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 MARTIN, T.T. Region 2 (Post 820201)
 RECIPIENT NAME RECIPIENT AFFILIATION
 BYRAM, R.G. Pennsylvania Power & Light Co.

SUBJECT: Discusses NRC Investigation Rept 1-92-052R & forwards notice of violation.

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
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May 9, 1995

EA 94-212

Mr. Robert G. Byram
Senior Vice President - Nuclear
Pennsylvania Power and Light Company
2 North Ninth Street
Allentown, Pennsylvania 18101

SUBJECT: NOTICE OF VIOLATION
(NRC Investigation Report No. 1-92-052R)

Dear Mr. Byram:

This letter refers to the investigation conducted by the NRC Office of Investigations (OI) at the Susquehanna Steam Electric Station (SSES) between October 1, 1992 and August 22, 1994 to determine whether certain activities authorized by the license were conducted in accordance with NRC requirements. A copy of the synopsis of the investigation was forwarded to you on December 2, 1994. Based on the findings of the investigation, an apparent violation of NRC requirements was identified.

The violation involved the failure to comply with 10 CFR 73.55(b)(4)(i) and (ii) and 10 CFR 50.9(a) which require, in part, that you establish, maintain, and follow an NRC-approved training and qualification plan outlining the processes by which guards, watchmen, armed response persons, and other members of the security organization will be qualified, that they be requalified at least every 12 months, that records be retained for three years after requalification, and that the information be complete and accurate in all material respects. The violation occurred because a written recertification examination was not properly conducted and caused the examination results to be inaccurate. The written examination was chosen by you as permitted by your training and qualification plan as the method to demonstrate security force effectiveness in a given task area. On February 23, 1995, an enforcement conference was conducted with you and members of your staff to discuss the apparent violation, its causes, and your corrective actions. In addition, a separate conference also was conducted on that same date with the former security shift supervisor (SSS) who proctored the examination.

The specific violation occurred on September 3, 1992 when the former SSS was proctoring an examination for his shift as part of the recertification process and deliberately compromised that examination. Specifically, after noting that a number of individuals answered a particular question incorrectly, the former SSS again taught the information pertinent to that question in front of the class, returned the answer sheets to the individuals who had the incorrect answer, provided an opportunity for the individuals to change the answer, and then submitted the examinations as original answers for grading. This deliberate action compromised the recertification examination and consequently caused the examination results to inaccurately reflect the true knowledge of some of the individuals taking the examination or their effectiveness for requalification. Therefore, this violation is classified at Severity Level III in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, (Enforcement Policy).

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The NRC recognizes that you initially commenced an internal investigation, but suspended it when the NRC initiated its investigation. You subsequently reopened your investigation after the NRC concluded its investigation and determined that the incident was isolated and that plant safety was not compromised. You also contended that although the former SSS' behavior had not met PP&L management's expectations, his actions were not deliberate, but rather an error in judgement. The NRC has concluded, however, that the violation was deliberate, because: (1) your policy of individuals not receiving assistance with examinations was made clear on the answer sheets; (2) the former SSS was aware of the policy; (3) the former SSS was aware of the correct procedure for remedial training; (4) after providing further instruction, the former SSS returned the answer sheets only to the individuals who answered the question incorrectly; (5) the former SSS submitted revised test answers to you that did not reflect the original, unassisted test results; and (6) several shift members informed OI during its investigation that the former SSS told the individuals who answered the question incorrectly that they should change their answer.

The NRC also recognizes that subsequent to the identification of the violation, actions were taken to correct the violation and prevent recurrence. These actions, which were described at the enforcement conference, included, but were not limited to: (1) all future security examinations being proctored by members of the training staff; (2) efforts being made to reschedule training if possible to minimize the need for security shift supervisors to conduct classes, and if a security supervisor has to provide training, the supervisor will be trained prior to conducting any security training; (3) examination sheets being redesigned, and the Academic Honesty Policy statement now being located at the bottom of the form; (4) an external independent assessment of the Security Training Program being conducted; (5) meetings being held with security personnel and a briefing being conducted with the Nuclear Department Managers to review the event and corrective actions. In addition, an investigation into the circumstances of this matter was conducted.

In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR Part 2, Appendix C, a civil penalty is considered for a Severity Level III violation. However, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. In applying the escalation/mitigation factors, the penalty was: (1) escalated by 50% because the violation was identified by the NRC; (2) mitigated by 50% in view of your prompt and comprehensive corrective actions once the violation was identified; and (3) mitigated an additional 100% in view of your overall good enforcement history during the past two NRC inspections, as well as the Category I SALP rating in the Plant Support Area during the last SALP issued on April 12, 1994. The other factors in the Policy were considered and no further adjustment to the base civil penalty was considered appropriate. Therefore, on balance, the penalty has been mitigated in its entirety. In addition to this action, a Notice of Violation for a Severity Level III violation of 10 CFR 50.5(a)(2) is being issued to the former SSS.

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You are required to respond to this letter and should follow the instructions specified in the enclosed Notice of Violation (Notice) when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. In your response, you also should describe the corrective actions that you have taken or planned to ensure management expectations with respect to training are communicated to, understood by, and consistently carried out by, your staff and how you will measure the effectiveness of those corrective actions. You may reference previous correspondence as appropriate in your response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures, and your response, will be placed in the NRC Public Document Room (PDR). To the extent possible, your response 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.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,



Thomas T. Martin
Regional Administrator

Docket Nos. 50-387; 50-388
License Nos. NPF-14; NPF-22

Enclosure: Notice of Violation

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cc w/encl:

H. Stanley, Vice President - Nuclear Operations
J. Kenny, Nuclear Licensing
G. Jones, Vice President - Nuclear Engineering
M. Urioste, Nuclear Services Manager - General Electric
C. Lopes, Manager - Nuclear Security
W. Burchill, Manager - Nuclear Quality Assurance
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Pennsylvania Power and Light Company

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