



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE, SUITE 1000
ARLINGTON, TEXAS 76011

FEB 8 1989

Docket No. 50-382
License No. NPF-38
EA No. 89-212

Louisiana Power & Light Company
ATTN: J. G. Dewease, Senior Vice President
Nuclear Operations
317 Baronne Street
New Orleans, Louisiana 70160

Gentlemen:

SUBJECT: NOTICE OF VIOLATION (NRC INVESTIGATION REPORT NO. 4-89-002)

This is in reference to the Report of Investigation 4-89-002 prepared by NRC's Office of Investigations (OI) and to the discussion of the investigative findings with you and other Louisiana Power & Light Company (LP&L) officials at an enforcement conference in our offices on December 11, 1989.

This investigation dealt with allegations that a Quality Control (QC) inspector at LP&L's Waterford nuclear power plant had responded falsely to an NRC inspector's inquiry regarding the inspection of fire seal material that was being replaced. An expurgated version of the report prepared by OI, which concluded that the individual had made false statements to the NRC inspector relative to performing the required inspections of the fire seal material, was provided to LP&L on November 17, 1989.

LP&L's position on this matter, as expressed during the December 11 enforcement conference, was that its own investigation had produced no evidence to dispute the OI conclusion, that this was an isolated case and that ultimately the sequence in which the fire seal repair and inspection work was done -- the subject of the NRC inspector's inquiry -- did not affect the quality of the fire seals.

NRC has reviewed this matter and, although we agree in essence with LP&L's position, we conclude that LP&L's use of a procedure that was, at the time, considered faulty, was in violation of NRC requirements and that inaccurate information was provided to NRC, a violation of 10 CFR 50.9. The information gathered by OI indicates that LP&L continued to use a procedure that was known to be deficient until April 1988 when it was revised, a violation of Waterford

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Technical Specification 6.8.1.a regarding the maintenance of procedures for quality related work and a violation of NRC's requirements in 10 CFR Part 50, Appendix B, Criterion XVI, regarding corrective actions.

In regard to this violation in the enclosed Notice, NRC's concerns surround the testimony in the OI report which would indicate that Waterford and contractor personnel were aware of a problem with the procedure governing the inspections of this work and, while having modified it accordingly in practice, did not modify the actual written procedure for some time. NRC requests that LP&L's response to this violation address whether LP&L's more recent attention to procedural compliance and adequacy at Waterford has addressed the inappropriate attitude indicated by this situation.

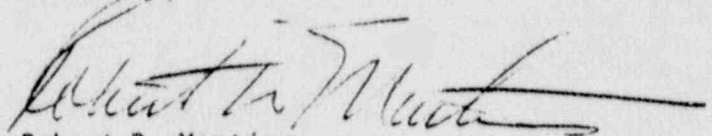
In regard to the accuracy of the information provided by LP&L's QC inspector, NRC gave serious consideration to whether escalated enforcement action should be taken. Under the Enforcement Policy, a civil penalty is considered for willful violations at any severity level. However, given the circumstances of this case, Violation B in the enclosed Notice has been classified at Severity Level IV and no civil penalty is being proposed. Nonetheless, NRC considers of paramount importance the accuracy of information provided its inspectors and will not hesitate to take escalated enforcement action when the circumstances warrant it.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,



Robert D. Martin
Regional Administrator

Enclosure:
Notice of Violation

cc: (see next page)

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cc:
Louisiana Radiation Control Program Director

NRC Public Document Room

Local Public Document Room

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