

INDIVIDUAL NOTICE OF VIOLATION

Daniel Wilson
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

IA-13-064

During an NRC investigation at the Entergy Nuclear Operations (ENO) Indian Point Nuclear Generating Units 2 and 3 (IP), initiated by the NRC Office of Investigations (OI) on March 20, 2012, for which an OI report was issued on March 26, 2013, multiple examples of a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 50.5(a) states, in part, that any licensee employee may not either 1) engage in deliberate misconduct that causes a licensee to be in violation of any rule, regulation, or order; or any term, condition, or limitation of any license issued by the Commission; or, 2) deliberately submit to the licensee information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC.

Contrary to the above, on February 2-6, 2012, you, while employed as the IP Chemistry Manager, both: 1) engaged in deliberate misconduct that caused Entergy Nuclear Operations to be in violation of NRC regulations and conditions of licenses issued to ENO for operation of its Indian Point Energy Center Units 2 and 3; and, 2) deliberately submitted to ENO information that you knew to be incomplete or inaccurate in some respect material to the NRC. Specifically:

- a. On February 2, 2012, you were informed that on July 13, 2011, test results were received from a June 17, 2011, fuel oil sample from the IPEC 2/3 reserve fuel oil storage tank (RFOST), indicating a total particulate concentration that exceeded the technical specification (TS) limit of 10 mg/l. On February 5, 2012, you entered incomplete and inaccurate data in a chemistry database to indicate that the RFOST had been resampled on June 29, 2011, and the results had been within TS limits, even though you knew that no action had been taken to restore the parameter to within limits and that the RFOST had not been resampled until September 2, 2011, thereby requiring the associated emergency diesel generators (EDGs) to have been declared inoperable.
- b. On February 5, 2012, you identified that on December 30, 2011, test results were received from a December 1, 2011, fuel oil sample from the RFOST, indicating a total particulate concentration that exceeded the TS limit of 10 mg/l. Although you knew that no action had been taken to restore the parameter to within limits, thereby requiring the associated EDGs to immediately be declared inoperable, you entered incomplete and inaccurate data in a chemistry database to indicate that the RFOST had been resampled on December 9, 2011, and that the results had been within TS limits. As a result, ENO continued to operate in violation of its TS until March 15, 2012, when the RFOST particulate concentration was verified to be within the limit.

- c. On February 6, 2012, you identified that on December 7, 2011, test results were received from a November 18, 2011, fuel oil sample from the IPEC 22 FOST, indicating a total particulate concentration that exceeded the TS limit of 10 mg/l. Although you knew that no action had been taken to restore the parameter to within limits, thereby requiring the associated EDGs to immediately be declared inoperable, you entered incomplete and inaccurate data in a chemistry database to indicate that the 22 FOST had been resampled on December 7, 2011, and that the results had been within TS limits. As a result, ENO continued to operate in violation of its TS until February 10, 2012, when the 22 FOST particulate concentration was verified to be within the limit.

This information is material to the NRC because it is associated with an operability requirement for the EDGs, which provide backup power for the operation of essential, safety-related components in the event of a loss of offsite power.

This is a Severity Level III violation (Example 6.9).

Since you are no longer employed by ENO or any other NRC licensee to our knowledge, you are not required to respond to the Notice of Violation at this time. However, if you are employed or should you seek employment with an NRC licensee in the future, you will be required, pursuant to the provisions of 10 CFR 2.201, to submit a written response. This reply should be clearly marked as a "Reply to a Notice of Violation; IA-13-064" 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. The reply should be addressed to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406, and marked "Open by Addressee Only, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). 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.

Your response will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's Agency-wide Document Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards 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). If safeguards information is

necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

This letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly-accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html> .

Dated this 29th day of April 2014