

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Tennessee Valley Authority
Sequoyah Nuclear Plant
Units 1 and 2

Docket Nos. 50-327, 50-328
License Nos. DPR-77, DPR-79
EA 90-200

During an NRC inspection conducted on October 6 - November 5, 1990, violations of NRC requirements were identified. 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 associated civil penalty is set forth below:

10 CFR Part 50, Appendix B, Criterion V, requires in part that activities affecting quality shall be prescribed by procedures and accomplished in accordance with those procedures. Control of overtime for individuals performing safety-related tasks is an activity affecting quality. Site Standard Practice (SSP) 32.53, Administration of Overtime, is the procedure that implements the controls of overtime for individuals performing safety-related tasks.

SSP 32.53, Section 2.1.3, states that an employee performing safety-related work may work no more than 16 hours in any 24-hour period, 24 hours in any 48-hour period, or 72-hours in any 7-day period without the required documentation and without approval by the Plant Manager or Duty Plant Manager on the overtime limitation Exception Report. Section 2.1.3 further states that personnel affected by these controls include Senior Reactor Operators, Reactor Operators, Assistant Unit Operators, Health Physicists, Health Physics Technicians and key maintenance personnel (defined therein).

Contrary to the above, twenty-two operations department personnel performing safety-related work on Units 1 and 2 and covered by Section 2.1.3 of SSP 32.53 worked more than 72 hours during the week of October 8-14, 1990. For 21 employees, the approvals were signed without the required documentation, such as justification for exceeding overtime guidelines, on the Overtime Limitation Exception Report (Appendix A to SSP 32.53), and for one individual no documentation or approval was obtained.

This is a Severity Level IV violation (Supplement 1).
Civil Penalty - \$30,000

Pursuant to the provisions of 10 CFR 2.201, Tennessee Valley Authority (Licensee) 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 this Notice of Violation and Proposed Imposition of Civil Penalty (Notice). This 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, and if denied, the reasons why, (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 addressed 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 the cumulative amount of the civil penalties if more than one civil penalty is proposed, 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 an "Answer to a Notice of Violation" and may: (1) deny the violations 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 in whole or in part, 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. 2282c.

The response noted above (Reply to Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to:

Notice of Violation

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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 II, and if applicable,
a copy to the NRC Resident Inspector at the Sequoyah Nuclear Plant.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed By
J. L. Milhoan

Stewart D. Ebnetter
Regional Administrator

Dated at Atlanta, Georgia
this 28th day of December, 1990