



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

May 2, 2018

Bryan Mabe, Plant Manager  
American Electric Power  
Mountaineer Plant  
US Route 62  
New Haven, WV 25265-0419

SUBJECT: AMERICAN ELECTRIC POWER, MOUNTAINEER PLANT - NRC INSPECTION  
NO. 03038629/2018001 & 99990001/2018002 AND NOTICE OF VIOLATION

Dear Mr. Mabe:

This letter refers to the inspection conducted on April 3 and 4, 2018, at the Mountaineer Plant in New Haven, WV. 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. An exit meeting was held on April 4, 2018, with Chris Purdum of your staff.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations are cited in the enclosed Notice of Violation (Notice) because the violations were 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](http://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](http://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](mailto:Todd.Jackson@nrc.gov).

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arthur L. Burritt', with a long horizontal flourish extending to the right.

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

Docket Nos. 03038629  
99990001  
License Nos. 47-35053-01  
General License

Enclosure:  
Notice of Violation

cc w/Encl: Chris Purdum, Radiation Safety Officer  
State of West Virginia

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/RA/

Arthur L. Burritt, Chief  
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Docket Nos. 03038629  
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State of West Virginia

**Distribution:**  
KWagner, NMSS

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**SUNSI Review Complete: Todd Jackson**

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OFFICE	RI:DNMS	Y	RI:DNMS				
NAME	T.Jackson		ABurritt				
DATE	4/27/18		5/2/18				

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## NOTICE OF VIOLATION

American Electric Power  
Mountaineer Plant  
New Haven, WV

Docket Nos. 03038629  
99990001  
License Nos. 47-35053-01  
General License

During an NRC inspection conducted on April 3 - 4, 2018, at your New Haven, WV, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Condition 18.A of NRC License 47-35053-01 requires the licensee to conduct its program in accordance with the statements, representations, and procedures contained in the documents listed, including the application dated December 4, 2017. The application includes the American Electric Power Radiation Safety and Health Program, Rev. 13, effective July 15, 2017. That program description states, on pages 9 and 10, the following:

5.7.1 A survey instrument may be used to isolate the location of the source in the event of an emergency. At least one survey meter per site should be maintained at sites with only installed nuclear gauges. At least one survey meter per site shall be maintained at sites with portable nuclear gauges.

5.7.2 Survey meters shall be calibrated on an annual basis.

Contrary to these commitments, since June 4, 2013, the licensee failed to calibrate the one available radiation survey meter on an annual basis. Specifically, the survey meter at the Mountaineer Plant had last been calibrated on June 4, 2013, and was labeled with calibration due on June 4, 2014.

This is a Severity Level IV violation (Enforcement Policy Section 6.3)

- B. The General License defined in 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 :

In accordance with the instructions provided by the labels; or  
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.

Sealed Sources and Devices Registration No. OH-0522-D-102-D, 1/21/2016, applicable for the Model SH-F1-60 installed at the Mountaineer Plant, specifies leak tests be performed every 36 months, by persons specifically licensed by the NRC or an Agreement State.

Contrary to these requirements the licensee failed to perform leak tests in accordance with the manufacturer's instructions 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 licensee had leak test samples for two GL devices, Model SH-F1-60, Serial Numbers 1253GG and 1260GG analyzed on August 6, 2015, by a laboratory that does not have a specific license issued by NRC or an Agreement State to perform leak tests for others as required by 10 CFR 31.5. Although the laboratory used has previously demonstrated the ability to achieve the required analytical sensitivity to adequately perform leak test analyses, the laboratory was not specifically licensed by the NRC or an Agreement State to perform the activity.

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

Pursuant to the provisions of 10 CFR 2.201, 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 2nd day of May 2018