

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Carolina Power and Light  
Company  
Brunswick Steam Electric Plant  
Units 1 and 2

Docket Nos. 50-325 and 50-324  
License Nos. DRP-71 and DRP-62  
EA 92-075

During an NRC inspection conducted on March 30 - April 10, 1992, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (57 FR 5791, February 18, 1992), 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 violation and associated civil penalty are set forth below:

10 CFR Part 50, Appendix B, Criterion XVI, Corrective Action, requires that measures be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition. The identification of the significant condition and the corrective action taken shall be documented and reported to the appropriate levels of management.

Contrary to the above, the licensee failed to adequately establish or implement measures to promptly identify and correct deficiencies with emergency diesel generator room masonry walls, a significant condition adverse to quality. Specifically, on February 13, 1987, a licensee engineer identified and documented in a memorandum that certain bolts installed to seismically qualify emergency diesel generator room masonry walls were inadequately installed. Measures undertaken to fully identify and correct the deficiencies with the walls were inadequate. The failure to take adequate corrective actions, and hence the violation, continued until April 1992 when, after questioning by NRC inspectors, the licensee determined that widespread deficiencies existed resulting in the shutdown of both units on April 21, 1992.

This is a Severity Level III violation (Supplement I).  
Civil Penalty - \$225,000

Pursuant to the provisions of 10 CFR 2.201, Carolina Power and Light Company (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 of Violation and Proposed Imposition of Civil Penalty (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 violation if admitted, and if denied, the reasons why, (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 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. 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, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, 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 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 in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section V.B.2 of 10 CFR Part 2, Appendix C (57 FR 5791, February 18, 1992), 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 response noted above (Reply to Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed

Notice of Violation

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to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission,  
ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the  
Regional Administrator, U.S. Nuclear Regulatory Commission, Region II, and  
a copy to the NRC Resident Inspector at the Brunswick Steam Electric Plant.

Dated at Atlanta, Georgia  
this ~~10<sup>th</sup>~~ day of February 1993