UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 19, 2011

Mr. Thomas Saporito
Senior Consulting Associate
Saprodani Associates
Post Office Box 8413
Jupiter, FL 33468

Dear Mr. Saporito:

Your petition dated June 20, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11174A228), received by the U.S. Nuclear Regulatory Commission (NRC) on June 21, 2011, and addressed to the Executive Director for Operations, has been referred to the Office of Nuclear Reactor Regulation pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206) of the NRC's regulations. In your petition, you requested that the NRC:

(1) take escalated enforcement action against the licensee(s) referenced in your petition (Entergy, et al.) and suspend, or revoke the NRC license(s) granted to the licensee for operation of nuclear reactors in the United States; and

(2) issue a notice of violation with a proposed civil penalty against the collectively named and each singularly named licensee in this matter - in the total amount of $500,000.00.

As the basis for your request, you stated, in part, that in a public meeting held on June 20, 2011, Entergy informed the NRC that:

1) all Quality Control/Quality Assurance (QC/QA) licensed activities at all of the licensee's nuclear power plants would be overseen and administered from a central corporate entity;
2) all QC/QA managers at each of the licensee's nuclear power plants now report directly to the licensee's Chief Nuclear Officer (CNO); and
3) any QC/QA changes made at any one of the licensee's nuclear power plants would be implemented at the entire fleet of the licensee's nuclear plants - in connection with the licensee's Corrective Action Program (CAP) vis-a-vi initiation of a Condition Report (CR).

You stated that Entergy's changes to the QC/QA programs at each of its individual nuclear power plants constitutes a "material" change to each individual NRC license issued to the licensee authorizing operation of each separate nuclear reactor under 10 CFR Part 50. You also stated that the Entergy failed to comply with NRC regulations by failing to file a License Amendment Request for every change made in connection with the applicable license at each and every nuclear facility licensed for operation by the NRC for which the licensee operates.

You were also concerned that the licensee's changes made to its QC/QA program infrastructure at each of its nuclear power plants has apparently adversely affected the NRC's ability to protect

public health and safety under the agency's Reactor Oversight Program because of the interplay and interaction of changes incorporated to the licensee's QC/QA programs.

On July 5, 2011, the petition manager contacted you to discuss the 10 CFR 2.206 process and to offer you an opportunity to address the NRC's petition review board (PRB), prior to making its initial recommendation. On July 5, 2011, you accepted the opportunity to address the PRB via a teleconference.

On August 4, 2011 (ADAMS Accession No. ML11228A141), you addressed the PRB by teleconference to provide additional information in support of your petition request. On August 31, 2011, the PRB met internally to discuss the initial recommendation. In accordance with NRC's Management Directive (MD) 8.11, which describes the 10 CFR 2.206 process, the PRB made an initial recommendation that your petition met the criteria for rejection on the basis that the issues/concerns raised have already been reviewed, evaluated, and resolved by the NRC. Specifically, the NRC issued the following Inspection Reports (IR) documenting the staff's inspection findings related to identified problems with the implementation of elements of the Quality Assurance (QA) Program that affected the fleet of Entergy:

- Arkansas Nuclear One, Units 1 and 2 – NRC Integrated Inspection Report 05000313/2010005 and 05000368/2010005, dated February 14, 2011 (ADAMS Accession No. ML110450398).
- James A. Fitzpatrick Nuclear Power Plant – NRC Integrated Inspection Report 05000333/2010005, dated February 10, 2011 (ADAMS Accession No. ML110410592).
- Grand Gulf Nuclear Station – NRC Integrated Inspection Report 05000416/2010005, dated February 10, 2011 (ADAMS Accession No. ML110420273).
- Indian Point Nuclear Generating Station, Unit 2 – NRC Integrated Inspection Report 05000247/2010005, dated February 11, 2011 (ADAMS Accession No. ML110420231).
- Palisades Nuclear Plant – NRC Integrated Inspection Report 05000255/2010005, dated February 8, 2011 (ADAMS Accession No. ML110410161).
- Pilgrim Nuclear Power Station – NRC Integrated Inspection Report 05000293/2010005, dated February 8, 2011 (ADAMS Accession No. ML110390343).
- River Bend Station, Unit 1 – NRC Integrated Inspection Report 05000458/2010005, dated February 14, 2011 (ADAMS Accession No. ML110450725).
- Vermont Yankee Nuclear Power Station - NRC Integrated Inspection Report 05000271/2010005, dated February 8, 2011 (ADAMS Accession No. ML110390550).

- Waterford Steam Electric Station, Unit 3 – NRC Integrated Inspection Report 05000382/2010005, dated February 11, 2011 (ADAMS Accession No. ML110420324).

In addition, on August 24, 2011 (ADAMS Accession Nos. ML11224A255), the NRC issued a confirmatory order which requires that Entergy implement actions to ensure the effectiveness of the quality control programs and safety conscious work environment.

On September 6, 2011, the petition manager informed you of the PRB's initial recommendation and you declined a second opportunity to address the PRB via a teleconference. Therefore, the PRB's final recommendation is that your petition meets the criteria for rejection on the basis that the issues/concerns raised have already been reviewed, evaluated, and resolved by the NRC staff under the inspection and enforcement process.

Thank you for bringing these issues to the attention of the NRC.

Sincerely,

Joseph G. Giitter

Joseph G. Giitter, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-271, 50-293, 50-247,
50-286, 50-255, 50-313, 50-368, 50-416,
50-458, 50-382, and 50-333

cc: Licensee (w/copy of incoming 2.206 request)
Distribution via Listserv

- Waterford Steam Electric Station, Unit 3 – NRC Integrated Inspection Report 05000382/2010005, dated February 11, 2011 (ADAMS Accession No. ML110420324).

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/RA/

Joseph G. Giitter, Director
Division of Operating Reactor Licensing
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PUBLIC	RidsNrrPMFitzPatrick Resource	RidsRgn1MailCenter Resource
LPL4 r/f	RidsNrrPMGrandGulf Resource	RidsRgn2MailCenter Resource
RidsEdoMailCenter	RidsNrrPMIndianPoint Resource	RidsRgn4MailCenter Resource
RidsNrrDorl Resource	RidsNrrPMPalisades Resource	TSetzer, RI
RidsNrrDorlLpl1-1 Resource	RidsNrrPMPilgrim Resource	DHills, RIII
RidsNrrDorlLpl3-1 Resource	RidsNrrPMRiverBend Resource	NO'Keefe, RIV
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RidsNrrMailCenter Resource	RidsOcaMailCenter Resource	LWilkins, NRR
RidsNrrOd Resource	RidsOgcRp Resource	
RidsNrrPMANO Resource	RidsOpaMail Resource	

ADAMS Accession Nos. Pkg ML112550207; Incoming ML11174A228; Response ML112550383

OFFICE	NRR/LPL4/PM	NRR/LPL4/LA	NRR/LPL4/BC	NRR/DORL/D
NAME	LWilkins	JBurkhardt	MMarkley	JGiitter
DATE	9/13/11	9/13/11	9/14/11	9/19/11

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