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W3F1-2012-0097

10 CFR 2.201

December 3, 2012

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555-0001

Subject: Reply to a Notice of Violation: EA-12-198  
Waterford Steam Electric Station, Unit 3  
Docket No. 50-382  
License No. NPF-38

Reference: NRC letter to Entergy Operations, Inc. "Waterford Steam Electric Station,  
Unit 3 – NRC Problem Identification and Resolution Inspection Report  
05000382/2012008 and Notice of Violation," dated November 5, 2012  
(ADAMS Accession No. ML12310A497)

Dear Sir or Madam:

In reference 1, the U.S. Nuclear Regulatory Commission (NRC) issued Notice of Violation EA-12-198 to Entergy Operations' Waterford Steam Electric Station, Unit 3 (Waterford 3).

Pursuant to the provisions of 10 CFR 2.201, Attachment 1 provides Waterford 3's reply to Notice of Violation EA-12-198.

This letter contains one new commitment, which is listed in Attachment 2.

If you have any questions or require additional information, please contact the acting Licensing Manager, Michael E. Mason, at (504) 739-6673.

Sincerely,

MEM/RJP

Attachments: 1) Reply to Notice of Violation: EA-12-198  
2) List of Regulatory Commitments

LEO1  
R6MI

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**Attachment 1 to W3F1-2012-0097**

**Reply to Notice of Violation: EA-12-198**

### **Reply to Notice of Violation EA-12-198**

In U.S. Nuclear Regulatory Commission (NRC) letter to Entergy Operations, Inc. "Waterford Steam Electric Station, Unit 3 – NRC Problem Identification and Resolution Inspection Report 05000382/2012008 and Notice of Violation," dated November 5, 2012 (ADAMS Accession No. ML12310A497), the NRC issued Notice of Violation EA-12-198 to Entergy Operations' Waterford Steam Electric Station, Unit 3 (Waterford 3).

Pursuant to the provisions of 10 CFR 2.201, this enclosure provides Waterford 3's reply to Notice of Violation EA-12-198.

#### **Description of Violation**

##### *Violation*

Title 10 of the Code of Federal Regulations Part 50, Appendix B, Criterion III, "Design Control," states, in part, that measures shall be established to assure that applicable regulatory requirements and the design basis, as defined in 10 CFR 50.2, are correctly translated into specifications, procedures, and instructions.

Contrary to the above, from March 10, 2011, to August 2, 2012, the licensee failed to establish measures to assure that applicable regulatory requirements and the design basis, as defined in 10 CFR 50.2, were correctly translated into specifications, procedures and instructions. Specifically, the licensee had not established a design basis to determine the river level at which flood control measures were to be initiated for closing the water tight doors as required in Procedure OP-901-521, "Severe Weather and Flooding."

##### *End of Violation*

This violation is associated with a Green Significance Determination Process finding.

Inspection Report 05000382/2012008, that accompanies the Notice of Violation, provides additional insight indicating that the need to establish a basis for initiating flood control measures was being tracked to completion in a corrective action. The due date for the corrective action was extended several times and had not been completed by the arrival of the inspection team. The failure to complete the corrective action to establish a basis for flood control measures in a timely manner was a performance deficiency. This finding had a cross-cutting aspect in the human performance area, resources component in that the licensee failed to maintain long term plant safety by maintenance of design margins and ensuring engineering backlogs low enough to support safety. [H.2.a]

#### **Reason for the Violation**

When the condition was first identified in 2010, Waterford 3 Condition Report CR-WF3-2010-3232 was initiated to address the lack of an adequate design basis for the Mississippi River level at which flood control measures are to be initiated. The corrective actions associated with this issue have had several due date extensions. Both Licensing and Engineering personnel have extended the corrective actions, and tended to justify the extensions based upon the river level being at below flood level at the time and that satisfactory interim actions were in place.

While the extensions did consider actual risk, no consideration of these actions being associated with a regulatory issue was documented. The fact that the corrective actions were addressing a regulatory issue was not discussed in due date extension requests or in the corrective action assignments. As a result, the actions were inappropriately extended.

### **Corrective Steps That Have Been Taken and the Results Achieved**

Licensing implemented additional internal guidance to improve its oversight of the completion of corrective actions associated with resolution of regulatory concerns and issues. Specific direction was given to obtain Licensing's approval to extend the corrective action due date and to approve its closure for regulatory related corrective actions issued by Licensing. Since development of the guidance, Licensing has been more intrusive in monitoring the completion of corrective actions associated with the resolution of regulatory concerns and issues.

Lessons learned from the untimeliness of corrective action completion were developed and communicated to the Engineering and Licensing Departments. The lessons learned included information about the importance of owning corrective actions, the need for corrective actions to be timely, and the need to determine as soon as possible if the assigned action cannot be completed as assigned.

Engineering has completed an Engineering Reply under Engineering Change (EC) 39741 that determined the maximum rate of level rise of the Mississippi River that will be used to establish a basis for implementing flood control measures. The value was based on the daily recorded Mississippi River levels for flooding events from the nearest river gage (located at Reserve, LA), as provided by the U.S. Army Corps of Engineers (USACE).

The USACE Mississippi River levee design elevation documentation has been incorporated into the appropriate design documents.

A License Amendment Request (LAR) has been submitted to the NRC to move TS 3.7.5 to the Waterford 3 Technical Requirements Manual (TRM). This action will improve timely implementation of the design requirements for flooding into Waterford 3's Licensing Basis. The LAR is undergoing NRC review.

### **Corrective Steps That Will Be Taken**

- 1) The time required to close all of the exterior doors and hatches listed in Attachment 3 of OP-901-521 will be determined and a conservative response time to perform the required flood protection actions at the site will be developed. This information will be used to establish a design basis for the Mississippi River level at which flood control measures are to be initiated for closing the water tight doors in Procedure OP-901-521, "Severe Weather and Flooding" and will be reflected in procedures by March 7, 2013.
- 2) Upon NRC approval of the LAR, TS 3.7.5 will be moved to the Waterford 3 Technical Requirements Manual (TRM). Subsequent revision of the TRM will establish requirements for the initiation of flood control measures with consideration given to the basis developed in item 1 above.

**Date When Full Compliance Will Be Achieved**

Full compliance will be achieved by March 7, 2013. This date precedes the Mississippi River level rise in the Spring of 2013.

**Attachment 2 to W3F1-2012-0097**

**List of Regulatory Commitments**

List of Regulatory Commitments

The following table identifies those actions committed to by Entergy in this document. Any other statements in this submittal are provided for information purposes and are not considered to be regulatory commitments.

COMMITMENT	TYPE (Check One)		SCHEDULED COMPLETION DATE  (If Required)
	ONE- TIME ACTION	CONTINUING COMPLIANCE	
Waterford 3 will establish a design basis for the Mississippi River level at which flood control measures are to be initiated for closing the water tight doors and Procedure OP-901-521, "Severe Weather and Flooding" will be updated as necessary.	X		March 7, 2013