



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I**
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

January 23, 2013

EA-12-232

Mr. Paul A. Harden, Site Vice President
FirstEnergy Nuclear Operating Company
Beaver Valley Power Station
Mail Stop A-BV-SEB1
P.O. Box 4, Route 168
Shippingport, PA 15077

SUBJECT: NRC INVESTIGATION REPORT NO. 1-2012-025

Dear Mr. Harden:

This letter refers to an investigation by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) conducted at First Energy Nuclear Operating Company's (FENOC's) Beaver Valley Power Station (BV). The OI investigation was conducted to determine whether the snubber program owner (PO) at BV deliberately failed to: a) perform a required snubber surveillance test (ST); and, b) report that the required ST was not performed. The NRC initiated the OI investigation after FENOC identified this issue, entered it into its Corrective Action Program (CAP), and notified the NRC resident inspectors at BV on February 6, 2012. The OI investigation was completed on November 2, 2012.

Title 10 of the Code of Federal Regulations (CFR) Section 50.55a describes codes and standards to which nuclear reactor facilities are subject. Sections 50.55a(g)(4) and 50.55a(b)(3)(v) specify that licensees must follow ASME requirements for in-service examination of components (such as snubbers), and that licensees may make changes to licensee-controlled documents to use Subsection ISTD, "In-service Testing of Dynamic Restraints (Snubbers) in Light-Water Reactor Power Plants," of the ASME Operation and Maintenance Code for these examinations. In Section 3.7.4.1 of its Licensing Requirements Manual, FENOC committed to use the process described in Subsection ISTD to demonstrate functionality of its snubbers.

As described in Subsection ISTD, licensees must test a sample of their snubbers each operating cycle. Licensees may sort their snubbers into defined testing groups and test 10% of the population of each group. The BV snubber PO, who had run the program for approximately 24 years, had set up the testing groups and developed a database to track and plan the testing. However, through its investigation, OI concluded that when the PO was loading the testing schedule in the database in 2007-2008, he apparently inadvertently miscoded one of the two snubbers in the feedwater (FW) testing group that would have been scheduled to be tested in the 2011 Unit 2 outage (2R15). Apparently, rather than indicating that the snubber was to be tested during 2R15, the PO inadvertently coded it to be tested in the following outage (2R16). OI also found that the PO failed to identify his error in February 2010 while preparing the

snubber testing work order for the 2R15 outage. As a result, in March 2011, during 2R15, BV only tested one snubber in the FW testing group, and did not meet the required 10% sample size. This issue was identified by BV during a routine QA audit conducted in January 2012.

Through a subsequent internal investigation, BV identified that the PO had discovered his mistake in April 2011 while reviewing the snubbers that had been tested during 2R15, and yet failed to inform management or initiate a condition report (CR). This was contrary to the requirements in 10 CFR Part 50, Appendix B, Criterion XVI, "Corrective Action," which requires, in part, that measures be established to assure that conditions adverse to quality are promptly identified and corrected, and FENOC implementing procedure NOP-LP-2001, "Corrective Action Program," Revision 27, which, in part, requires any individual identifying an adverse condition to document the issue in a condition report.

Based on the evidence gathered during the NRC OI investigation, the NRC has concluded that the PO's miscoding of the missed snubber was inadvertent. However, the NRC further concluded that the PO's failure to report the missed ST upon discovering his error was deliberate. This conclusion was based on the PO's: 1) acknowledgement to OI that he identified the missed test and should have reported it; and, 2) knowledge of and experience with the BV corrective action program and BV's procedural requirement that it be used to document any adverse condition.

Because licensees are responsible for the actions of their employees and because the PO's violation was willful, it was evaluated under the NRC's traditional enforcement process as set forth in Section 2.2.4 of the NRC Enforcement Policy. The NRC has characterized the violation at Severity Level IV (SL IV), in accordance with the NRC Enforcement Policy. In reaching this decision, the NRC considered that the significance of the underlying violation was minor because, while the required number of snubbers was not tested, the other snubber that was tested did not fail, and the missed snubber, when tested during the subsequent outage, passed the surveillance. However, the NRC decided to increase the significance of this violation to SL IV since it was willful and the NRC regulatory program is based, in part, on licensees and their employees acting with integrity.

In accordance with Section 2.3.2 of the Enforcement Policy, and with the approval of the Director, Office of Enforcement, this issue has been characterized as a non-cited violation, because: (1) FENOC identified the violation; (2) the violation involved the acts of an individual who would not have been considered a licensee official with oversight of regulated activities as defined in the Enforcement Policy; (3) the violation did not involve a lack of management oversight and was the isolated action of the PO; and (4) FENOC took significant remedial action commensurate with the circumstances (i.e., FENOC terminated the PO's employment and amended the PO's Personnel Access Data System entry to reflect the unfavorable termination).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. If you contest this NCV or its

significance, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN.: Document Control Desk, Washington, D.C. 20555-0001, with copies to the Regional Administrator, Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406-2713; the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001; and the NRC Resident Inspector at BV.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's document system, the Agency-wide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary, information so that it can be made available to the Public without redaction.

Should you have any questions regarding this matter, please contact Mr. Gordon Hunegs, Chief, Projects Branch 6, Division of Reactor Projects in Region I, at (610) 337-5046.

Sincerely,

/RA/

Darrell J. Roberts, Director
Division of Reactor Projects

Docket No. 50-412
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