

December 5, 1990

Docket Nos. 50-317 and 50-318
License Nos. DPR-53 and DPR-69
FA 90-186

Baltimore Gas and Electric Company
ATTN: Mr. G. Dowell Schwartz, Jr.
Vice President
General Services Division
Post Office Box 1475
Baltimore, Maryland 21203

Gentlemen:

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY - \$12,500
(NRC Inspection Report Nos. 50-317/90-28 and 50-318/90-28)

This letter refers to the NRC inspection conducted on October 10-11, 1990 at the Calvert Cliffs Nuclear Power Plant to review the circumstances associated with a violation of NRC requirements, confirmed by your staff as a result of their followup of an allegation received by the NRC, and reported to the NRC in a letter dated October 2, 1990. The inspection report was sent to you on October 19, 1990. On November 2, 1990, an enforcement conference was conducted with you, Mr. C. Poindexter, and other members of the Baltimore Gas & Electric Company staff, to discuss the violation, its causes, and your corrective actions.

The violation, which is described in the enclosed Notice, involved the failure by the security force to conduct a firearms search of approximately 100 personnel who entered the protected area during a 15 minute interval on the morning of September 11, 1990. At the time, three of the four metal detectors were not operating satisfactorily in that they were in a constant alarm mode. The security shift supervisor directed suspension of the metal detector searches and let the employees process through the alarming detectors (on which the volume had been muted) without performing either hand-held metal detector or pat-down ("hands on") searches for firearms as required.

Although the responsible security shift supervisor informed the NRC inspector, as well as your staff, that he believed he was acting within the scope of his authority, the NRC is concerned that the security shift supervisor, at a minimum, exercised extremely poor judgment in making this decision. In addition, at least four of the other security officers on duty at the time, who should have known that the supervisor made an improper decision, did not take action to prevent, correct or even report this obvious violation.

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The NRC recognizes that all of the individuals who entered the protected area during this time were employees who were authorized access to the area. The NRC also recognizes that there does not appear that any threat was created by this condition (the personnel who passed through the detectors were unaware of the problems because the alarm volume had been muted). However, given the number of individuals involved, as well as the poor judgment exercised by the responsible security shift supervisor and the lack of response by the other security officers present, the NRC considers this violation significant. Therefore, the violation is classified at Severity Level III in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (Enforcement Policy) (1990).

The NRC recognizes that subsequent to becoming aware of the event, corrective actions were initiated to improve control and implementation of the security program, and to prevent recurrence of this condition. These actions included: removal of the responsible security shift supervisor from the site and reassignment to the corporate offices in Baltimore; specific counseling of all nuclear security officers concerning the seriousness of the event and their responsibilities for communicating concerns to management; review and revision of plans, procedures, and post orders for clarity regarding the supervisor's scope of authority (the Post Orders stated that a Nuclear Security Supervisor may temporarily change Orders to conform to a current situation); and redevelopment of the initial supervisory training program. However, the NRC does not consider these actions thorough because you did not address any plans to include the "lessons learned" from this event in your initial and requalification training programs for security officers, to assure that over the long term, current and future security officers understand their responsibilities concerning prevention, correction, and reporting of security violations. In addition, as of the date of the enforcement conference, you appeared not to have appropriately considered the causes of, the corrective actions for, and the failure by the other security officers to prevent the violation.

To emphasize the importance of these matters, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the amount of \$12,500 for the Severity Level III violation set forth in the enclosed Notice. The base civil penalty amount for the Severity Level III violation is \$50,000.

The escalation and mitigation factors set forth in the enforcement policy were considered as follows: (1) since the violation was identified as a result of NRC referring an allegation to the licensee, no adjustment of the base civil penalty on this factor is warranted; (2) your corrective actions did not include applying the lessons learned from this event in the initial and requalification training programs for security officers, and therefore, 25% escalation of the base civil penalty on this factor is warranted; (3) your past performance in the security area has been good, as evidenced by only one level IV security violation during the three security inspections in the past two years, as well as

Category I ratings in the security area during the last six SALP periods, and therefore, 100% mitigation of the civil penalty on this factor is warranted; and (4) this case did not involve prior notice, duration, or multiple occurrences (although multiple individuals were allowed to enter the protected area without searches, this was caused by the single poor decision by the then security shift supervisor, and the failure by the other security officers involved to take preventive action), and, therefore, no adjustment on these factors is warranted. Therefore, based on the above, the base civil penalty has been decreased by 75%.

You are required to respond to the enclosed Notice and, in preparing your response, you should follow the instructions specified therein. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions, and the results of future inspections, the NRC will determine whether further enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.796 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosure will be placed in the NRC's Public Document Room.

The responses directed by this letter and the enclosure are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Sincerely,

Original Signed By:
Thomas T. Martin

Thomas T. Martin
Regional Administrator

Enclosure: Notice of Violation and
Proposed Imposition of Civil Penalty

cc w/encl:
R. McLean, Administrator, Nuclear Evaluations
J. Walter, Engineering Division, Public Service Commission of Maryland
G. Adams, Licensing (CCNPP)
K. Burger, Esquire, Maryland People's Counsel
P. Birnie, Maryland Safe Energy Coalition
Public Document Room (PDR)
Local Public Document Room (LPDR)
Nuclear Safety Information Center (NSIC)
NRC Resident Inspector
State of Maryland (2)

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