

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 96-255

During NRC inspections conducted on June 3 through October 9, 1996, 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

10 CFR 50.59(a)(1) allows, in part, the holder of a license to make changes to the facility as described in the safety analysis report unless the proposed change involves an unreviewed safety question.

10 CFR 50.59(b)(1) requires, in part, that the licensee maintain records of changes in the facility, to the extent that these changes constitute changes in the facility as described in the safety analysis report. The records must include written safety evaluations which provide the bases for the determinations that the changes do not involve unreviewed safety questions.

Amendment 28 to the Waterford 3 Final Safety Analysis Report dated July 1982, states that the containment vacuum relief instrumentation lines through Containment Penetrations 53 and 65 form a closed system outside of containment, are seismically qualified, and terminate in an area exhausted through filters of the Controlled Ventilation Area System. Type C leak tests are, therefore, not required or performed on those lines.

Contrary to the above, from the beginning of commercial operations in 1985 until July 1996, the actual design configuration of the Containment Vacuum Relief System was different from that described in Amendment 28 to the Waterford 3 Final Safety Analysis Report, and the licensee did not perform the required written safety evaluation to provide the bases for a determination that the deviation from the Final Safety Analysis Report did not involve an unreviewed safety question. Specifically, it was identified that the containment vacuum relief instrument lines terminated at a location which was not within the Controlled Ventilation Area System or any other filtration system for post-accident operation. Further, the containment vacuum relief monitoring lines did not meet the design criteria for a closed system outside of containment, and they were not seismically qualified. (01013)

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

II. Violations Not Assessed a Civil Penalty

- A. Criterion XVI of Appendix B to 10 CFR Part 50 requires establishment of measures to assure that conditions adverse to quality, such as deficiencies, deviations, and nonconformances, are promptly identified and corrected.

Contrary to the above, since commercial operations began in 1985 until testing was performed during January through July 1996, the licensee's established measures did not assure prompt identification and correction of conditions adverse to quality, as described below:

1. After identification of discrepancies in March 1994, the licensee failed to test 13 ASME Code safety-related valves subject to testing in the inservice test plan to assess operational readiness as required by 10 CFR 50.55a.
2. After identification of discrepancies in March 1994, the licensee failed to perform all ASME Code required tests on 23 ASME Code safety-related valves that were in the inservice test plan (i.e., the valves had either not been tested or exercised to verify their ability to fulfill all identified safety functions or, in the case of Category A valves, had not been leak tested). (02013)

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

- B. Technical Specification 6.8.1.a requires, in part, that written procedures be implemented for those activities referenced in Appendix A, "Quality Assurance Program Requirements," of Regulatory Guide 1.33, Revision 2, February 1978. Section 8 of Appendix A requires that the licensee have surveillance procedures.

Surveillance Procedure OP-903-035, "Containment Spray Pump Operability Check," Revision 8, Step 7.1.23, requires Valve CS-118A, "Shutdown Cooling Heat Exchanger A Outlet Isolation to Refueling Water Storage Tank," to be closed and locked following completion of the Train A containment spray pump operability check.

Contrary to the above, licensee personnel failed to fully close Valve CS-118A in accordance with Step 7.1.23 in Procedure OP-903-035, following the September 19, 1995, containment spray pump operability check, until discovery on November 11, 1995. (03014)

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

Pursuant to the provisions of 10 CFR 2.201, Entergy Operations, Inc. (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 violation(s) 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 Lieberman, 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

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Commission, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice.

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 26th day of December 1996