

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Baltimore Gas & Electric Company
Calvert Cliffs Nuclear Power Plant
Units 1 & 2

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

During an NRC inspection conducted on October 10-11, 1990, an NRC inspector reviewed the circumstances associated with a violation of NRC requirements identified as a result of an allegation received by the NRC on September 13, 1990. The allegation was substantiated by the licensee and the violation was reported to the NRC in a letter dated October 2, 1990. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions, 10 CFR Part 2, Appendix C, (1990), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended ("Act"), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violation and the associated civil penalty are set forth below:

10 CFR 73.55(d)(1) requires, in part, that the licensee control all points of personnel and vehicle access into a protected area. Identification and search of individuals must be checked at these points. The search function for detection of firearms, explosives and incendiary devices must be accomplished through the use of both firearms and explosives detection equipment capable of detecting those devices. Whenever firearms or explosives detection equipment at a portal is out of service or not operating satisfactorily, the licensee shall conduct a physical pat-down search of all persons who would otherwise have been subject to equipment searches.

Amendments Nos. 132 and 113 of the Facility Operating Licenses Nos. DPR-53 and DPR-69, Paragraphs 2.C.(4) and 2.D respectively, require the licensee to implement fully and maintain all provisions of the NRC-Approved Physical Security Plan (Plan).

The Calvert Cliffs Nuclear Power Plant, Units 1 and 2, NRC-approved Security Plan states, in Section 5.3.1.a, that all personnel entering the protected area through the Security Processing Building are searched with acceptable metal and explosives detectors. Whenever all metal or explosives detection equipment is out of service or not operating satisfactorily, a physical "hands-on" search will be conducted on all persons who would have otherwise been subject to equipment search.

Contrary to the above, on September 11, 1990, from approximately 6:15 a.m. until 6:30 a.m., while three of the four metal detectors were not operating satisfactorily, approximately 100 personnel (all on the list of individuals authorized access to the protected area) entered the protected area through the Security Processing Building without being searched either with an acceptable metal detector, or being the subject of a physical pat-down ("hands-on") search.

This is a Severity Level III Violation (Supplement III).
Civil Penalty - \$12,500

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Pursuant to the provisions of 10 CFR 2.201, Baltimore Gas and Electric Company is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of the Notice. The reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or may protest imposition of the civil penalty in whole or in part by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as "Answer to a Notice of Violation" and may: (1) deny the violation(s) listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section V.B. of 10 CFR Part 2, Appendix C (1990), should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282(c).

The responses to the Director, Office of Enforcement, noted above (Reply to a Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406 and a copy to the Senior Resident Inspector, Calvert Cliffs.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed By:
Thomas T. Martin

Thomas T. Martin
Regional Administrator

Dated at King of Prussia, Pennsylvania
this 5 day of December 1990