



Duquesne Light

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January 12, 1982

United States Nuclear Regulatory Commission
Office of Inspection and Enforcement
Attn: R. C. Haynes, Regional Director
Region I
631 Park Avenue
King of Prussia, Pennsylvania 19406

Reference: Beaver Valley Power Station, Unit No. 1
Docket No. 50-334, License No. DPR-66
IE Investigation Report No. 81-16

Gentlemen:

In response to your letter of December 10, 1981, and in accordance with 10 CFR 2.201, the attached reply addresses the Notice of Violation which was included as Appendix A with the referenced Investigation Report. The Notice of Violation identified four items considered to be in noncompliance.

The classification of Violation A as a Severity Level III illustrates a serious deficiency in the NRC Interim Enforcement Policy. We believe that incidents which are totally beyond the control of the licensee and are performed by individuals with the intention of causing embarrassment or regulatory problems to the licensee should be exempt from classification as a serious offense against the licensee. While we believe that the licensee is totally responsible for all activities conducted under the license, including the actions of its employees, contractors and agents, licensees should not be held liable for pre-meditated acts performed which are intentional violations of controls, policies and procedures by a malcontent employee. By penalizing licensees for acts of this nature, the NRC creates a situation where licensees can be held hostage by individuals with the threat of regulatory action against the licensee for events which they themselves perpetrate. In this instance, the NRC Enforcement Criteria itself provides ample incentive to disgruntled employees to perform serious acts which could threaten the public safety. Even though the NRC has demonstrated a recognition of this deficiency of Interim Enforcement Criteria by electing not to impose a civil penalty in this instance, we remain concerned that classification of this event as Level III could subject us to escalated enforcement action in the future. We request that this noncompliance be totally stricken from the record of this facility and that failure to do so will represent a serious inequity in the handling of this matter. Further, we encourage the NRC to alter its position when adopting Final Enforcement Criteria by providing an exemption from penalty to licensees for events of this nature.

While not classified as a serious event, the circumstances surrounding the occurrence of the event described in Violation C has many characteristics similar to those surrounding Violation A. Therefore, we request that Violation C also be stricken from the record for the reasons stated above.

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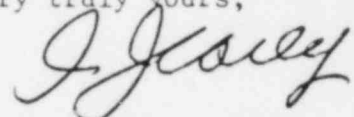
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Your letter which forwarded IE Investigation Report requested that we especially address two items which were believed to have contributed to this incident, namely: termination procedures and means of limiting access to vital areas. We have taken steps to improve our methods in both areas. A new termination procedure was adopted which requires that access to vital areas be denied and that positive control over individuals who are terminated under unfavorable conditions be provided until the individual leaves the protected area. A copy of the pertinent portion of that procedure has been provided to contractors having personnel badged at Beaver Valley Unit 1 and contractors will be requested to document this notification of our termination requirements. In addition, monthly review of access authorization is being conducted and our review methods meet the requirements of 10 CFR 73.55.

Since the Reply to Notice of Violation contains Safeguards Information and in accordance with 10 CFR 73.21 is exempt from disclosure, it is my understanding that this portion of this 81-16 response will not be placed in the Public Document Room and will receive limited distribution.

If you have any questions concerning this response, please contact my office.

Very truly yours,



J. J. Carey
Vice President, Nuclear

Attachment: Reply to Notice of Violation (Contains Safeguards Information)

cc: Mr. D. A. Beckman
U. S. Nuclear Regulatory Commission
Beaver Valley Power Station
Shippingport, PA 15077

WITHOUT ATTACHMENT:

U. S. Nuclear Regulatory Commission
c/o Document Management Branch
Washington, DC 20555