

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of)

SOUTHERN CALIFORNIA EDISON AND
SAN DIEGO GAS AND ELECTRIC COMPANY)
San Onofre Nuclear Generating)
Station Unit No. 1)

Docket No. 50-206
License No. DPR-13
EA 82-43

ORDER IMPOSING CIVIL MONETARY PENALTIES

I

The Southern California Edison Company and the San Diego Gas and Electric Company (the "licensee") hold Provisional Operating License No. DPR-13 (the "license"), issued by the Nuclear Regulatory Commission (the "Commission"). The license authorizes the licensee to operate the San Onofre Nuclear Generating Station Unit No. 1 (the "facility") at power levels not in excess of 1347 megawatts (thermal) rated power. The facility, which is located at the licensee's site in San Diego County, California, is a pressurized-water reactor (PWR) used for the commercial generation of electricity.

II

A routine physical security inspection of the licensee's activities under the license was conducted by Region V on January 10-12, 1982 and February 8-12, 1982. As a result of this inspection, it appears that the licensee had not conducted its activities in full compliance with NRC's regulatory requirements. A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the licensee by letter dated June 17, 1982. This Notice stated the nature of the violations, the provisions of the Nuclear Regulatory Commission regulations which the licensee had violated, and the amount of civil penalty proposed for each violation. A reply dated July 16, 1982 to the Notice of Violation and Proposed Imposition of Civil Penalties was received from the licensee.

III

Upon consideration of the answer received and the statements of fact, explanation, and argument for remission contained therein, as set forth in the Appendix to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, PL 96-295), and 10 CFR 2.205, IT IS HEREBY ORDERED THAT:

The licensee pay civil penalties in the total amount of Sixty Thousand Dollars within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States, and mailed to the Director of the Office of Inspection and Enforcement.

V

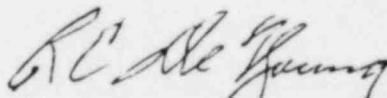
The licensee may, within 30 days of the date of this Order, request a hearing. A request for hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director,

U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

- (a) whether the licensee violated NRC regulatory requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalties; and
- (b) whether, on the basis of such violations, this Order should be sustained.

FOR THE NUCLEAR REGULATORY COMMISSION



Richard C. DeYoung, Director
Office of Inspection and Enforcement

Dated at Bethesda, Maryland
this 11 day of August 1982

APPENDIX

EVALUATION AND CONCLUSION

The licensee admits to all of the violations as set forth in the Notice of Violation dated June 17, 1982. In the licensee's response dated July 16, 1982, reasons given for the cited violations included inadequate procedures, failure of personnel to follow established procedures, inadequate training and/or experience of personnel, inadequate manning of security posts, inadequate safeguards detection equipment, and inadequate administrative controls to assure timely corrective maintenance of equipment. In addition, the licensee included in the response of July 16, 1982, a request for remission of the proposed civil penalties pursuant to the provisions of 10 CFR 2.205(b) on the following bases:

1. A fundamental, underlying cause of problems exemplified by the identified violations, characterized in the June 17, 1982 letter as "inadequate management control," had been previously identified by SCE and corrective action initiated;
2. The identified violations, classified as Severity Level III on the basis of failure to provide positive access control, represent system and procedural breakdowns which provided a limited opportunity for unauthorized access to a limited portion of a single Vital Area; however, no access inimical to safe plant operation occurred; and,
3. SCE's corrective action in response to the identified violations has been unusually prompt and extensive.

The NRC expects licensees to carry out licensed activities with the necessary meticulous attention to detail to maintain a high standard of compliance with regulatory requirements. SCE's contention that action initiated in late 1981 to correct inadequate supervision and management of its safeguards program provides adequate grounds for remission of the proposed civil penalties is without merit. The inspection was conducted in January and February 1982 at which time the cited violations observed by the inspectors indicated that corrective action by SCE had been, to that time, ineffective to provide the necessary incentive for the licensee security personnel to comply with NRC requirements. Degradation of management controls to the point evidenced by the cited violations is unacceptable.

The licensee's second contention that no access inimical to safe plant operations occurred as a result of the violations classified as a Severity Level III is insufficient to justify remission of the proposed civil penalties. Had an unauthorized entry actually occurred, the violation would have been assigned a higher severity classification with a correspondingly larger penalty.

The licensee appears to have based its third contention (that corrective action in response to the violations has been prompt and extensive) on the fact that the identified violations did not represent failure to control access which permitted unauthorized access inimical to safe plant operation or public health and safety. Corrective action is always necessary to meet NRC requirements. The staff believes that the licensee's corrective action has been appropriate and of the type normally considered necessary and prudent to ensure compliance with regulatory requirements, but such action is not considered extensive or unusual. The staff believes that the proposed sanctions will provide the licensee, and others similarly situated, the additional incentive to maintain a high standard of compliance with NRC requirements.

Based on the foregoing the staff finds no justifiable grounds or reasons not previously considered to remit or mitigate the penalties proposed in the Notice of Violation and Proposed Imposition of Civil Penalties dated June 17, 1982.