

APPENDIX
NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTIES

Carolina Power and Light Company
Brunswick Unit 1

Docket No. 50-325
License No. DPR-71
EA 82-75

A special inspection conducted at the Brunswick site on January 6-7, 1982 disclosed that from December 26-31, 1981 Brunswick 1 operated in excess of Limiting Conditions for Operations without satisfying the appropriate action statement. One of four differential pressure transmitters which measure reactor vessel low water level was inoperable due to a slow leak in its reference leg. The instrumentation connected to the inoperable transmitter showed an off-scale high reading. The reading was recorded for two days by an Auxiliary Operator (AO) on a form reserved for Technical Specifications items. Entries on the form were reviewed and approved by each Shift Foreman. On the third day an AO recognized that the off-scale reading was indicative of a malfunction and he tagged the instrument for checking by maintenance personnel. For the following three days the record showed the instrument as being out of service but its required operability under Technical Specifications was not recognized. On December 31 a supervisor, in discussion with maintenance personnel, recognized that operability of the instrument was required by Technical Specifications. However, instead of tripping the instrument itself, and thereby causing a half-scam and a containment half-isolation, he tripped the reactor protection channel only and thus did not satisfy the requirement to trip the primary containment isolation system.

To emphasize the need to better control licensed activities, including (1) comprehension of conditions and plant status which require implementation of technical specifications action statements and (2) the need for taking prompt and complete required action, the Nuclear Regulatory Commission proposes to impose a civil penalty of \$120,000 for this matter. In accordance with the NRC Enforcement Policy (10 CFR Part 2, Appendix C) 47 FR 9987 (March 9, 1982), and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, PL 96-295, and 10 CFR 2.205, the particular violations and their associated penalties are set forth below:

Technical Specification 3.3.1 requires the licensee to ensure that reactor protection system instrumentation channels shown in Table 3.3.1-1 are operable when the reactor is in Operating Conditions 1 or 2. The Table identifies the reactor vessel water level low instrumentation as a required condition of operability. The action statement requires the licensee to place an inoperable channel in the trip condition.

Technical Specification 3.3.2 requires the licensee to ensure that the isolation actuation instrumentation channels shown in Table 3.3.2-1 are operable when the reactor is in Operating Condition 1, 2 or 3. The Table identifies the reactor vessel water level low instrumentation as a required trip function and specifies two operable channels per trip system as a required condition of operability. The action statement requires the licensee to place an inoperable channel in the trip condition.

- A. Contrary to the above, from December 26 to 28, 1981, when the reactor was in Operating Condition 1 and the reactor vessel water level low instrumentation did not have two operable channels per trip system, the licensee did not place the inoperable channel of the reactor protection system or the primary containment isolation system in the trip condition. During this time the inoperability of one of four differential pressure transmitters which measure reactor vessel water level low was indicated by an off-scale reading which was recorded each day in a log reserved for Technical Specifications required instrumentation and the entries were initialed by three Shift Foremen who were Senior Reactor Operators, on successive shifts each day.

This is a Severity Level III violation (Supplement I)
(Civil Penalty - \$45,000)

- B. Contrary to the above, from December 28, 1981 until December 31, 1981, the state of noncompliance with Technical Specifications continued although attention was focused on the malfunctioning transmitter when a "trouble ticket" was prepared on December 28, 1981 by an Auxiliary Operator and reviewed by the Shift Foreman. The Shift Foreman indicated on the ticket that the transmitter was not required by Technical Specifications and also initialed an entry indicating its inoperability in the log reserved for Technical Specification required instrumentation.

This is a Severity Level III violation (Supplement I)
(Civil Penalty - \$55,000)

- C. On December 31, 1981, corrective action was taken to meet the requirements of Technical Specification 3.3.1, but noncompliance with Technical Specification 3.3.2 continued until the transmitter was returned to service later in the day.

This is a Severity Level III violation (Supplement I)
(Civil Penalty - \$20,000)

Pursuant to the provisions of 10 CFR 2.201, Carolina Power and Light Company is hereby required to submit to the Director, Office of Inspection and Enforcement, USNRC, Washington, DC 20555 and a copy to the Regional Administrator, USNRC, Region II within thirty days of the date of this Notice a written statement or explanation in reply, including for each violation: (1) admission or denial of the alleged violation; (2) the reasons for the violation if admitted; (3) the

corrective steps which 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. 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, Carolina Power and Light Company may pay the civil penalty of One Hundred and Twenty Thousand Dollars or may protest imposition of the civil penalty in whole or in part by a written answer. Should Carolina Power and Light Company fail to answer within the time specified, this office will issue an order imposing the civil penalty in the amount proposed above. Should Carolina Power and Light Company elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty such answer may: (1) deny the violation presented 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. 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 by specific reference (e.g., giving page and paragraph numbers) to avoid repetition. In requesting mitigation of the proposed penalty, the five factors contained in Section IV (B) of 10 CFR Part 2, Appendix C should be addressed. Carolina Power and Light Company's attention 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 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.

FOR THE NUCLEAR REGULATORY COMMISSION

/s/

James P. O'Reilly
Regional Administrator

Dated at Atlanta, Georgia
this 16 day of July 1982