

NRR-PMDAPEm Resource

From: Rankin, Jennivine
Sent: Monday, May 18, 2015 12:47 PM
To: bpgarde@cliffordgarde.com; sshepherd@cliffordgarde.com
Cc: bpgarde@aol.com
Subject: 10 CFR 2.206 Request for Enforcement Action - Entergy Nuclear Operations, Inc. (Palisades) - Initial Recommendation (TAC No. MF4647)

Ms. Garde,

The U.S. Nuclear Regulatory Commission (NRC) has reviewed your 10 CFR 2.206 petition regarding the deteriorating safety culture within the security department at the Palisades Nuclear Plant (PNP) that was submitted to the NRC by letters dated August 11 and November 21, 2014. In those correspondences you asserted that the licensee had not taken appropriate and effective action to address the deteriorating work environment within the PNP Security Department. You highlighted this was demonstrated by the derogatory comments that a senior Entergy Corporate Official made, during a site visit, when referring to the security force personnel. Your correspondences requested that the NRC require that the licensee outsource its security department to a qualified contractor or appoint an independent third-party to develop, implement and monitor actions to improve the work environment and safety culture within the security department.

From August 19, 2014, to May 5, 2015, your petition was reviewed by Petition Review Board (PRB) members and the subject of several PRB meetings. The PRB membership includes individuals from the NRC's: Office of Nuclear Reactor Regulation; Office of the General Counsel; Office of Enforcement; Office of Investigation; Office of Nuclear Security and Incident Response, Region III office, and resident inspectors stationed at PNP. The purpose of these meetings was for the PRB members to evaluate your petition and to ensure that all members of the PRB were aware of the results of the ongoing NRC site inspection activities that were evaluating the work environment within the security department.

After thorough review and discussion, the PRB's initial recommendation was that your petition meets the criteria for rejection, under 10 CFR 2.206 because the issues captured in the petition: (1) were already known to the NRC based on the results of an NRC inspection that was conducted before the petition was filed; (2) were the subject of ongoing communications between the NRC to the licensee and the NRC to the public; (3) were already acknowledged by the licensee and subject of a licensee's work environment improvement plan; and (4) was the subject of an NRC work environment inspection that concluded the licensee is implementing actions that has improved the work environment.

The latest NRC work environment inspection was conducted in December 2014, and concluded that there was broad consensus, from interviews with security personnel, that they would raise safety and security concerns without the fear of retaliation. In addition the same inspection evaluated the derogatory comment made by the senior Entergy official that you referenced in your petition. During interviews with security personnel, the NRC determined that the derogatory statement and the response by security supervision did not affect the willingness of security personnel to raise safety or security concerns. The inspection results were documented in an NRC inspection report 05000255/2014011 dated January 20, 2015 (ADAMS Accession No. ML15020A067). In a letter dated March 4, 2015 (ADAMS Accession No. ML15062A593), the NRC informed the licensee and the public that we will continue to evaluate the licensee's actions to determine if positive improvements in the Security Department work environment have been sustained as part of the baseline problem identification and resolution inspection activities planned for late 2015.

Lastly, the NRC evaluated your reference that a security officer's employment, a security supervisor's employment, and a second security supervisors' employment was terminated for raising safety issues associated with work activities within the security department. Since the discrimination concerns are addressed by a separate NRC process, the discrimination concerns will not be considered for review under 10 CFR 2.206.

In accordance with NRC Management Directive 8.11, you have the opportunity to address the PRB, either in person at the NRC Headquarters in Rockville, MD, or by telephone conference. The purpose of this interaction is so that you may provide any relevant additional explanation and support for your petition in light of the PRB's initial recommendation. During the meeting, the PRB will be in listening mode and will not make any decisions regarding your petition. An alternate method to provide additional information, if necessary, to the PRB, would be a written supplement to the petition, similar to your November 21, 2014 submittal.

I would appreciate if you could advise me by May 27, 2015, if you would like to address the PRB or provide a written supplement. If providing a written supplement, please provide the supplement no later than June 2, 2015. If I do not hear from you by May 27, 2015, the PRB's initial recommendation will be made final and you will receive a closure letter which will further explain the basis for why your petition does not meet the criteria for consideration under 10 CFR 2.206.

Thank you,
Jennie

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