



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

February 1, 2023

EA-22-119

John Ferrick, Site Vice President
Entergy Operations, Inc.
17265 River Road
Killona, LA 70057

SUBJECT: WATERFORD STEAM ELECTRIC STATION, UNIT 3 - FINAL SIGNIFICANCE DETERMINATION OF A WHITE FINDING, NOTICE OF VIOLATION, AND FOLLOW-UP ASSESSMENT LETTER; NRC INSPECTION REPORT 05000382/2023090

Dear John Ferrick:

This letter provides you the final significance determination of the preliminary White finding discussed in our previous communication dated January 12, 2023, which included Emergency Preparedness Inspection Report 05000382/2022091, Agencywide Documents Access and Management System (ADAMS) Accession No. ML22348A272. The finding involved errors associated with engineering conversion factors used with the plant stack wide range gas monitor which made the results of radiological dose projection modeling inaccurate for emergency response purposes in cases using the plant stack wide range gas monitor.

In a telephone conversation on January 17, 2023, with Mark Haire, Chief, Response Coordination Branch, of the U.S. Nuclear Regulatory Commission (NRC), Region IV, Leia Milster, Manager, Regulatory Assurance, of your staff, indicated that Entergy Operations, Inc. declined the opportunity to discuss this issue in a regulatory conference or to provide a written response, and understood that NRC Inspection Manual Chapter 0609, Attachment 2 appeal rights only apply to those licensees that have either attended a regulatory conference or submitted a written response to the preliminary determination letter.

After considering the information developed during the inspection, the NRC has concluded that the finding is appropriately characterized as White, a finding of low to moderate safety significance.

The NRC has also determined that the failure to maintain the effectiveness of an emergency plan that met the requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Appendix E, and the planning standards of 10 CFR 50.47(b), is a violation of 10 CFR 50.54(q)(2) as cited in the enclosed Notice of Violation (Notice). The circumstances surrounding the violation were described in detail in Inspection Report 05000382/2022091. In accordance with the NRC Enforcement Policy, the Notice is considered an escalated enforcement action because it is associated with a White finding.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC

review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

As a result of our review of Waterford Steam Electric Station, Unit 3's performance, including this White finding, we have assessed the performance of Waterford Steam Electric Station, Unit 3 continues to be in the Regulatory Response column of the NRC's Action Matrix, effective the second quarter of 2022. We had previously assessed the performance of Waterford Steam Electric Station, Unit 3 to be in the Regulatory Response column based on a White finding documented in our letter dated September 12, 2022 (ML22241A143). Therefore, we plan to conduct a supplemental inspection using Inspection Procedure 95001, "Supplemental Inspection Response to Action Matrix Column 2 (Regulatory Response) Inputs," when your staff has notified us of your readiness for this inspection. This inspection procedure is conducted to provide assurance that the root cause and contributing causes of risk significant performance issues are understood, the extent of condition and the extent of cause are identified, and the corrective actions are sufficient to prevent recurrence.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's ADAMS, accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the public without redaction.

If you have any questions concerning this matter, please contact Mark Haire of my staff at 817-200-1223.

Sincerely,



Signed by Monninger, John
on 02/01/23

John D. Monninger
Deputy Regional Administrator

Docket No. 05000382
License No. NPF-38

Enclosure:
Notice of Violation

WATERFORD STEAM ELECTRIC STATION, UNIT 3 - FINAL SIGNIFICANCE DETERMINATION OF A WHITE FINDING, NOTICE OF VIOLATION, AND FOLLOW-UP ASSESSMENT LETTER; NRC INSPECTION REPORT 05000382/2023090 – DATED FEBRUARY 1, 2022

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ADAMS ACCESSION NUMBER: **ML23025A384**

SUNSI Review: ADAMS: Non-Publicly Available Non-Sensitive Keyword:
 By: JGK Yes No Publicly Available Sensitive

OFFICE	SES:ACES	C:RCB	C:PBD	TL:ACES	RC	NSIR
NAME	JKramer	MHaire	JDixon	JGroom	DCylkowski	KBrock
SIGNATURE	/RA/ E	/RA/ E	/RA/ E	/RA/ E	/RA/ E	/RA/ E
DATE	01/17/23	01/18/23	01/18/23	01/18/23	01/18/23	01/18/23
OFFICE	NRR	OE	D:DORS	D:DRSS	DRA	
NAME	RFelts	JPeralta	RLantz	MMuessle	JMonninger	
SIGNATURE	/RA/ E	/RA/ E	/RA/ E	/RA/ E	/RA/ E	
DATE	01/23/23	01/24/23	01/30/23	01/30/23	02/01/23	

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Entergy Operations, Inc.
Waterford Steam Electric Station, Unit 3

Docket No. 05000382
License No. NPF-38
EA-22-119

During an NRC inspection conducted from October 23 to December 7, 2022, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 50.54(q)(2) requires, in part, that a holder of a license under 10 CFR Part 50 shall follow and maintain the effectiveness of an emergency plan that meets the requirements in 10 CFR Part 50, Appendix E, and the planning standards of 10 CFR 50.47(b).

10 CFR 50.47(b)(9) requires, in part, that adequate methods, systems, and equipment for assessing and monitoring actual or potential offsite consequences of a radiological emergency condition are in use.

Contrary to the above, from June 6 to September 9, 2022, the licensee failed to follow and maintain the effectiveness of an emergency plan which met the requirements in 10 CFR Part 50 Appendix E and the planning standards of 10 CFR 50.47(b). Specifically, the licensee failed to use adequate methods, systems, and equipment for assessing and monitoring actual and potential offsite consequences of a radiological emergency as required by 10 CFR 50.47(b)(9), because the licensee had conversion factor errors that would result in inaccurate dose assessments for a radiological release through the plant vent stack exhaust path.

This violation is associated with a White significance determination process finding.

Pursuant to 10 CFR 2.201, Entergy Operations, Inc. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011-4511, and the NRC Resident Inspector at the Waterford Steam Electric Station, Unit 3, and email it to R4Enforcement@nrc.gov within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation, EA-22-119" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved.

Your response may reference or include previous docketed correspondence if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, the NRC may issue an order or a demand for information requiring you to explain why your license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Enclosure

Because your response will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's ADAMS, accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy or proprietary information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

Dated this 1st day of February 2023