

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Rancho Seco Nuclear Generating Station
Sacramento Municipal Utility District

Docket No. 50-312
License No. DPR-54
EA 89-180

During an NRC inspection conducted on August 28 - September 1, 1989, 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 (1989), 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:

- A. 10 CFR 50.54(q) requires the licensee to follow and maintain in effect emergency plans which meet the requirements in 10 CFR Part 50, Appendix E. Appendix E, Section IV.F (Training) requires the training of employees by periodic drills.

Section 8.3.5.a of the licensee's Emergency Plan requires that a semi-annual health physics drill be conducted. Section 1.9.7 of the licensee's Technical Specifications defines semi-annual as "A time period spaced to occur at least once per six (6) months."

Contrary to the above requirements, as of September 1, 1989, a semi-annual health physics drill had not been conducted by the licensee since October 3, 1988.

- B. Technical Specification 6.8.1.e requires that written procedures be established, implemented and maintained covering Emergency Plan implementation.
1. Section 8.2.2 of the licensee's Emergency Plan addresses the Emergency Response Training Program. EPIP-5600, "Training", Revision 2, dated March 27, 1989, has been developed to implement this portion of the Emergency Plan. Section 5.2.10.1 of EPIP-5600 requires that "personnel receive initial training before being placed in the active Emergency Response Organization (ERO)." Attachment 7.1 of EPIP-5600 identifies the initial training requirements for all positions in the ERO.

Contrary to the above requirements, fourteen (14) individuals were placed in the Emergency Response Telephone Directory (ERTD) as members of the ERO essential staffing roster, but had not received all of the required initial training required by Attachment 7.1 for the assigned positions. Eleven (11) of the individuals were placed in the ERTD on April 1, 1989, and the three (3) remaining individuals were placed in the ERTD on July 1, 1989.

2. Section 8.2.2 of the licensee's Emergency Plan addresses the Emergency Response Training Program. EPIP-5600, "Training", Revision 2, dated March 27, 1989, has been developed to implement this portion of the Emergency Plan. Section 5.2.10.2 of EPIP-5600 requires that "personnel who are delinquent in their retraining are removed from the active ERO." Attachment 7.1 of EPIP-5600 identifies the retraining requirements for all positions in the ERO. Attachment 7.2 of EPIP-5600 identifies the frequency of the required retraining.

Contrary to the above requirements, as of September 1, 1989, twenty-nine (29) of the seventy-seven (77) individuals listed on the ERO essential staffing roster had neither completed retraining in accordance with EPIP-5600, nor been removed from the active ERO (ERTD).

These violations are classified in the aggregate as a Severity Level III problem (Supplement VIII).

Cumulative Civil Penalty - \$50,000 (assessed equally among the three violations)

Pursuant to the provisions of 10 CFR 2.201, Sacramento Municipal Utility District (Licensee), 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 alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violations if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that 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 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 violation(s) 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 factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1989), 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 civil penalty due which subsequently has been 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. 2282c.

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, U.S. Nuclear Regulatory Commission, Region V, 1450 Maria Lane, Walnut Creek, CA 94596, and a copy to the NRC Senior Resident Inspector, Rancho Seco.

FOR THE NUCLEAR REGULATORY COMMISSION


For John B. Martin
Regional Administrator

Dated at Walnut Creek, California
on this 25th day of October 1989