

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Louisiana Power & Light Company
Waterford-3

Docket No. 89-382
License No. NPF-38
EA No. 89-69

During an NRC inspection conducted on March 8-9, 1989, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, 53 Federal Register 40019 (October 13, 1988), 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 violation and associated civil penalty are set forth below:

Inoperable Emergency Core Cooling System (ECCS) Subsystem

Technical Specification 4.0.5 requires, in part, that inservice testing in accordance with Section XI of the ASME Boiler and Pressure Vessel Code shall be performed for the required pumps and that such testing shall be in addition to other specified Surveillance Requirements.

Technical Specification 3.5.2 requires that two independent ECCS subsystems shall be OPERABLE with each subsystem comprised, in part, of one OPERABLE high-pressure safety injection (HPSI) pump. With one ECCS subsystem inoperable, Technical Specification 3.5.2 requires that the inoperable subsystem be restored to OPERABLE status within 72 hours or at least be in HOT STANDBY (Mode 3) within the next 6 hours and in HOT SHUTDOWN (Mode 4) within the following 6 hours.

Contrary to the above, one ECCS subsystem became inoperable on November 22, 1988 and Waterford 3 Steam Electric Station, Unit 3, was not placed in Hot Standby (Mode 3) and subsequently Hot Shutdown (Mode 4) as required by T.S. 3.5.2. Specifically, the B HPSI pump became inoperable on November 22, 1988 when it did not meet the recirculation flow requirements of Article 3000 of Section XI of the ASME Boiler and Pressure Code.

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

Civil Penalty - \$50,000

Pursuant to the provisions of 10 CFR 2.201, Louisiana Power & Light Company 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. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for the alleged violation:

(1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, (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. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation. If an adequate reply is not received

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within the time specified in this Notice, an order may be issued to show cause 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.

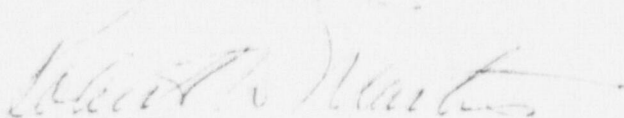
Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, or money order payable to the Treasurer of the United States in the amount of the civil penalty proposed above, 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 violation 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 V.B of 10 CFR Part 2, Appendix C 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 responses noted above (Reply to a Notice of Violation, letter with payment of civil penalty and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, and a copy to the NRC Resident Inspector at Waterford 3 Steam Electric Station.

FOR THE NUCLEAR REGULATORY COMMISSION


Robert D. Martin
Regional Administrator

Dated at Arlington, Texas,
This 25th day of June 1989.