



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

December 19, 1996

IA 96-052

Richard M. Gracin
[HOME ADDRESS DELETED]
PURSUANT TO 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION
(Investigation Report No. 4-96-004)

Dear Mr. Gracin:

This refers to the investigation conducted by the NRC's Office of Investigations involving a violation of escort-to-visitor ratio into vital areas at the Entergy Operations, Inc. Waterford 3 facility. Based on the investigation, the NRC was concerned that you provided false information concerning the event to the licensee and to an NRC Region IV inspector. A letter documenting the apparent violation was sent to you on September 11, 1996. Our letter provided you with an opportunity to either respond to the apparent violation in writing within 30 days, or request a predecisional enforcement conference within 7 days of the date of the letter. However, as of the date of this letter, we have received no response from you.

Since we have had no response to our September 11, 1996 letter, the NRC has presumed that you chose not to respond, and the NRC has reached a decision based on the information currently available. Based on the information developed during the investigation, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice). In summary, the violation occurred when you deliberately provided false information to the licensee and to an NRC inspector regarding the timing of your actions as to the number of escorts that were provided with a group of visitors inside the vital area. Specifically, you informed the licensee and the NRC inspector that you had taken steps to preclude the visitors from entering the plant's vital area on September 12, 1995, thereby preventing a violation. As a result, the NRC inspector relied on that information and concluded that no violation had occurred. However, the licensee later determined that this was not the case, that you knew the visitors were already in the vital area without the required number of escorts, and that you (after-the-fact) took steps to correct the situation.

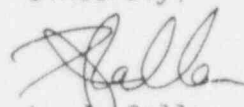
The NRC notes that you were a security shift supervisor and the NRC expects supervisors to ensure that information provided to the licensee and to the NRC is complete and accurate at all times. A supervisor knowingly providing false information to an NRC inspector and to the licensee is a matter of significant regulatory concern. Therefore, this violation has been categorized in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600 at Severity Level III.

The NRC notes that you were disciplined by Entergy Operations, Inc. after this was discovered, and that you were terminated. The enclosed Notice of Violation carries with it no additional sanctions, i.e., the NRC is placing no restrictions on your ability to seek employment in NRC-licensed activities in the future. However, you should be aware that this letter and Notice of Violation will be a matter of public record and will be published in NUREG-0940, a public compilation of significant agency enforcement actions which is made available to licensees of the NRC and the public. In addition, we expect that if you are re-employed in NRC-licensed activities in the future, that you understand the importance of strict compliance with all requirements and will assure that all procedures are followed.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). Should you have any questions regarding this letter, please contact either Michael Vasquez or Gary Sanborn at 1-800-952-9677.

Sincerely,



L. J. Callan
Regional Administrator

Docket No. 50-458
License No. NPF-38

Enclosure: Notice of Violation

cc (w/enclosure):
R. F. Burski
Director, Nuclear Safety
Waterford 3
Entergy Operations, Inc.
P. O. Box B
Killona, Louisiana 70066

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MIS Coordinator
LJCallan Reading File
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230005

Handwritten: Not for Mr. Callan

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12/11/96	12/11/96	12/13/96	12/16/96

Handwritten: H

Richard M. Gracin

-3-

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MIS Coordinator
LJCallan►Reading File
GSanborn►EAFile

Handwritten: "sent for Jim Callan per Mike Vazquez"

OE <i>rmg</i>	RA:RIV	D:OE <i>H</i>	DI:DR <i>rmg</i>
M\$atorius	LJCallan	JLieberman	JMilhoan
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