

CATEGORY 1

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 FACIL: 50-244 Robert Emmet Ginna Nuclear Plant, Unit 1, Rochester G 05000244
 AUTH. NAME AUTHOR AFFILIATION
 SATORIUS, M. Ofc of Enforcement (Post 870413)
 LIEBERMAN, J. Ofc of Enforcement (Post 870413)
 RECIP. NAME RECIPIENT AFFILIATION

SUBJECT: EN-96-092: on 961213, notice of proposed imposition of civil penalty in amount of \$100,000 will be issued to licensee. Action based on insp performed at licensee's station which identified two violations.

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 TITLE: Enforcement Notice (EN)

NOTES: License Exp date in accordance with 10CFR2,2.109(9/19/72). 05000244

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December 10, 1996
EN 96-092

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Rochester Gas and Electric Corporation (EA 96-282)
Ginna Nuclear Power Station
Docket No. 50-244

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$100,000 - EXERCISE OF ENFORCEMENT DISCRETION

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 will be issued on or about December 13, 1996, to the Rochester Gas and Electric Corporation. The action is based on an inspection performed at the licensee's Ginna Nuclear Power Station which identified two violations involving the failure to adequately validate design inputs for the residual heat removal system motor-operated core deluge valves, as well as the failure to adequately correct this condition following its identification. The violations were collectively categorized as a single Severity Level III problem.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III problem. Because this was not the first escalated enforcement action within two years, the staff considered whether credit was warranted for identification and corrective action. Credit was not warranted for the factor of identification because the violations were identified by the NRC, but credit was warranted for the factor of corrective action because the licensee's corrective actions, once the violations were identified by the NRC, were considered prompt and comprehensive. These considerations would normally result in a base civil penalty of \$50,000 being proposed. However, in order to emphasize the importance of ensuring proper analysis of design inputs for these motor-operated valves and the unacceptability of not taking appropriate steps to verify adequate design margin, given the importance of the valves to plant safety, the staff is exercising discretion under Section VII.A.1 of the Enforcement Policy and proposing a civil penalty of double the base amount, or \$100,000.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice	December 13, 1996
Telephone Notification of Licensee	December 13, 1996

The State of New York will be notified.

The licensee has thirty days from the date of the Notice in which to respond. Following NRC evaluation of the response, the civil penalty may be remitted, mitigated, or imposed by Order.

Contacts: M. Satorius, OE, 415-2747 J. Lieberman, OE, 415-2741

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9701080125 961210
PDR I&E
PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
THAT LICENSEE HAS RECEIVED ACTION

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