html.

If you have any questions or comments concerning this matter, please contact Anton Vegel, Director, Division of Reactor Safety, at 817-200-1146.

Sincerely,

Marc L. Dapas
Regional Administrator

Docket: 50-458
License: NPF-47

Enclosures:
1. Confirmatory Order (w/Attachments 1 and 3, and non-public Attachment 2)
2. Notice of Violation (non-public)
3. Consent and Hearing Waiver

cc w/enclosures:
Mr. Todd Santy
Manager, Security
Entergy Operations, Inc.
River Bend Station
5485 U.S. Highway 61N
St. Francisville, LA 70775

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
ALL POWER REACTOR LICENSEES	)	
OWNED AND OPERATED BY	)	
ENTERGY NUCLEAR OPERATIONS, INC.;	)	Docket Nos. (as shown in Attachment 1)
ENTERGY OPERATIONS, INC.; AND	)	License Nos. (as shown in Attachment 1)
ENTERGY NUCLEAR GENERATION	)	
COMPANY	)	EA-14-009

CONFIRMATORY ORDER MODIFYING LICENSE

I

The licensees identified in Attachment 1 to this Order hold licenses issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities." The licenses authorize the operation of the listed facilities in accordance with conditions specified therein.

This Confirmatory Order is the result of an agreement reached during an alternative dispute resolution (ADR) mediation session conducted on September 22, 2014, in Arlington, Texas.

II

On March 21, 2012, the NRC initiated a special inspection to determine the circumstances surrounding a security event, which occurred on March 18, 2012, at Entergy Operations, Inc.'s

Attachment 2 to this Order contains Security-Related Information. When separated from Attachment 2, this Order and Attachments 1 and 3 to this Order are decontrolled.

Enclosure 1

(Entergy or Licensee), River Bend Station (RBS or facility). In addition, on March 21, 2012, the NRC's Office of Investigations (OI), Region IV Field Office, initiated an investigation at RBS to determine if Entergy employees willfully violated NRC security requirements at RBS. The investigation was completed on December 31, 2013, and was documented in OI Report 4-2012-022. Based on the evidence developed during the investigation, OI's Region IV Field Office concluded that the willful actions of an unidentified individual caused Entergy to be in violation of 10 CFR Part 73, "Physical Protection of Plants and Materials."

While the NRC investigation did not identify the individual responsible for the security-related violation, the OI Region IV Field Office did establish several facts that are germane to the conclusion of the investigation. Details of the security event and the subsequent inspection and investigation are described in Attachment 2 to this Order. Attachment 2 includes Security-Related Information (SRI); therefore, it is not publicly available.

The NRC determined that as the result of the willful actions of an unidentified individual, Entergy failed to comply with 10 CFR Part 73. The NRC described the results of the inspection and investigation in a letter to Entergy dated July 16, 2014. In response to the NRC's letter, Entergy requested ADR to resolve this matter. This confirmatory order is issued pursuant to the agreement reached during the ADR process.

III

On September 22, 2014, the NRC and Entergy met in an ADR session mediated by a professional mediator, arranged through the Cornell University Scheinman Institute on Conflict Resolution. ADR is a process in which a neutral mediator, with no decision-making authority,

assists the parties in reaching an agreement on resolving any differences regarding the dispute. During the ADR session, a preliminary settlement agreement was reached. The elements of that preliminary agreement, with the exception of the section that includes SRI, are described below. The portions of the agreement that contain SRI, as well as the sections of this Confirmatory Order that address SRI, are described in the aforementioned non-public Attachment. The following description of the preliminary ADR agreement, and the required actions described in Section V of this Confirmatory Order, include references to the non-public Attachment to allow for public release of this Confirmatory Order. The publicly available elements of the agreement consist of the following:

The NRC recognizes the corrective actions that Entergy has already implemented associated with the apparent violation and preliminary finding. Entergy's corrective actions are described in the non-public Attachment.

A. The NRC and Entergy agree that a willful violation of Title 10 *Code of Federal Regulations* (10 CFR) Part 73 occurred on March 18, 2012, at River Bend Station. However, the NRC and Entergy disagree on the specific aspects of that willful characterization of the violation. The details regarding these aspects are described in the non-public Attachment.

1. The NRC concluded that the security-related violation occurred because of the deliberate misconduct of an unidentified security officer at River Bend Station.

2. Entergy does not believe that willful intent was involved in all aspects of the violation.

B. Within 4 months from the date of this Confirmatory Order, Entergy will revise its security procedures.

C. Within 3 months from the date of this Confirmatory Order, Entergy will, at each of its nuclear plants, conduct a review of its controls for SRI and communicate to the NRC the results of the review. Within 6 months from the date of this Confirmatory Order, Entergy will establish new controls and will provide its proposed controls to the NRC for its review. The NRC will communicate to Entergy any concerns regarding the controls within 60 days of submittal for resolution in a manner acceptable to both parties. Entergy will implement the controls within 15 months from the date of this Confirmatory Order. The details regarding these controls are described in the non-public Attachment.

D. Within 9 months from the date of this Confirmatory Order, Entergy will review and evaluate the location and storage of SRI at each of its nuclear plants. The details are described in the non-public Attachment.

E. Entergy will develop a "commitment to compliance" statement or a similar document highlighting the special responsibilities of nuclear security personnel. This document will explain that nuclear security personnel need to comply with regulations and procedures, and it will describe the potential consequences if compliance does not occur. Within 12 months from the date of this Confirmatory Order, Entergy will require at each of its nuclear plants that nuclear security personnel read and sign the statement (subject to any collective bargaining obligations it may have). Entergy will include the reading and signing of this statement in the initial qualification process of nuclear security personnel. The details are described in the non-public Attachment.

F. Within 6 months from the date of this Confirmatory Order, Entergy will identify those security posts in each of its nuclear plants that should be subject to certain decorum standards that will ensure a professional environment in those areas. Once identified, Entergy will establish decorum protocols for those security posts. In addition, within 6 months of the date of this Confirmatory Order, Entergy will provide its proposed decorum protocols to the NRC for its review. The NRC will communicate to Entergy any concerns regarding the proposed decorum protocols within 60 days of submittal for resolution in a manner acceptable to both parties. Entergy will implement the decorum protocols within 12 months from the date of this Confirmatory Order.

G. Within 4 months from the date of this Confirmatory Order, Entergy will prepare a "lessons learned" presentation to be delivered to Entergy nuclear employees at each of its nuclear plants describing the event that formed the basis for this violation. Prior to making the presentation, Entergy will provide its proposed presentation to the NRC for its review. The NRC will communicate to Entergy any concerns regarding the presentation within 30 days of submittal. Entergy will deliver the presentation to Entergy nuclear employees within 12 months of this Confirmatory Order.

H. Within 4 months from the date of this Confirmatory Order, Entergy will prepare a presentation describing the event that formed the basis for this violation. The presentation will be delivered to the Nuclear Security Working Group and the National Nuclear Security Conference (subject to acceptance of the conference-organizing committees). This presentation will include, among other subjects, the subjects covered in the non-public Attachment to this Confirmatory Order. Prior to making the presentation, Entergy will provide its proposed presentation to the NRC for its review.

The NRC will communicate to Entergy any concerns regarding the presentation within 30 days of submittal. Entergy will deliver the presentation within 12 months of this Confirmatory Order.

I. Within 6 months from the date of this Confirmatory Order, Entergy will ensure that an independent third party conducts a safety culture assessment of the Security organization at River Bend Station. The results will be incorporated into Entergy's corrective action program as appropriate. A copy of the completed assessment will be made available for NRC review.

J. Within 4 months from the date of this Confirmatory Order, Entergy will prepare refresher training on the provisions of 10 CFR 50.5 and 50.9 for Entergy employees at each of its nuclear plants. Prior to conducting the training, Entergy will provide its proposed refresher training plan to the NRC for its review. The NRC will communicate to Entergy any concerns regarding the plan within 30 days of submittal for resolution in a manner acceptable to both parties. Entergy will complete administration of this refresher training within 12 months of this Confirmatory Order.

K. Notification to the NRC When Actions Are Completed

1. Unless otherwise specified, Entergy will submit written notification to the Director, Division of Reactor Safety, USNRC Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011-4511, at intervals not to exceed 6 months, 1 year, and annually thereafter until the terms of the Confirmatory Order are completed, providing a status of each item in the Order.

2. Entergy will provide its basis for concluding that the terms of the Confirmatory Order have been satisfied, to the NRC, in writing

L. Inspection Follow-up

Based on the corrective actions and enhancements described above, the NRC will conduct follow-up inspections using NRC Inspection Procedure 92702, "Followup on Corrective Actions for Violations and Deviations."

M. Administrative Items

1. The NRC and Entergy Operations, Inc., agree that the above elements will be incorporated into this Confirmatory Order and that the NRC will consider the order an escalated enforcement action.

2. The NRC and Entergy agree that the issues described in the NRC's Inspection Report and Investigation Report to Entergy Operations, Inc., of July 16, 2014 (EA-14-009) resulted in a violation of NRC security requirements. The details regarding the violation are described in the non-public Attachment.

3. In consideration of the significant corrective actions Entergy has already taken and the additional actions Entergy has committed to taking to enhance its security program, the NRC agrees to reduce the severity level of the escalated enforcement sanction. The NRC agrees to issue a Notice of Violation for a security-related violation and impose a $70,000 civil penalty for the matter discussed in the NRC's

Inspection Report and Investigation Report to Entergy Operations, Inc., of July 16, 2014 (EA-14-009). The issuance of the Notice of Violation and civil penalty is considered escalated enforcement. The NRC communicates, in the non-public Attachment, the basis for its original conclusion regarding the characterization of the violation.

4. This agreement is binding upon successors and assigns of Entergy Operations, Inc.

N. Within thirty days of the date of the Confirmatory Order, Entergy shall pay a civil penalty of $70,000.

O. Entergy agrees that this Confirmatory Order is to be effective upon issuance and waives its right to a hearing in connection with this Order.

P. If Entergy fulfills its commitments under this Order, the NRC will not take further enforcement action based on the violations of NRC requirements described in Enclosure 2 of the letter transmitting this Order.

On November 21, 2014, Entergy consented to issuing this Confirmatory Order with the commitments, as described in Section V below.

IV

Since the Licensee has agreed to take additional actions to address NRC concerns, as set forth in Section III above, the NRC has concluded that its concerns can be resolved through issuance of this Confirmatory Order.

I find that Entergy's commitments as set forth in Section V are acceptable and necessary and conclude that with these commitments public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety require that Entergy's commitments be confirmed by this Confirmatory Order. Based on the above and Entergy's consent, this Confirmatory Order is effective 30 days after its issuance.

V

Accordingly, pursuant to Sections 104b, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Parts 50 and 73, IT IS HEREBY ORDERED THAT THE ACTIONS DESCRIBED BELOW WILL BE TAKEN AT RIVER BEND STATION AND OTHER NUCLEAR POWER PLANTS IN ENTERGY'S FLEET AND THAT REACTOR OPERATING LICENSE NO. NPF-47 IS MODIFIED AS FOLLOWS WITH RESPECT TO THE ACTIONS TO BE TAKEN AT THE RIVER BEND STATION:

A. The NRC and Entergy agree that a willful violation of Title 10 *Code of Federal Regulations* (10 CFR) Part 73 occurred on March 18, 2012, at River Bend Station. However, the NRC and Entergy disagree on the specific aspects of that willful characterization of the violation. The details regarding these aspects are described in the non-public Attachment.

1. The NRC concluded that the security-related violation occurred because of the deliberate misconduct of an unidentified security officer at River Bend Station.

2. However, Entergy does not believe that willful intent was involved in all aspects of the violation.

B. Within 4 months from the date of this Confirmatory Order, Entergy will revise its security procedures.

C. Within 3 months from the date of this Confirmatory Order, Entergy will, at each of its nuclear plants, conduct a review of its controls for SRI and communicate to the NRC the results of the review. Within 6 months from the date of this Confirmatory Order, Entergy will establish new controls and will provide its proposed controls to the NRC for its review. The NRC will communicate to Entergy any concerns regarding the controls within 60 days of submittal for resolution in a manner acceptable to both parties. Entergy will implement the controls within 15 months from the date of this Confirmatory Order. The details regarding these controls are described in the non-public Attachment.

D. Within 9 months from the date of this Confirmatory Order, Entergy will review and evaluate the location and storage of SRI at each of its nuclear plants. The details are described in the non-public Attachment.

E. Entergy will develop a "commitment to compliance" statement or a similar document highlighting the special responsibilities of nuclear security personnel. This document will explain that nuclear security personnel need to comply with regulations and procedures, and it will describe the potential consequences if compliance does not occur. Within 12 months from the date of this Confirmatory Order, Entergy will require at each of its nuclear plants that nuclear security personnel read and sign the statement (subject to

any collective bargaining obligations it may have). Entergy will include the reading and signing of this statement in the initial qualification process of nuclear security personnel. The details are described in the non-public Attachment.

F. Within 6 months from the date of this Confirmatory Order, Entergy will identify those security posts in each of its nuclear plants that should be subject to certain decorum standards that will ensure a professional environment in those areas. Once identified, Entergy will establish decorum protocols for those security posts. In addition, within 6 months of the date of this Confirmatory Order, Entergy will provide its proposed decorum protocols to the NRC for its review. The NRC will communicate to Entergy any concerns regarding the proposed decorum protocols within 60 days of submittal for resolution in a manner acceptable to both parties. Entergy will implement the decorum protocols within 12 months from the date of this Confirmatory Order.

G. Within 4 months from the date of this Confirmatory Order, Entergy will prepare a "lessons learned" presentation to be delivered to Entergy nuclear employees at each of its nuclear plants describing the event that formed the basis for this violation. Prior to making the presentation, Entergy will provide its proposed presentation to the NRC for its review. The NRC will communicate to Entergy any concerns regarding the presentation within 30 days of submittal. Entergy will deliver the presentation to Entergy nuclear employees within 12 months of this Confirmatory Order.

H. Within 4 months from the date of this Confirmatory Order, Entergy will prepare a presentation describing the event that formed the basis for this violation. The presentation will be delivered to the Nuclear Security Working Group and the National

Nuclear Security Conference (subject to acceptance of the conference-organizing committees). This presentation will include, among other subjects, the subjects covered by the non-public Attachment to this Confirmatory Order. Prior to making the presentation, Entergy will provide its proposed presentation to the NRC for its review. The NRC will communicate to Entergy any concerns regarding the presentation within 30 days of submittal. Entergy will deliver the presentation within 12 months of this Confirmatory Order.

I. Within 6 months from the date of this Confirmatory Order, Entergy will ensure that an independent, third party conducts a safety culture assessment of the Security organization at River Bend Station. The results will be incorporated into Entergy's corrective action program as appropriate. A copy of the completed assessment will be made available for NRC review.

J. Within 4 months from the date of this Confirmatory Order, Entergy will prepare refresher training on the provisions of 10 CFR 50.5 and 50.9 for Entergy employees at each of its nuclear plants. Prior to conducting the training, Entergy will provide its proposed refresher training plan to the NRC for its review. The NRC will communicate to Entergy any concerns regarding the plan within 30 days of submittal for resolution in a manner acceptable to both parties. Entergy will complete administration of this refresher training within 12 months of this Confirmatory Order.

K. Notification to the NRC When Actions Are Completed

1. Unless otherwise specified, Entergy will submit written notification to the Director, Division of Reactor Safety, USNRC Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011-4511, at intervals not to exceed 6 months, 1 year, and annually thereafter until the terms of the Confirmatory Order are completed, providing a status of each item in the Order.

2. Entergy will provide its basis for concluding that the terms of the Confirmatory Order have been satisfied, to the NRC, in writing

L. Inspection Follow-up

Based on the corrective actions and enhancements described above, the NRC will conduct follow-up inspections using NRC Inspection Procedure 92702, "Followup on Corrective Actions for Violations and Deviations."

M. Administrative Items

1. The NRC and Entergy Operations, Inc., agree that the above elements will be incorporated into this Confirmatory Order and that the NRC will consider the order an escalated enforcement action.

2. The NRC and Entergy agree that the issues in the NRC's Inspection Report and Investigation Report (EA-14-009) described in a July 16, 2014, letter to Entergy

Operations, Inc., resulted in a violation of NRC security requirements. The details regarding the violation are described in the non-public Attachment.

3. In consideration of the significant corrective actions Entergy has already taken and the additional actions Entergy has committed to taking to enhance its security program, the NRC agrees to reduce the severity level of the escalated enforcement sanction. The NRC agrees to issue a Notice of Violation for a security-related violation and impose a $70,000 civil penalty for the matter discussed in the July 16, 2014, letter to Entergy Operations, Inc., regarding the NRC's Inspection Report and Investigation Report (EA-14-009). The issuance of the Notice of Violation and civil penalty is considered escalated enforcement. The NRC communicates, in the non-public Attachment, the basis for its original conclusion regarding the characterization of the violation.

4. This agreement is binding upon successors and assigns of Entergy Operations, Inc.

N. Within 30 days of the date of the Confirmatory Order, Entergy shall pay a civil penalty of $70,000.

O. Entergy agrees that this Confirmatory Order is to be effective upon issuance and waives its right to a hearing in connection with this Order

P. If Entergy fulfills its commitments under this Order, the NRC will not take further enforcement action based on the violations of NRC requirements described in Enclosure 2 of the letter transmitting this Order.

The Regional Administrator, Region IV, may, in writing, relax or rescind any of the above conditions upon demonstration by Entergy of good cause.

VI

Any person adversely affected by this Confirmatory Order, other than Entergy, may request a hearing within 30 days of its publication in the *Federal Register*. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension.

If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Confirmatory Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be effective and final thirty days after issuance of this Confirmatory Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received.

A REQUEST FOR HEARING SHALL NOT STAY THE EFFECTIVENESS OF THIS ORDER.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007), as amended by 77 FR 46562; August 3, 2012 (codified in pertinent part at 10 CFR Part 2, Subpart C). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at hearing.docket@nrc.gov, or by telephone at (301) 415-1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html*. System requirements for accessing the

E-Submittal server are detailed in NRC's "Guidance for Electronic Submission," which is available on the agency's public Web site at http://www.nrc.gov/site-help/e-submittals.html. Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange (EIE), users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at http://www.nrc.gov/site-help/e-submittals.html.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene through the EIE. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at http://www.nrc.gov/site-help/e-submittals.html. A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the

proceeding, so that the filer need not serve the documents on those participants separately. Therefore, any others who wish to participate in the proceeding (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html*, by e-mail at MSHD.Resource@nrc.gov, or by a toll-free call at (866) 672-7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using

E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp*, unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

VII

Procedures for Access to Sensitive Unclassified Non-Safeguards Information (SUNSI) for Contention Preparation:

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing SUNSI.

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A "potential party" is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than

10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requester shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555-0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The e-mail address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively[1]. The request must include the following information:

1. A description of the licensing action with a citation to this Federal Register notice;

2. The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

3. The identity of the individual or entity requesting access to SUNSI and the requester's basis for the need for the information in order to meaningfully participate

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's "E-Filing Rule," the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

in this adjudicatory proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

1. There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

2. The requester has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requester satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

requestor no later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline. This provision does not extend the time for filing a request for a hearing and petition to intervene, which must comply with the requirements of 10 CFR 2.309.

G. Review of Denials of Access.

1. If the request for access to SUNSI is denied by the NRC staff after a determination on standing and need for access, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

2. The requester may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) officer if that officer has been designated to rule on information access issues.

H. Review of Grants of Access. A party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's

interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR Part 2. Attachment 3 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

FOR THE NUCLEAR REGULATORY COMMISSION

Marc L. Dapas
Regional Administrator

Dated this 3rd day of December 2014

Attachments: as stated

[3] Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

ALL POWER REACTOR LICENSEES OWNED AND OPERATED BY ENTERGY NUCLEAR OPERATIONS, INC.; ENTERGY OPERATIONS, INC.; AND ENTERGY NUCLEAR GENERATION COMPANY

Arkansas Nuclear One, Units 1 and 2
Entergy Operations, Inc.
Docket Nos. 50-313, 50-368
License Nos. DRP-51; NPF-6

Mr. Jeremy Browning, Site Vice President
Arkansas Nuclear One
Entergy Operations, Inc.
1448 SR 333
Russellville, AR 72802-0967

Grand Gulf Nuclear Station
Entergy Operations, Inc.
Docket No. 50-416
License No. NPF-29

Mr. Kevin J. Mulligan, Site Vice President
Entergy Operations, Inc.
Grand Gulf Nuclear Station
P.O. Box 756
Port Gibson, MS 39150

Indian Point Nuclear Generating Unit Nos. 2 and 3
Entergy Nuclear Operations, Inc.
Docket Nos. 50-247 and 50-286
License Nos. DPR-26 and DPR-64

John Ventosa, Vice President, Operations
Entergy Nuclear Operations, Inc.
Indian Point Energy Center
450 Broadway, GSB
P.O. Box 249
Buchanan, NY 10511-0249

James A. FitzPatrick Nuclear Power Plant
Entergy Nuclear Operations, Inc.
Docket No. 50-333
License No. DPR-59

Lawrence Coyle, Executive Vice President
Entergy Nuclear Operations, Inc.
James A. FitzPatrick Nuclear Power Plant
P.O. Box 110
Lycoming, NY 13093

Palisades Nuclear Plant
Entergy Nuclear Operations, Inc.
Docket No. 50-255
License No. DPR-20

Anthony J. Vitale, Site Vice President
Entergy Nuclear Operations, Inc.
Palisades Nuclear Plant
27780 Blue Star Memorial Highway
Covert, MI 49043

Pilgrim Nuclear Power Station
Entergy Nuclear Generation Company
Docket No. 50-293
License No. DPR-35

John Dent, Jr., Vice President – Site Vice President
Entergy Nuclear Operations
Pilgrim Nuclear Power Station
600 Rocky Hill Road
Plymouth, MA 02360-5508

River Bend Station
Entergy Operations, Inc.
Docket No. 50-458
License No. NPF-47

Mr. Eric W. Olson, Site Vice President
Entergy Operations, Inc.
River Bend Station
5485 US Highway 61N
St. Francisville, LA 70775

Vermont Yankee Nuclear Power Station
Entergy Nuclear Operations, Inc.
Docket No. 50-271
License No. DPR-28

Christopher J. Wamser, Site Vice President
Entergy Nuclear Operations, Inc.
Vermont Yankee Nuclear Power Station
320 Governor Hunt Road
Vernon, VT 05354

Waterford Steam Electric Station, Unit 3
Entergy Operations, Inc.
Docket No. 50-382
License No. NPF-38

Mr. Michael R. Chisum, Site Vice President
Entergy Operations, Inc.
Waterford Steam Electric Station
17265 River Road
Killona, LA 70057-0751

General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in this Proceeding

Day	Event/Activity
0	Publication of *Federal Register* notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.

Day	Event/Activity
A	If access granted: issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt + 7) Petitioner/Intervener reply to answers.
>A + 60	Decision on contention admission.

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CONSENT AND HEARING WAIVER FORM

Entergy Operations, Inc., hereby agrees to comply with the terms and conditions of the Confirmatory Order, arising out of an alternative dispute resolution process, to be issued relating to Enforcement Action No. 14-009. By signing below, Entergy Operations, Inc., consents to the issuance of the referenced Confirmatory Order, and by doing so, agrees to waive the right to request a hearing on all or any part of the Confirmatory Order.

John F. McCann
Vice President, Regulatory Assurance
Entergy Operations, Inc.

11/21/2014
Date

Enclosure 3

~~OFFICIAL USE ONLY - SECURITY-RELATED INFORMATION~~