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Docket No. 50-280
EA 82-58

DESIGNATED ORIGINAL

Virginia Electric and Power Company
ATTN: Mr. R. H. Leasburg, Vice President
Nuclear Operations
P. O. Box 26666
Richmond, VA 23261

Certified By *Thomas H. ...*

Gentlemen:

This acknowledges receipt of your letter dated June 9, 1982 and payment in full of the civil penalty proposed in our letter dated May 10, 1982. The corrective and preventive actions you have described shall be examined in our future inspections of your program.

Your letter indicated that proper consideration by the NRC of two aspects of the February 21, 1982 event should cause remission or mitigation of the penalty.

In the first instance you stated that the incident was licensee-identified and promptly reported. We acknowledge these facts. However, the NRC Enforcement Policy provides for penalty reduction for prompt identification and reporting only when the incident is not self-disclosing. In the case under consideration, the detection of the condition did not result from a creditable audit program or from personnel safety vigilance. It was fortuitously disclosed by an instrument technician's request for permission to replace the three missing fuses.

In the second instance, you stated the preventive measures taken as a result of the August 1980 incident were prudent, could reasonably have been expected to prevent recurrence, and were vigorously implemented. Moreover, you stated that NRC had agreed with these measures.

Your response to the August 1980 Notice of Violation did appear to be plausible in the light of our inspection findings and your reported evaluation of the cause of violation. Nevertheless, it is the obligation of the licensee to assure that its investigation of a noncompliance is comprehensive enough to determine the cause of violation in order to develop the appropriate corrective action. In view of the December 1981 valve misalignment, it appears that your evaluation of, and corrective action for, the August 1980 violation was not sufficient. We note that the corrective actions you have implemented following this most recent event would have been equally appropriate following either of the two previous incidents.

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For the reasons given above, we find no bases for remission or mitigation of the penalty.

Your cooperation in this matter is appreciated.

Sincerely,

James Lieberman, Director
of Enforcement
Office of Inspection and Enforcement

cc:
J. H. Ferguson, Executive
Vice President
J. L. Wilson, Manager

IE:ES
GBarber
7/28/82

ES: ~~ES~~
JLieberman
7/29/82

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