



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

February 6, 2018

Daniel Moyer, Plant Manager
Kentucky Power, dba American
Electric Power
Mitchell Plant
8999 Energy Road
Moundsville, WV 26041

SUBJECT: KENTUCKY POWER (dba AMERICAN ELECTRIC POWER) - NRC
INSPECTION NO. 03037381/2017001 & 99990001/2017008 AND NOTICE OF
VIOLATION

Dear Mr. Moyer:

This letter refers to the inspection conducted on November 16, 2017, at your Moundsville, WV facility and continuing in-office through January 17, 2018. This inspection was performed to examine activities conducted under your licenses as they relate to public health and safety, and to confirm compliance with the Commission's rules and regulations and with the conditions of your licenses. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel. Additional information was provided by email and mail, and in telephone conversations between Kerry McKeever of your staff and Todd Jackson of NRC, and during an exit teleconference on January 17, 2018, with Russ Gwin, Acting Plant Manager and others of your staff.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at (<http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>). The violation is cited in the enclosed Notice of Violation (Notice) because the violation was identified by the NRC.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document 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, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Current NRC regulations and guidance are included on the NRC's Web Site at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's Web Site at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

If you have any questions regarding this matter, please contact Todd Jackson of my staff at 610-337-5308 or via electronic mail at Todd.Jackson@nrc.gov.

Thank you for your cooperation.

Sincerely,



Arthur L. Burritt, Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Nuclear Materials Safety
Region I

Docket No. 03037381 & 99990001
License No. 47-31210-01 & General License

Enclosure:
Notice of Violation

cc w/Encl: Kerry McKeever, Safety & Health Consultant
Chad Weatherson, Radiation Safety Officer
State of West Virginia

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/RA/

Arthur L. Burritt, Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Nuclear Materials Safety
Region I

Docket No. 03037381 & 99990001
License No. 47-31210-01 & General License

Enclosure:
Notice of Violation

cc w/Encl: Kerry McKeever, Safety & Health Consultant
Chad Weatherson, Radiation Safety Officer
State of West Virginia

Distribution:
KWagner, NMSS

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SUNSI Review Complete: Todd Jackson

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NOTICE OF VIOLATION

Kentucky Power (dba American Electric Power)
Moundsville, WV

Docket Nos. 03037381
99990001
License Nos. 47-31210-01
General License

During an NRC inspection conducted on November 16, 2017, at your Moundsville, WV facility and continuing in-office through January 17, 2018, one violation of NRC requirements for the General License in 10 CFR 31.5 was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 31.5(c)(2) requires that any person that acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to the general license shall assure that the device is tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals or at such other intervals as are specified in the label.

10 CFR 31.5(c)(3) requires, in part, that the testing required by 10 CFR 31.5(c)(2) are performed :

- (i) In accordance with the instructions provided by the labels; or
- (ii) By a person holding a specific license pursuant to parts 30 and 32 of this chapter or from an Agreement State to perform such activities.

Contrary to these requirements the licensee failed to perform leak tests in accordance with the instructions provided by the labels for the devices and failed to have leak tests performed by a person holding a specific license pursuant to parts 30 and 32 of 10 CFR or from an Agreement State to perform such activities. Specifically, the labels for the installed general license devices refer to activities that must be performed by persons having a specific license issued by NRC or an Agreement State. For example, the label on one of the devices installed at the Mitchell plant states in part, "Any person may mount this device in place initially, provided the on-off mechanism is locked in the off position. All other device installation, removal, dismantling, relocation, repair and testing involving the radioactive material, its shielding and containment shall be performed by persons specifically licensed by the USNRC or an Agreement State". Another example device label states, in part, "Installation, dismantling, relocation, maintenance, or repair of the device, shall be performed by persons specifically licensed by the NRC or Agreement State". The licensee had the leak tests analyzed by a competent radiological laboratory which did not have a specific license to perform the analysis issued by either NRC or and Agreement State.

This is a Severity Level IV violation (Enforcement Policy Section 6.7).

Pursuant to the provisions of 10 CFR 2.201, Kentucky Power (dba American Electric Power) is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results

achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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 to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available 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.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated This 6th day of February 2018