

APPENDIX A  
NOTICE OF VIOLATION

Tennessee Valley Authority  
Bellefonte 1 and 2

Docket Nos. 50-438 and 50-439  
License Nos. CPPR-122 and CPPR-123

Based on the results of the NRC investigation conducted on August 31 - October 1, 1981, and in accordance with the Interim Enforcement Policy, 45 FR 66754 (October 7, 1980), the following violations were identified.

- A. Section 210(a), Title II of the Energy Reorganization Act of 1974, as amended, prohibits any Commission licensee or contractor or subcontractor of a Commission licensee from discharging any employee or otherwise discriminating against any employee with respect to his compensation, terms, conditions or privileges of employment because the employee:
1. Commenced, or caused to be commenced, enforcement of any requirement imposed under the Atomic Energy Act of 1954, as amended;
  2. Testified or is about to testify in any such proceeding or;
  3. Assisted or participated or is about to assist or participate in any manner in such a proceeding.

Contrary to the above, an employee of H. L. Yoh Company, a licensee contractor, was discharged from employment at the Bellefonte site on September 4, 1981. The reason given to the employee for his discharge was poor job performance. However, an investigation conducted by the U. S. Department of Labor under the authority of Section 210(b) of the Energy Reorganization Act concluded that the employee's inspection rate per day compared favorably with other inspectors and that the action taken against the employee was a result of his threat to report TVA to the NRC. Further, two licensee employees responsible for overseeing the on-shift work activities of the employee, provided signed statements to the NRC investigator indicating that the employee was considered average in productivity and quality of hanger inspections, when compared with other hanger inspectors at the Bellefonte site.

This is a Severity Level III violation.

- B. Criterion V of 10 CFR 50, Appendix B, as implemented by Section 17.1A.5 of the Bellefonte FSAR, requires the activities affecting quality be accomplished in accordance with documented instructions.

Contrary to the above, activities affecting quality were not accomplished in accordance with TVA Division of Construction procedure QAP-17.1 (Rev. 4), in that the procedure specifies in paragraph 2.1.C.4 that an acceptable record of inspection must be stamped, initialed, signed or otherwise authenticated by the inspector; however, sometime during August 1981 a hanger inspector's name was written on a Support Inspection Checklist by someone other than the inspector.

This is a Severity Level VI violation (Supplement II).

Pursuant to the provisions of 10 CFR 2.201, you are hereby required to submit to this office within thirty days of the date of this Notice, a written statement or explanation in reply, including (1) admission or denial of the alleged violations; (2) the reasons for the violations if admitted; (3) the corrective steps which have been taken and the results achieved; (4) 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 your response time for good cause shown. Under the authority of Section 182 of the Atomic Energy Act of 1954, as amended, this response shall be submitted under oath or affirmation.

Date: JAN 11 1982