



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064**

July 31, 2002

EA-02-036

Paul D. Hinnenkamp, Vice President - Operations
River Bend Station
Entergy Operations, Inc.
P.O. Box 220
St. Francisville, Louisiana 70775

**SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING AND
NOTICE OF VIOLATION
(NRC INSPECTION REPORT 50-458/02-05; RIVER BEND STATION)**

Dear Mr. Hinnenkamp:

The purpose of this letter is to provide you with our final significance determination for the preliminary Yellow finding identified in the subject inspection report. Our preliminary findings were discussed with your staff during an exit briefing conducted on March 20, 2002. The inspection findings were assessed using the significance determination process and were preliminarily characterized as Yellow (i.e., an issue with substantial importance to safety that will result in additional NRC inspection and potentially other NRC action). This preliminary Yellow finding involved apparent failures to meet requirements of 10 CFR 50.54(q), emergency planning standards 10 CFR 50.47(b)(10) and 10 CFR 50.47(b)(7), and 10 CFR Part 50, Appendix E, Section IV(G), and was based on the following preliminary conclusions: (1) a range of protective actions was not developed and maintained for members of the public who routinely used facilities located in the River Bend Station owner controlled area, (2) emergency response information was not periodically made available to members of the public who routinely used facilities located in the River Bend Station owner controlled area, and (3) the River Bend Station emergency plan was not reviewed and updated as members of the public were given access to facilities located in the owner controlled area.

At your request, a Regulatory Conference was held on June 3, 2002, to further discuss your views on this issue. During the conference, your staff described your evaluation of each of the inspection report concerns, your position on whether a violation of NRC requirements occurred, and your assessment of the significance of the findings. Specifically, your staff asserted that you had not violated 10 CFR 50.54(q), 10 CFR 50.47(b)(10), and 10 CFR 50.47(b)(7) in that River Bend Station: had plans and procedures that described and implemented a process to notify members of the public of an evacuation order through security sweeps of the owner controlled area, had provisions for radiological monitoring and decontamination of the public evacuated from the owner controlled area at predesignated assembly areas, and provided adequate public information regarding the evacuation and monitoring process during a sweep of the owner controlled area through the personal warning of the public by security officers. Entergy Operations Inc. (EOI) also stated its belief that a violation of NRC requirements had occurred, in that the River Bend Station emergency plan and implementing procedures had not

been reviewed and updated following changes in public use of the owner controlled area as required by 10 CFR 50.54(q) and 10 CFR Part 50, Appendix E, Section IV(G). EOI further stated its belief that this violation would have very low safety significance (Green) if it were independently evaluated under the NRC's significance determination process.

In letters to the NRC dated May 31 and June 7, 2002, EOI provided additional information that included: the historical licensing basis for the methods used by River Bend Station to notify members of the public in its owner controlled area of an emergency, additional details concerning the skills and training of security officers, details related to procedure AOP-0029, "Severe Weather Operation," Revision 14, and discussion of the generic implications of the apparent finding.

Upon consideration of the information EOI provided during the regulatory conference, review of the additional information provided by EOI in writing, and further review of the NRC inspection results, the NRC has concluded that River Bend Station has met and continues to meet emergency planning standard 10 CFR 50.47(b)(10).

However, regarding the apparent failure to meet planning standard 10 CFR 50.47(b)(7), after considering the information provided at the regulatory conference, the additional information submitted by letter, and the information developed during the inspection, the NRC has concluded that this planning standard was not met, and that this finding is appropriately characterized as White (i.e., an issue with low to moderate increased importance to safety, which may require additional NRC inspections). Specifically, the NRC determined that planning standard §50.47(b)(7) does apply to the owner controlled area (although some members of the public there may appropriately be characterized as transients), and that between 1985 and January 2002 you did not provide emergency preparedness information to the public using the River Bend Station owner controlled area.

You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified White finding. Such appeals will be considered to have merit only if they meet the criteria given in NRC Inspection Manual Chapter 0609, Attachment 2.

The failure to periodically provide information to the public in the owner controlled area regarding actions to be taken in the event of an emergency is a violation of 10 CFR 50.54(q) and emergency planning standard 10 CFR 50.47(b)(7), as cited in the enclosed Notice of Violation. In accordance with the NRC Enforcement Policy, NUREG-1600, the Notice of Violation is considered escalated enforcement action because it is associated with a White finding (50-458/0205-01).

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice of Violation when preparing your response.

Because plant performance for this issue has been determined to be in the regulatory response band, we will use the NRC Action Matrix, to determine the most appropriate NRC response for these issues. We will notify you, by separate correspondence, of that determination.

Finally, regarding the apparent failure to review and update your emergency plan as changes were made to the public's use of the River Bend Station owner controlled area, the NRC has concluded that this inspection finding is appropriately characterized as Green (i.e., an issue with

very low safety significance). We also determined that a violation of NRC requirements occurred, in that River Bend Station failed to review the impact on the station emergency plan of several changes related to the process for warning members of the public in the owner controlled area of an evacuation order, and that these failures decreased the effectiveness of the emergency plan.

10 CFR 50.54(q) states, in part, that a nuclear power reactor licensee shall follow and maintain in effect emergency plans which meet the standards in 10 CFR 50.47(b) and the requirements in 10 CFR Part 50, Appendix E. A licensee may make changes to its emergency plans without Commission approval only if the changes do not decrease the effectiveness of the plans and the plans, as changed, continue to meet the standards of 10 CFR 50.47(b) and the requirements of 10 CFR Part 50, Appendix E, Section IV.G. Contrary to the above, between 1985 and January 2002, River Bend Station failed to review the impact on the station emergency plan when it: (1) changed from the use of security vehicles equipped with permanently-mounted public address systems to the use of vehicles without such systems, and relied on portable public address systems stored onsite (approximately 1994), (2) canceled emergency plan implementing procedure EIP-2-026, "Evacuation, Personnel Accountability, and Search and Rescue," Revision 11 (approximately 1997), and (3) permitted several changes in the public's use of the River Bend Station owner controlled area. As a result, the time required to implement the process of notifying members of the public in the owner controlled area of an evacuation order was significantly increased, resulting in a decrease in effectiveness of the emergency plan.

The resulting decrease in effectiveness of the emergency plan resulting from the failure to evaluate changes in the station owner controlled area, changes to emergency plan implementing procedures, and changes in emergency notification methods used by security officers, was a performance deficiency. The finding was more than minor because it was associated with one of the Emergency Preparedness cornerstone attributes (Plan Changes) and affected the associated cornerstone objective. Using the Emergency Preparedness Significance Determination Process, the NRC determined that the finding had very low risk significance because the finding did not constitute a failure to meet an emergency planning standard as defined by 10 CFR 50.47(b). Because of the very low safety significance and because EOI included the finding in its corrective action program as Condition Report 2002-0183, this finding is being treated as a noncited violation (50-458/0205-02) in accordance with Section VI.A of the NRC Enforcement Policy.

If you contest this noncited violation, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region IV, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and a copy to the NRC Resident Inspector at River Bend Station.

In your letters dated May 31 and June 7, 2002, EOI described its belief that the preliminary Yellow finding constituted a new requirement and/or new NRC interpretations of existing requirements. Your letters stated that EOI considered that any final significance determination of the preliminary finding resulting in greater than a very low safety significance (Green) would be a backfit subject to the requirements of 10 CFR 50.109. However, your backfit discussion in the letters was generally limited to issues associated with emergency planning standard §50.47(b)(10), which the NRC has determined you continue to meet. We request that your

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response to this letter clarify whether you continue to believe that a backfit has occurred and, if so, provide specific details to support a backfit determination. The NRC will process any claim of backfit in this matter according to the requirements of NRC Management Directive 8.4 and will notify you by separate correspondence of the results of that determination.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Ellis W. Merschoff
Regional Administrator

Docket: 50-458
License: NPF-47

Enclosure: As stated

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NOTICE OF VIOLATION

Entergy Operations Inc.
River Bend Station

Docket No. 50-458
License No. NPF-47
EA-02-036

During an NRC inspection conducted January 28 through February 1, 2002, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 50.54(q) states, in part, that a licensee authorized to possess and operate a nuclear power reactor shall follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b). 10 CFR 50.47(b)(7) requires that onsite emergency response plans for nuclear power reactors meet the following standard, which states, in part: "Information is made available to the public on a periodic basis on how they will be notified and what their initial actions should be in an emergency..."

Contrary to the above, between 1985 and February 1, 2002, the licensee's emergency plan was not adequate to assure that information was made available to members of the public using River Bend Station's owner controlled area regarding how members of the public would be notified of an evacuation order and what their initial actions should be in an emergency. Specifically, the licensee had not provided information to members of the public using the West Feliciana Community Development Foundation, the security firing range, the activity center, the outage campground, the Sportsman's Association base camp, and adjacent hunting and fishing areas in the licensee's owner controlled area about: (1) the process used to notify the public of an emergency, (2) circumstances under which the public in the licensee's owner controlled area would be directed to assembly and radiological monitoring stations, (3) the predetermined locations of the assembly and radiological monitoring stations, (4) evacuation routes to the predetermined assembly and radiological monitoring stations, and (5) the radiological monitoring and decontamination process.

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

Pursuant to the provisions of 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 with a copy to the Regional Administrator, Region IV, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, 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" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, 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, an order or a Demand for Information may be issued as to why the 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, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. ADAMS is accessible from the NRC Web site at the Public Electronic Reading Room, <http://www.nrc.gov/reading-rm/adams.html>. 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 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated this 31st day of July 2002