

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Entergy Operations, Inc  
Waterford Steam Electric Station, Unit 3

Docket No. 50-382  
License No. NPF-38  
EA 96-025

During an NRC inspection conducted from December 20, 1995, to January 12, 1996, three violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

I. Violation Assessed a Civil Penalty

- A. Criterion XVI of Appendix B to 10 CFR Part 50 requires, in part, that measures be established to assure that conditions adverse to quality, such as failures and malfunctions, be promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition.

Contrary to the above, on several occasions, from March 1986 through December 1995, as discussed in NRC Inspection Report 50-382/95-23, licensee personnel failed to implement corrective actions to preclude repetition of a significant condition adverse to quality in that, on each of those occasions, a known design deficiency, which allowed the development of voids in the ACCW system, was not corrected. (01013)

This is a Severity Level III violation (Supplement I).  
Civil Penalty - \$50,000.

II. Violations Not Assessed a Civil Penalty

- A. Technical Specification 6.8.1.a states, in part, that written procedures shall be implemented covering the applicable procedures recommended in Appendix A of Regulatory Guide 1.33, "Quality Assurance Program Requirements," Revision 2, February 1978.

Paragraph 9.a of Appendix A to Regulatory Guide 1.33 states, in part, that procedures for performing maintenance that can affect the performance of safety-related equipment should be performed in accordance with written procedures appropriate to the circumstances.

Section 5.6 of Procedure UNT-005-015, "Work Authorization Preparation and Implementation," stated, in part, that the work authorization affected by a change in scope or intent shall be reviewed by the original reviewers.

Contrary to the above, a change in the scope or intent of a work authorization was performed and the changes were not reviewed by the original reviewers in that:

1. On October 27, 1995, the system engineer entered "NA" for the requirement specified in Work Authorization 01135214 for performance of a valve differential pressure test. The original reviewers did not review the change to the test requirements.
2. On November 25, 1995, a maintenance planner marked "NA" for the postmaintenance test specified in Work Authorization 01135214. The original reviewers did not review the change to the postmaintenance test. (02014)

This is a Severity Level IV violation (Supplement I).

- B. Criterion XI of Appendix B to 10 CFR Part 50 specifies, in part, that all testing required to demonstrate that systems will perform satisfactorily in service is performed in accordance with written test procedures which incorporated the requirements contained in applicable design documents.

Section 7.3 of the Updated Final Safety Analysis Report, an applicable design document, states, in part, that the ESF [engineered safety feature] components automatically actuated by signals from ESFAS [engineered safety feature actuation system] are identified in Table 7.3-5. The ACCW system is listed in Table 7.3-5.

The licensee has established through the issuance of System Operating Procedure OP-002-001, "Auxiliary Component Cooling Water," that the normal system lineup requires that the ACCW pump discharge valve be fully opened when the system is in standby and prepared to respond to an automatic actuation signal.

Contrary to the above, the licensee failed to provide a written procedure to test the ACCW system in accordance with the requirements of the applicable design documents in that surveillance procedures required that the ACCW pump discharge valve be shut during testing, which represented a position different from the normal, automatic system actuation lineup. (03014)

This is a Severity Level IV violation (Supplement I).

Pursuant to the provisions of 10 CFR 2.201, Entergy Operations, Incorporated (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition

of Civil Penalty (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved. 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 why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or the cumulative amount of the civil penalties if more than one civil penalty is proposed, or may protest imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations listed in this Notice, in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section VI.B.2 of the Enforcement Policy should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

The response noted above (Reply to Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to:

James Leiberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, ATTN: Enforcement Officer, and a copy to the NRC Resident Inspector at the Waterford Steam Electric Station.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at Arlington, Texas,  
this 28th day of March 1996