

NOTICE OF VIOLATION

Richard M. Gracin

IA 96-052

During an NRC investigation conducted on January 23 through June 28, 1996, 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 50.5(a)(2) states, in part, that any employee of a licensee may not deliberately submit to the NRC or 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 January 11, 1996, Richard M. Gracin, an employee of Entergy Operations, Inc., a licensee, deliberately provided information to an NRC inspector and to licensee representatives that he knew was inaccurate. Specifically, when questioned about the circumstances surrounding a September 12, 1995, event, Mr. Gracin stated that a security officer had stopped two groups of visitors at a vital area door (before entry), and that he (Mr. Gracin) then responded to the door. Mr. Gracin stated that he assigned one security officer to escort one group and a second security officer to the second group to comply with licensee requirements, thereby avoiding a violation. However, several days after providing that information, the licensee discovered that Mr. Gracin had not prevented the violation as he earlier indicated. Mr. Gracin was, in fact, aware that the visitors were in the vital area without the required number of escorts, was cognizant of the escort-to-visitor requirements, and later even took steps to correct the inadequacy. This information was material because it was used to determine whether a violation had occurred. (01013)

This is a Severity Level III violation (Supplement VII).

Pursuant to the provisions of 10 CFR 2.201, Mr. Gracin is required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, within 30 days of the date of this Notice of Violation. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (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. Mr. Gracin's response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Because the 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. If personal privacy or proprietary information that is not already

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in the public record is necessary to provide an acceptable response, then please provide a bracketed copy of the response that identifies the information that should be protected and a redacted copy of the response that deletes such information. If Mr. Gracin requests withholding of such material, the request must specifically identify the portions of the response that is requested to be withheld and provide in detail the bases for the 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).

Dated at Arlington, Texas
this 19th day of December 1996