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June 12, 2015

Mark Satorius
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: 10 CFR 2.206 Supplemental Information for Consideration
Entergy Nuclear Operations (Palisades)

Dear Mr. Satorius:

On May 18, 2015 the NRC provided a preliminary response to the 10 CFR 2.206 Petition I filed on August 11, 2014 and supplemented November 21, 2014, on behalf of my clients Chris Mikusko and Roland Ruby, former Security Shift Supervisors at the Palisades nuclear power plant operated by Entergy in Covert, Michigan. The original and supplemental petitions requested escalated enforcement action in response to safety culture weaknesses within the Security Department at Palisades, which had not been adequately addressed. Central to our petition was the fact that the senior executives responsible for the degraded security department safety culture remained, and indeed had been promoted, within the Entergy security department.

In its initial response, the NRC details its present views that the Petition should be rejected because the issues were known to the NRC, were subject to ongoing communications with the NRC, were acknowledged by the Licensee, and were the subject of an NRC work environment inspection that concluded the licensee was implementing actions that had improved the work environment. Of course I disagree with this, and point out that the NRC was aware of these issues only because security officers raised them, both initially and throughout the time period at issue. Without the actions of these officers and their willingness to disclose, for example, the incident with [REDACTED], that matter would not have been known to the NRC. It was only brought to your attention through the willingness of security officers to go outside of the chain of command and bring it to the Agency's attention. To now assert that the incident was "known" to the NRC, without the efforts of concerned employees to raise it, is disingenuous. Further, the Licensee is now representing that [REDACTED] has voluntarily retired from Entergy, although he has apparently been hired at [REDACTED]. The failure to take appropriate corrective action regarding this incident is now allowing a senior executive with the wrong behaviors to work at another site

with its own troubled SCWE issues. If the Licensee had complied with the NRC's expectation that it provide truthful information, this would not have happened.

Likewise, the Licensee's handling of the matter reveals that the Licensee still doesn't "get it." The representation that the comment was intended only for the SSS supervisors and not about the officers is not credible, and the company's willingness to provide that explanation to the officers who know better reveals a deep misunderstanding of the NRC's expectation that a Licensee behave in a truthful manner and honestly address those issues that arise.

A second example of the lack of credibility and understanding by the Licensee executives was demonstrated at a recent conference, where ██████████ made a representation to an industry group of the "lessons learned" from the Christmas Eve 2012 qualifications incident that resulted in Enforcement Action (EA-14-013, July 21, 2014). NRC personnel were in the audience. Although the underlying presentation was generally accurate; when responding to questions about whether Entergy had "rewarded" the officer(s) who reported the incident, ██████████ provided inaccurate information. ██████████ stated that, indeed, the company had "rewarded" the officer(s) reporting the Christmas 2013 incident. That is not true. The initial reporting officer, ██████████, has been fired and the SSS officers who continued to follow up on the issue (Chris Mikusko and Roland Ruby), in spite of the Security Department's blatantly ignoring the complaint until it went to the NRC, have also been fired. No one was rewarded for reporting this event. Yet, when faced with the question -- and indeed confronted with what a company with a healthy SCWE would do -- ██████████ chose to provide inaccurate information, and not correct it when confronted with the truth. This reveals a lack of character among top Licensee leadership and is the reason that we believe that additional NRC oversight and enforcement is needed. Entergy is still making the wrong decisions when faced with opportunities to demonstrate it has changed. An independent oversight function would provide guidance and direction to address this issue.

Finally, we note that the NRC is strongly relying on the results of its own SCWE survey in December 2014, and the response of the officers that they would "raise safety or security concerns" in spite of ██████████ comment. Since the complete survey results were not made available to us, or the public, we are left to speculate on whether this is a reflection on the integrity of the survey respondents and Security personnel who participated, or an actual improvement in the SCWE of the department.

As you know the December, 2014 survey results found only "a slight but noticeable" improvement in the overall work environment of the Security Department. Notably the NRC staff also reported that "Additionally, there is broad concern among the security staff that the improving trend would not continue if increased oversight and focus is removed from the Security Department work environment." We believe that the results from the NRC inspection, coupled with the continued management actions and behaviors, support the granting of the petition, and do not justify its rejection.

For example, in March, 2015 -- two months after the NRC issued its findings of the December SCWE survey -- an Anonymous CR was generated, citing specifically the behaviors of management toward "C" team, which included "belittling, bullying and questioning of integrity"

of the Security officers. The CR concluded that it “was not a conducive environment” towards the site goals. (See, CR-PLP-2015000616) “C” team, as you likely know, was the team that Mikusko/Ruby were terminated from and then under the direction of SOS [REDACTED] who was accused of lying to them about the [REDACTED] incident. Finally, we note that as recently as this past week the Licensee is trying to get officers to sign, and in effect back date, documents that were supposed to be completed months ago when [REDACTED] was still the [REDACTED].

We are aware that Synergy has been retained to perform a new work environment assessment, and using their standard tool, will be evaluating the work environment in the department again -- including the measurement of willingness to raise concerns, trust and respect indicators in management, and relevant inquiries into the belief by members of the Department that appropriate corrective actions will be taken in a timely and effective manner. We request that the Board wait to decide this Petition until the Synergy survey is completed and the results shared with the NRC. It is our belief that the current Synergy work environment assessment will demonstrate that there has been only marginal improvement in the Department, and a continued lack of confidence in the credibility of senior Department management and Entergy executives. [REDACTED] continues in a senior executive role, even though almost all of the events that precipitated the decline in SCWE in that Department, were under [REDACTED] watch.

In short, although I have only limited access to current site information I have attempted to determine, based on my own investigation and review, of the current state of the Security Department work environment, whether Entergy has changed its leadership in the Security Department, and whether the Security Department personnel have been included in the efforts Entergy committed to at the June 26, 2014 public meeting that addressed this subject. Unfortunately, I believe that without further intervention this department will not improve to the degree required by the NRC actions. I disagree with the panel’s assessment that enough improvement has been made to deny the Petition and urge you to continue to keep this Petition under consideration until after the results of the Synergy survey are reported.

Thank you for the extension of time to respond to the May 18 email notice of the Board’s preliminary views.

Sincerely,



Billie Pirner Garde
Counsel for Chris Mikusko
and Roland Ruby

cc: Mr. Chris Mikusko
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