



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

APR 11 1994

Docket No. 50-458
License No. NPF-47
EA 94-010

Entergy Operations, Inc.
ATTN: John R. McGaha
Vice President - Operations
River Bend Station
Post Office Box 220
St. Francisville, Louisiana 70775

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY -
\$100,000
(NRC Inspection Report No. 50-458/93-30)

This refers to the enforcement conference conducted on February 11, 1994, to discuss several examples of an apparent failure to meet NRC fire protection requirements at the River Bend Station (RBS) facility. The failures to meet fire protection requirements were discovered by Entergy Operations personnel in the process of verifying the ability to safely shut down the facility in the event of a fire, and were reviewed by NRC inspectors during an inspection that took place December 13-17, 1993, and January 10-11, 1994. An inspection report describing the results of the inspection was issued on February 1, 1994.

River Bend Station operating license NPF-47 invokes compliance with the fire protection program as specified in Attachment 4 to the license, which requires, in part, that specified fire protection features be provided for structures, systems and components important to safe shutdown. Gulf States Utilities (GSU), (the former licensee) informed the NRC in a letter dated December 6, 1993, of the results of analyses indicating that equipment that had been relied upon to ensure a post-fire, safe shutdown of RBS could have been unavailable in the event of certain postulated fires. During the inspection, the NRC reviewed the deficiencies identified in GSU's letter and identified one additional deficiency. A total of seven specific examples of the failure to meet NRC fire protection requirements were described in the inspection report.

During the enforcement conference, Entergy Operations stated that additional analyses had determined that postulated fires would not have adversely affected safe shutdown in two of the seven instances and therefore the license condition requirements had not been violated in those instances. The NRC is continuing its review of your basis for drawing this conclusion with respect to the effect of a fire on instrument tubing (discussed on pp. 10-11 of the inspection report) and the effect of a fire on standby service water valves (discussed on p. 9 of the inspection report).

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To: S Cant
From: J Beall
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Entergy Operations, Inc.

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With respect to the remaining examples, the NRC has determined that RBS was not in compliance with the operating license condition requirements. These involved the failure to provide specified fire protection features for: 1) associated circuits that shared common enclosures with alternate shutdown circuits; 2) Standby Service Water Cooling Tower Fan circuits; 3) a conduit containing Division III control power cables; 4) control circuits for 4160V and 480V circuit breakers supplying power to loads required for remote shutdown outside the main control room; and 5) the reactor vessel level 8 trip circuitry and the breaker control circuitry for the reactor feedwater pumps.

As specified in the enclosure, the failure to protect these circuits and cables from fire-related damage could have rendered equipment dedicated to ensuring the safe shutdown of RBS unavailable. We acknowledge your statements during the enforcement conference that operator action in most cases could have overcome these postulated events and brought the plant to a safe shutdown condition, and that the probability of occurrence of the postulated events is low. Nonetheless, the NRC considers these violations, in the aggregate, to be a significant regulatory concern because these fire protection design deficiencies have existed since the initial operation of RBS and because the very purpose of the involved fire protection requirements is to ensure the availability of essential equipment without operator intervention. The NRC's concern about these deficiencies is heightened by our view that the former licensee for RBS had several prior opportunities to have identified and corrected them. These include NRC Generic Letter 86-10, the former licensee's discovery of similar deficiencies in its fire hazards analysis and the former licensee's response to a previous NRC enforcement action (EA 90-039).

These deficiencies appear to have existed primarily because neither GSU nor its contractors fully understood the need to comply with the specific operating license condition requirements or did not understand the level of detail necessary to show compliance with such requirements. At the enforcement conference, representatives from Entergy Operations cited the primary root cause as "design deficiencies" during the development of the original safe shutdown analysis by the architect engineer in the 1983-1985 timeframe. You also cited as contributing causes the lack of guidance documents (noting that NRC Generic Letter 86-10 was not yet available), the failure of the architect engineer to document its methodology in the safe shutdown analysis, inadequate training of RBS fire protection staff, and the inappropriate classification of the safe shutdown analysis as a QA category III document, thus resulting in the analyses not being independently verified. You also acknowledged during discussions that an over reliance on contractors was a contributing factor.

The NRC acknowledges the corrective actions that Entergy Operations has taken or is planning to take in response to these matters. Your short-term actions included prompt action to resolve each of the identified deficiencies and to restore compliance with NRC requirements, including operability determinations where necessary, hardware and procedural modifications, or compensatory actions. Your long term actions include actions to improve your overall fire protection program as a result of these and previous deficiencies, including

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steps to ensure that the RBS fire protection staff is better trained and qualified and to ensure less reliance on contractor support.

In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR Part 2, Appendix C, the failure to assure that RBS was in compliance with the requirements of the operating license condition, has been classified at Severity Level III.

To emphasize the importance of ensuring compliance with all fire protection requirements, I have been authorized, after consultation with the Director, Office of Enforcement, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the amount of \$100,000 for the Severity Level III problem described above and in the Notice.

The base value of a civil penalty for a Severity Level III problem is \$50,000. The civil penalty adjustment factors in the Enforcement Policy were considered and resulted in a net increase equivalent to 100 percent of the base value. This value is based on the following considerations: 1) mitigation of 50 percent of the base value was warranted because Entergy Operations discovered these deficiencies as a result of a thorough effort to revalidate the RBS safe shutdown analysis; 2) mitigation of 50 percent of the base value was warranted because Entergy Operations took prompt and comprehensive corrective action; 3) escalation of 100 percent of the base value was warranted because licensee performance in the fire protection area and overall licensee performance have been poor as evidenced by an escalated enforcement action in the fire protection area in the last two years (EA 93-091) and a SALP category 3 rating in the related engineering area; and 4) escalation of 100% of the base value was warranted based on a combination of the duration of the deficiencies which existed since the plant was licensed and the prior opportunities to have discovered and corrected these deficiencies since initial plant operations.

Finally, I want to emphasize that the NRC places great value on licensee reassessments of past evaluations to identify old design issues, as was performed in this case. However, in proposing this civil penalty, NRC was influenced by the fact that extensive NRC involvement was needed to encourage the former licensee to perform this reassessment, despite the several opportunities the licensee had to have questioned the adequacy of the past fire safety analyses.

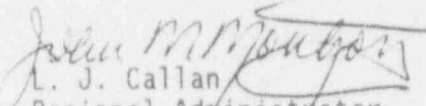
You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this 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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be placed in the NRC Public Document Room.

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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,

for 
L. J. Callan
Regional Administrator

Enclosure:
Notice of Violation and
Proposed Imposition of Civil Penalty

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APR 1, 1991

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