

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Carolina Power & Light Company
Brunswick Steam Electric Plant
Unit 1

Docket No. 50-325
License No. DPR-71
EA 88-316

As a result of the Nuclear Regulatory Commission (NRC) inspection conducted on December 14-21, 1988, violations of NRC requirements were identified that each individually resulted in the loss of Secondary Containment Integrity when it was required. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1988), 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 violations and associated civil penalties are set forth below:

- A. Technical Specification 3.6.6.1 requires that two independent standby gas treatment trains be operable when irradiated fuel is handled in the secondary containment.

Contrary to the above, both trains of the standby gas treatment system were inoperable while irradiated fuel was handled in the secondary containment from December 11-14, 1988. Both standby gas treatment inlet isolation dampers, 1C-BFV-RB and 1G-BFV-RB, were shut, isolating both trains.

This is a Severity Level III violation. (Supplement I)

(Civil Penalty - \$100,000)

- B. Technical Specification 3.6.5.2 requires that the secondary containment isolation dampers 1A-BFIV-RB, 1B-BFIV-RB, 1C-BFIV-RB, and 1D-BFIV-RB be operable when irradiated fuel is being handled in the secondary containment.

Contrary to the above, the secondary containment isolation dampers were open with air isolated from their actuators, rendering the dampers inoperable while fuel was being handled in the secondary containment from December 11-14, 1988.

This is a Severity Level III violation. (Supplement I)

(Civil Penalty - \$50,000)

Pursuant to the provisions of 10 CFR 2.201, Carolina Power and Light Company (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within

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30 days of the date of this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) admission or denial of the violations, (2) the reasons for the violation if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps which 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, or money order 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 an "Answer to a Notice of Violation" and may: (1) deny the violation 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 five factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1988), 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 the penalty due, which has been subsequently 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.

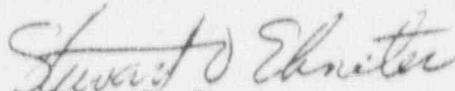
The responses to the Director, Office of Enforcement, noted above (Reply to a Notice of Violation, letter with payment of civil penalty, and Answer to a

Notice of Violation

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Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region II, and a copy to the NRC Resident Inspector at the Brunswick Steam Electric Plant.

FOR THE NUCLEAR REGULATORY COMMISSION



Stewart D. Ebnetter
Regional Administrator

Dated at Atlanta, Georgia
this ~~6th~~ day of March 1989

Carolina Power and Light Company

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