

January 20, 2012
EN-12-006

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Entergy Operations, Inc. (EA-10-090, EA-10-248, EA-11-106)
James A. FitzPatrick Nuclear Power Plant
Docket Number 50-333

Subject: CONFIRMATORY ORDER (EFFECTIVE IMMEDIATELY) AND NOTICE OF VIOLATION TO ENTERGY OPERATIONS, INC.

This is to inform the Commission that a Confirmatory Order and Notice of Violation (NOV) will be issued on or about January 25, 2012, to Entergy Operations, Inc. (Entergy), confirming commitments reached as part of an alternative dispute resolution (ADR) mediation settlement agreement between Entergy and the NRC. This action is based on information discovered during three investigations conducted by the NRC Office of Investigations (OI), wherein violations, the majority of which were willful, were identified related to the adherence to site procedures related to radiation protection (RP).

The willful violations involved the failures by FitzPatrick technicians, on occasions between 2006 and 2009, to: (1) test required individuals for respirator fit, in accordance with the requirements specified in Title 10 of the Code of Federal Regulations (CFR) Section 20.1703 and site procedures; (2) maintain accurate documentation of completed respirator fit tests, in accordance with the requirements of 10 CFR 50.9; (3) perform and/or accurately document, in accordance with site procedures required by technical specifications (TS) and 10 CFR 50.9, independent verification of Drywell Continuous Atmospheric Monitoring System (DWCAM) valve positions after the valves were manipulated; (4) document a personal contamination event in accordance with site procedures required by TS; (5) perform a contamination survey prior to removing an item from a radiologically controlled area, in accordance with site procedures required by TS; and (6) perform daily radiological surveys of the reactor building 326 foot elevation airlock, in accordance with 10 CFR 20.1501(a). A non-willful violation was also identified but determined to be minor.

The ADR mediation session was conducted on November 9, 2011, and an agreement in principal was reached. Entergy agreed to take a number of actions, extending to all of Entergy's commercial nuclear power plants, as part of this Confirmatory Order (CO) including, but not limited to the following: (1) committing to maintain the safety culture monitoring processes as described in NEI 09-07 "Fostering a Strong Nuclear Safety Culture," or similar processes; (2) assessing Entergy's procedure for implementing the safety culture processes described in the NEI guidance to determine if potential enhancements should be provided to NEI that would improve licensees' ability to detect weaknesses in safety culture (if such enhancements could have prevented such violations as were the subject of this action); (3) conducting an assessment of the RP departments at each Entergy nuclear power plant to ensure activities are being conducted in accordance with NRC regulations; (4) preparing and presenting case studies at each Entergy nuclear power plant; and (5) delivering a presentation to industry representatives in each NRC geographical region which will discuss these events, including lessons learned and corrective actions.

Entergy will also be issued a Severity Level III NOV associated with the violations discussed above; however, in light of the actions already taken by Entergy, as well as those actions Entergy has committed to take, the NRC has agreed to not assess a civil penalty for the violations.

It should be noted that the licensee has reviewed a draft of the CO, and has signified its acceptance of the terms of the CO by signing a Consent and Hearing Waiver form.

Regarding the technicians who acted willfully, each will be issued a closure letter. The staff notes that the technician responsible for failing to maintain accurate documentation of completed respirator fit tests was prosecuted by the US Department of Justice. A plea agreement was reached in September 2011, and the individual was recently sentenced to one year probation, a fine of \$1000.00, and a special assessment of \$100.

The schedule for the issuance for all actions is:

Mailing of Notice and closure letters	January 25, 2012
Telephone notification to the licensee	January 25, 2012

The State of New York will be notified.

CONTACTS: Nicole Coleman, OE, (301) 415-1048 Aida Rivera-Varona, OE, (301) 415-4001

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