

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Virginia Electric and Power Company
Surry Power Station
Units 1 and 2

Docket Nos. 50-280, 50-281
License Nos. DPR-32, DRP-37
EA 88-158

During the Nuclear Regulatory Commission (NRC) inspections conducted on May 2-6 and May 31 - June 3, 1988, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1988), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

I. Violations Assessed A Civil Penalty

- A. 10 CFR 20.101(b)(1) requires that during any calendar quarter the total occupational dose to the whole body not exceed 3 rems.

Contrary to the above, on May 27, 1988, an individual received 2.527 rems to the whole body while performing work in Unit 1 reactor cavity. As a result, the individual's total dose for the second calendar quarter of 1988 was 3.279 rems.

- B. 10 CFR 20.201(b) requires that each licensee shall make or cause to be made such surveys as (1) may be necessary for the licensee to comply with the regulations in this part, and (2) are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present. 10 CFR 20.201 (a) defines a "survey" as an evaluation of the radiation hazards incident to the production, use, release, disposal or presence of radioactive materials or other sources of radiation under a specific set of conditions.

Contrary to the above, on May 27, 1988, prior to permitting three individuals to enter the Unit 1 reactor cavity to perform the cleaning and inspection of the reactor vessel flange area, an adequate evaluation was not performed in that proper controls for personnel to minimize their individual exposures were not established.

- C. 10 CFR 19.12 requires that all individuals working in a restricted area be kept informed of the storage, transfer, or use of radioactive materials or of radiation in such portions of the restricted area and be instructed in the health protection problems associated with exposure to such radioactive materials or radiation, and in precautions or procedures to minimize exposure.

Contrary to the above, on May 27, 1988, the three individuals who entered the Unit 1 reactor cavity to inspect and clean the reactor vessel flange were not made aware of the extent of radiation in the area and informed of precautions to minimize radiation exposures during the work.

- D. Technical Specification 6.4.B requires that radiation control procedures be provided and that the station radiation protection program be organized to meet the requirements of 10 CFR 20.

Health Physics Radiation Manual, Section 2, Part 1, Radiation Work Permits, dated January 21, 1988, requires in Step C.w.a that a Special Radiation Work Permit be used for the performance of a specific work activity in a specific location or area.

Contrary to the above, adequate procedures for the preparation of a special radiation work permit were not provided to ensure that Special Radiation Work Permit (RWP) No. 88-1472 described the actual radiological conditions in the area of the reactor vessel flange cleaning and inspection work and that the RWP prescribed adequate controls and precautions to minimize the worker's exposure.

- E. Technical Specification 6.4.B.1.e requires that any individual or group of individuals permitted to enter a high radiation area be provided with a radiation monitoring device which continuously indicates the dose rate in the area.

Health Physics Procedure H.P.-212, Locked High Radiation Area Access Control, dated April 19, 1984, requires in Section 2.1 that a dose rate meter is required for all entries into high radiation areas (greater than 100 mr/hr) and is required to be turned on continuously while in such areas.

Contrary to the above, on May 3-4, 1988, three different groups of individuals entered the posted high radiation area on the -27 foot elevation, Unit 1 containment, without being provided with a radiation monitoring device.

- F. Technical Specification 6.4.B requires that radiation control procedures be provided and that the radiation protection program be organized to meet the requirements of 10 CFR Part 20.

Health Physics Procedure H.P.-3.7.1, Radiological Area Designation, Posting and Control, dated November 5, 1985, requires in Section 4.2.8.3.C that areas be posted "Respiratory Protection Required for Entry" when respirators are required by health physics and/or the Radiation Work Permit.

Contrary to the above, on May 3, 1988, areas inside Unit 1 containment on the -27 foot elevation areas were not posted to indicate "Respiratory Protection Required for Entry" where respirators were required by health physics.

- G. 10 CFR 20.201(b) requires that each licensee shall make or cause to be made such surveys as (1) may be necessary for the licensee to comply with the regulations in this part, and (2) are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present.

Technical Specification 6.4.B requires that radiation control procedures be provided and that the station radiation protection program be organized to meet the requirements of 10 CFR Part 20.

Health Physics Procedure H.P.-3.3.2, Health Physics Survey - Airborne Radioactivity, dated November 20, 1984, requires in Section 3.1.4 that all air samples taken to assess airborne hazards to personnel shall be collected as near to the anticipated breathing zone as possible.

Health Physics Procedure H.P.-3.7.2, Health Physics Survey - Station, dated November 5, 1985, requires in Section 3.4.2 that general area grab samples shall be representative of the workers breathing zone.

Contrary to be above, on May 3, 1988, on three separate occasions, air samples taken in support of work in Unit 1 containment were not taken in the worker's breathing zone.

Collectively, these violations have been evaluated in the aggregate as a Severity Level III problem (Supplement IV).

Civil Penalty - \$100,000 (Assessed equally among the violations.)

II. Violation Not Assessed A Civil Penalty

Technical Specification 6.4.B requires that radiation control procedures be provided and that the station radiation protection program be organized to meet the requirements of 10 CFR Part 20.

Health Physics Procedure H.P.-2.3, Contaminated Equipment and Component Control, dated February 2, 1987, requires in Section B.3 that all unattended radioactive material within the Restricted Controlled Area shall have as a minimum, the words "CAUTION, RADIOACTIVE MATERIAL" accompanied by a radiation symbol and the highest dose rate mR/hr affixed in a readily visible location.

Contrary to the above, on May 3, 1988, the licensee failed to adequately label four boxes containing radioactive material and two items of radioactive material located in radioactive material storage areas in that no radiation levels were indicated.

This is a Severity Level V violation (Supplement IV).

Pursuant to the provisions of 10 CFR 2.201, Virginia Electric and Power Company is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) admission or denial of the violation, (2) the reasons for the violation if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps which will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to

extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, or money order payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or the cumulative amount of the civil penalties if more than one civil penalty is proposed, or may protest imposition of the civil penalty in whole or in part by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the five factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1988), should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201 but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the licensee is directed to the other provisions of 10 CFR 2.205 regarding the procedure for imposing a civil penalty.

Upon failure to pay any penalty due which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282.

The responses to the Director, Office of Enforcement, noted above (Reply to a Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region II and a copy to the NRC Resident Inspector, Surry Power Station.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by
J. Nelson Grace

J. Nelson Grace
Regional Administrator

Dated at Atlanta, Georgia
this 25th day of August 1988

AUG 25 1988

bcc w/encl:
 ✓ NRC Resident Inspector
 DRS Technical Assistant
 Document Control Desk
 Commonwealth of Virginia
 PDR
 ✓ SECY
 ✓ CA
 ✓ JMTaylor, DEDO
 JNGrace, RII
 ✓ Lieberman, OE
 EFlack, OE
 ✓ LChandler, OGC
 ✓ FIngram, PA
 Enforcement Coordinators
 RI, RII, RIII, RIV, RV
 ✓ BHayes, OE
 ✓ SConnelly, OIA
 ✓ EJordan, AEOD
 ✓ JMurley, NRR
 ✓ DNussbaumer, OGPA
 Day File
 EA File
 BSummers, OE
 DCS
 State of Virginia

OE

UGC

RII
 JPStohr
 8/21/88

RII
 LAReyes
 8/21/88

RII
 Gordenkins
 8/21/88

RII
 MLernst
 8/23/88

OMC
 9/21/88