



UNITED STATES
NUCLEAR REGULATORY COMMISSION

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

September 21, 2023

EA-23-065

Phil Hansett, Site Vice President
Entergy Operations, Inc.
5485 U.S. Highway 61N
St. Francisville, LA 70775

SUBJECT: RIVER BEND STATION – NRC INSPECTION REPORT 05000458/2023001,
DISPUTED NON-CITED VIOLATION RESCINDED

Dear Phil Hansett:

On May 1, 2023, the U.S. Nuclear Regulatory Commission (NRC) issued the subject report, Agencywide Documents Access and Management System (ADAMS) Accession No. ML23116A235. The inspection report documented a non-cited violation (NCV) for the failure to obtain a license amendment prior to implementing a change to the method for establishing the design basis of the standby diesel generator air start system capacity from eight starts of which five are 10-second starts to five starts with no specified time (05000458/2023001-05).

In a letter dated May 25, 2023, you provided a written response and denied NCV 05000458/2023001-05 (ML23145A266). On June 1, 2023 (ML23152A153), the NRC acknowledged receipt of your letter.

The NRC conducted a detailed review of your May 25, 2023, letter and examined circumstances and applicable regulatory requirements in accordance with Part I, Section 2.8 of the NRC Enforcement Manual. This review was performed by a staff member who was not involved in the original inspection effort.

In your letter dated May 25, 2023, you requested that the NCV 05000458/2023001-05 be recharacterized as a failure to perform a Title 10 of the *Code of Federal Regulations* (10 CFR) 50.59 evaluation contrary to 10 CFR 50.59(d)(1). The independent reviewer identified that in Amendment No. 91 to your facility, issued on January 16, 1997 (ML021610759), the NRC approved a change to the standby diesel generator air start system. Therefore, we do not agree with your request to recharacterize the issue as a violation of 10 CFR 50.59(d)(1). However, we have concluded that the inspection report incorrectly documented an NCV of 10 CFR 50.59(c)(2)(viii), and NCV 05000458/2023001-05 will be rescinded. We will revise and reissue NRC Inspection Report 05000458/2023001 to reflect this change. Since your staff did not revise the updated final safety analysis report to reflect Amendment No. 91, we determined this was a violation of 10 CFR 50.71(e) and plan to document this issue in a future inspection report. The details of the NRC's evaluation are contained in the enclosure to this letter.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter and its enclosure 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>.

If you have any questions concerning this matter, please contact Jeffrey Josey, of my staff at 817-200-1148.

Sincerely,



Signed by Clark, Theresa
on 09/21/23

Theresa V. Clark, Acting Director
Division of Operating Reactor Safety

Docket No. 050000458
License No. NPF-47

Enclosure:
As stated

RIVER BEND STATION – NRC INSPECTION REPORT 05000458/2023001, DISPUTED
NON-CITED VIOLATION RESCINDED - DATED SEPTEMBER 21, 2023

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ADAMS ACCESSION NUMBER: **ML23261B022**

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

OFFICE	SES:ACES	SRI:EB1	C:PBC	TL:ACES	RC	NRR
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NRC Evaluation of Licensee Response to a Non-Cited Violation (NCV)

Restatement of NCV 05000458/2023001-05:

Title 10 CFR 50.59(c)(2)(viii), "Changes, Tests, and Experiments," states in part, that a licensee shall obtain a license amendment prior to implementing a proposed change that would result in a departure from a method described in the USAR to establish the design basis.

Contrary to the above, on September 22, 2022, the licensee implemented a change, EC-93806, that changed the method of establishing the design basis of the diesel generator air start system but did not obtain a license amendment prior to implementing the change.

Summary of Licensee Response

In a letter dated May 25, 2023, Entergy Operation, Inc. (Entergy or licensee) contested a violation of NRC requirements. Entergy indicated that it was in compliance with the regulatory requirements for changes, tests, and experiments under 10 CFR 50.59(c)(2)(viii) for a departure from a method of evaluation regarding the change to the diesel starting air system.

The licensee asserted that Nuclear Energy Institute (NEI) 96-07, "Guidelines for 10 CFR 50.59 Implementation," which has been endorsed by the NRC through Regulatory Guide 1.187, "Guidance for Implementation of 10 CFR 50.59, 'Changes, Tests, and Experiments'" Revision 3, defines a method of evaluation as the calculation framework used for evaluating behavior or response of the facility or a structure, system, or component. The licensee stated that the standard review plan provides the NRC staff guidance to conduct reviews and is not a method of evaluation described in NEI 96-07 or 10 CFR 50.59. Additionally, the licensee affirmed that no calculation framework was used in establishing the design basis for the diesel generator air starting capacity requirements.

Entergy subsequently proposed that the violation be recharacterized as a failure to document a written evaluation as required by 10 CFR 50.59(d)(1). This paragraph states: "The licensee shall maintain records of changes in the facility, of changes in procedures, and of tests and experiments made pursuant to paragraph (c) of this section. These records must include a written evaluation which provides the bases for the determination that the change, test, or experiment does not require a license amendment pursuant to paragraph (c)(2) of this section."

Licensee Conclusion

Entergy agreed that a violation of 10 CFR 50.59 associated with a minor performance deficiency exists; however, it is not associated with a change that resulted in a departure from a method of evaluation. Entergy requested that the violation be recharacterized as a failure to perform a 10 CFR 50.59 evaluation contrary to 10 CFR 50.59(d)(1).

NRC Evaluation and Conclusion

The NRC staff performed an independent review of the licensee's position as described in its letter dated May 25, 2023. During the review, the NRC staff discovered that with Amendment No. 91 to Facility Operating License No. NPF-47, the NRC approved a change to the standby

diesel air start system that corresponded to the change that was implemented under EC 93806. This amendment was not included in the licensee's response to the NCV and not cited as a basis for its dispute.

Since the licensee changed the design basis of the diesel generator air start system, as approved by the NRC in Amendment No. 91 to Facility Operating License No. NPF-47, the NRC concluded that no violation of 10 CFR 50.59(c)(2)(viii) occurred. Therefore, the NRC staff concluded that NCV 05000458/2023001-05, as currently documented in Inspection Report 05000458/2023001, will be rescinded. We will revise and reissue NRC Inspection Report 05000458/2023001 to reflect this change. However, since the licensee did not update the UFSAR in a timely manner, the staff determined this to be a violation of 10 CFR 50.71(e) and plan to document this issue in a future inspection report.