



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DCS
PDR

August 18, 1999

EA 98-022

Charles M. Dugger, Vice President
Operations - Waterford 3
Entergy Operations, Inc.
P.O. Box B
Killona, Louisiana 70066

SUBJECT: VIOLATION DENIAL (EA 98-022)

Dear Mr. Dugger:

This refers to your letter dated June 23, 1999, in response to our reconsideration of the referenced enforcement action detailed in our letter of May 24, 1999. The Office of Nuclear Reactor Regulation (NRR) has carefully reviewed your arguments supporting your position that a violation of 10 CFR Part 50, Appendix B, Criterion XI, "Test Control," did not occur when you failed to properly account for uncertainties in flow instrumentation and throttle valve position variability in your emergency core cooling system surveillance testing. After considering your response, we have concluded the violation occurred as stated.

We do not feel a point by point rebuttal of your arguments would be productive in that none of your arguments alter the fundamental positions we communicated in our May 24, 1999, correspondence. To reiterate, those positions are:

- The conservatisms inherent in the Appendix K methodology do not envelop emergency core cooling system flow uncertainties. Such uncertainties must be accounted for and this can be done either through the analyses itself or through the surveillance testing program.
- Instrument uncertainties must be managed in a manner that ensures that technical specification limiting conditions for operation (LCOs) preserve the analytical values on which the LCOs are based. Failure to do so can result in violations of 10 CFR 50.36.

Accordingly, you are required to place the noncompliance in your corrective action program and address it commensurate with its safety significance.

Please note that while the NRC requires that uncertainties of the type at issue here be adequately accounted for, no specific methodology is prescribed and you are encouraged to dialogue with the Office of Nuclear Reactor Regulation to attempt to achieve a solution to your challenges with accounting for instrument uncertainties. Mr. Stuart A. Richards of the Office of

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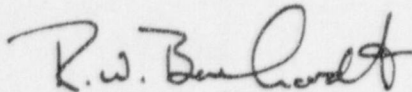
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Nuclear Reactor Regulation at (301) 415-1395 is our contact for any further dialogue on the issue of management of instrument uncertainty. Additionally, note that Region IV intends to perform followup inspection in this area.

This enforcement action is considered closed. However, further violations of failure to properly account for instrument uncertainties may be subject to additional enforcement action.

Sincerely,



R. W. Borchardt, Director
Office of Enforcement

Docket No. 50-382
License No. NPF-38
Enclosure: as stated

cc w/Enclosure:
Executive Vice President and
Chief Operating Officer
Entergy Operations, Inc.
P.O. Box 31995
Jackson, Mississippi 39286-1995

Vice President, Operations Support
Entergy Operations, Inc.
P.O. Box 31995
Jackson, Mississippi 39286-1995

Wise, Carter, Child & Caraway
P.O. Box 651
Jackson, Mississippi 39205

General Manager, Plant Operations
Waterford 3 SES
Entergy Operations, Inc.
P.O. Box B
Killona, Louisiana 70066

Manager - Licensing Manager
Waterford 3 SES
Entergy Operations, Inc.
P.O. Box B
Killona, Louisiana 70066

Chairman
Louisiana Public Service Commission
One American Place, Suite 1630
Baton Rouge, Louisiana 70825-1697

Director, Nuclear Safety &
Regulatory Affairs
Waterford 3 SES
Entergy Operations, Inc.
P.O. Box B
Killona, Louisiana 70066

Ronald L. Wascom, Administrator
Louisiana Radiation Protection Division
P.O. Box 82135
Baton Rouge, Louisiana 70884-2135

Parish President
St. Charles Parish
P.O. Box 302
Hahnville, Louisiana 70057

Mr. William A. Cross
Bethesda Licensing Office
3 Metro Center, Suite 610
Bethesda, Maryland 20814

Winston & Strawn
1400 L Street, N.W.
Washington, D.C. 20005-3502

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