

July 15, 2014
EN-14-028

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Entergy Nuclear Operations, Inc.
Palisades Nuclear Plant
Docket No. 50-255

EA-14-013

Subject: ISSUANCE OF A CONFIRMATORY ORDER

This is to inform the Commission that a Confirmatory Order (CO) will be issued to Entergy Nuclear Operations, Inc. (Entergy), on or about July 21, 2014. The CO will confirm commitments reached as part of an alternative dispute resolution (ADR) mediation settlement agreement between Entergy and the Nuclear Regulatory Commission (NRC).

An investigation was completed by the NRC Office of Investigations on January 9, 2014, to determine whether employees at the Palisades Nuclear Plant (Palisades) willfully failed to follow the security plan requirements, when a security manager assigned a security operations supervisor to perform duties without confirming whether the supervisor had the appropriate qualifications. The investigation also assessed whether the security operations supervisor assumed those duties as requested. The investigation concluded that both the security manager and the security operations supervisor willfully violated 10 CFR Part 73, Appendix B, II B., "Qualification Requirements" and Palisades Security Plan Section 3.1. Specifically, 10 CFR Part 73, Appendix B, II B., "Qualification Requirements" requires that each person who performs security-related job tasks or job duties required to implement the licensee physical security or contingency plan shall, prior to being assigned to duties, be qualified in accordance with the licensee's NRC-approved training and qualifications plan. Section 3.1 of the Palisades Nuclear Plant Physical Security Plan, Appendix B, Revision 14, requires, in part, that each individual assigned duties and responsibilities identified in the security plans, licensee protective strategy, and implementing procedures must before assignment: (1) be trained and qualified to perform assigned duties and responsibilities in accordance with the requirements of the training and qualification plan; (2) meet the minimum qualification requirements of the training and qualification plan; and (3) be trained and qualified in the use of all equipment or devices required to effectively perform all assigned duties and responsibilities.

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As part of the ADR settlement agreement, and as discussed in the CO, Entergy agrees that the issues described above resulted in an individual inappropriately holding a position for which he was not qualified, contrary to the requirements of 10 CFR Part 73, Appendix B, II B., "Qualification Requirements" and the Palisades Security Plan. Entergy does not agree that the violation was committed willfully, and on this point, the parties agree to disagree. In response to the incident, Entergy completed a number corrective actions and enhancements, and agreed to complete additional corrective actions and enhancements, as fully discussed in the CO. In consideration of the corrective actions and commitments outlined in the CO, the NRC agreed to fully mitigate a civil penalty and to not issue a Notice of Violation (NOV). However, the NRC will consider the CO as escalated enforcement and will also issue a green finding with a cross cutting aspect in the area of "Consistent Process."

It should be noted Entergy will be informed of the issuance of the Order on or about the following dates:

Mailing of Notice
Telephone Notification of Individual

July 21, 2014
July 21, 2014

The State of Michigan will be notified.

DISTRIBUTION: EN-14-028, July 15, 2014

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