



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

July 1, 1994

Docket Nos. 50-317; 50-318
EA 94-060

Mr. Robert E. Denton
Vice President - Nuclear Energy
Baltimore Gas and Electric Company
Calvert Cliffs Nuclear Power Plant
1650 Calvert Cliffs Parkway
Lusby, Maryland 20657-4702

Dear Mr. Denton:

SUBJECT: NOTICE OF VIOLATION
(NRC Inspection Reports No. 50-317 and 50-318/93-33 and 94-12)

This letter refers to three issues related to the NRC inspections conducted during November 14 to December 25, 1993, and on March 2 and 3, 1994, at the Calvert Cliffs Nuclear Power Plant, Lusby, Maryland, and the license amendment request submitted by you on April 1, 1993. The inspection reports were sent to you on January 5, 1994, and April 5, 1994, respectively. As a result of the inspections, violations of NRC requirements were identified. On April 19, 1994, an enforcement conference was conducted with you and members of your staff to discuss two of the three issues.

The first issue discussed during the enforcement conference relates to your December 15, 1993, submittal to the NRC that provided Revision 29 of the Physical Security Plan (Plan) for your facility pursuant to 10 CFR 50.54(p). NRC review of the submittal found that it was not accurate in all material respects. Specifically, the submittal contained a change that permitted parking of supplementary designated licensee vehicles (SDLVs) outside the protected area, and the Summary of Changes enclosed with the letter stated that the words permitting this had originally been part of the plan but were subsequently inadvertently omitted from a version of the plan that predates Revision 29. As identified by our review, and as confirmed by you, such a provision had not been included in a previous version of the NRC approved security plan. At the enforcement conference, you admitted that the statement was inaccurate.

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Your failure to provide the NRC with information that was accurate in all material respects constituted a violation of 10 CFR 50.9 as set forth in Section A of the enclosed Notice of Violation (Notice). The information was material because the NRC's knowledge of the information resulted in substantial inquiry and was of a nature that influenced the NRC decision regarding acceptability of the change to the plan, in that the change was found to decrease the effectiveness of the plan, and hence was not acceptable. While no attempt to deceive the NRC was apparent, your staff was influenced by the ongoing practice to allow parking of SDLVs outside the protected area contrary to the plan requirements and failed to adequately verify the information provided in the plan revision submittal. Lack of sufficient guidance for the technical reviewers also contributed to the problem. This failure to provide an effective review process is of substantial concern to the NRC.

Since the NRC cannot review or inspect all aspects of the licensee's operation, it has to rely on communication from licensee officials concerning significant matters. Hence, it is imperative that licensees provide accurate information in all correspondence with the NRC. Therefore, this violation of 10 CFR 50.9 involving the failure to provide accurate information to the NRC has been classified at Severity Level III in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR Part 2, Appendix C.

In accordance with the Enforcement Policy, a civil penalty is considered for a Severity Level III violation. The base penalty for a Severity Level III violation is \$50,000. However, I have been authorized after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case after considering the adjustment factors in the Enforcement Policy. Although the violation was identified by the NRC which would warrant a 50% escalation of the civil penalty, this was weighed against a 50% mitigation due to the actions you took to correct the violation and prevent recurrence. The short term corrective actions included: (1) parking of the SDLVs inside the protected area; (2) an analysis to determine the root cause of the inaccurate information submitted to the NRC; (3) a department memorandum providing written expectations to security technical reviewers; and (4) review of the revisions by an outside security consultant beginning with Revision 30 of the plan. The long term corrective actions include additional procedural guidance for preparing changes to security documents specifically delineating the expectations for preparers and technical reviewers regarding the accuracy of all information provided to the NRC. Further, this effort will be expanded to ensure that the same standard is applied to the preparation and review of all submittals to NRC, as well as to all changes made to the licensing, design, and operating bases.

In addition, your prior performance in the area of security, in communications with the NRC, and in overall operation of the plant warrants mitigation of the civil penalty by 100%.

Another violation related to the first issue involves the underlying problem of parking SDLVs outside the protected area contrary to the Security Plan requirements. This has been a long-term practice, but the NRC has been informed that it is now corrected. This violation is classified at Severity Level IV.

The second issue discussed during the enforcement conference involves your identification on February 7, 1994, of inaccurate information provided to the NRC in a license amendment request submitted on April 1, 1993, to address the situation when a 120 VAC vital inverter is out-of-service. The submittal was inaccurate in that it stated the inverter backup bus was powered by a Class 1E 480/120 VAC regulated transformer when in reality the regulated transformer was not a class 1E component. The requested license amendment was issued by the NRC on October 29, 1993. The NRC was notified of the inaccurate information on February 7, 1994, and determined that, since the correct information would not have caused the NRC to reach a different conclusion, its initial conclusion regarding the license amendment was still valid. This event constituted another violation of 10 CFR 50.9 requirements, and is another example of the weakness in your process for development and review of submittals to the NRC. The violation, identified by you, is classified at Severity Level IV. Following the guidance in Section VII.B.(2) of the Enforcement Policy, this violation is not being cited because it was identified by you, appropriate corrective actions are being undertaken, the violation was not willful, and it could not have been prevented by the corrective actions from any similar past violation that occurred within two years. Nonetheless, the NRC emphasizes that similar violations in the future could result in escalated enforcement actions.

A third issue, documented in NRC Inspection Report Nos. 50-317 and 318/93-33 as an unresolved item and in LER 93-008 submitted by you on January 4, 1994, involves your identification that in October 1986 the No. 11 EDG room missile barrier door was removed for approximately 15 days, without declaring all three EDGs inoperable. This missile barrier provides tornado protection to all three EDGs in that a missile could impact the common starting air piping and common walls, thus rendering all three EDGs inoperable. Hence, removal of the missile barrier constituted a violation of the plant Technical Specification 3.8.1.1, which required a minimum of two diesel generators to be operable when any Calvert Cliffs unit is above the cold shutdown condition.

The NRC recognizes that you have taken corrective actions (1) to review other missile barrier doors for impact of removal; and (2) to ensure that there are sufficient procedures in place to properly review future plans to remove missile barriers prior to the action being taken. You have also submitted to the NRC an exemption request to remove the missile barrier during the upcoming refueling outage for short durations to complete the EDG upgrade modifications, and have obtained NRC's approval for the exemption request.

In accordance with the Enforcement Policy, the violation of the plant technical specification would normally be categorized at Severity Level III and enforcement action would normally be considered because the deficiency involved operating the plant outside its design basis. However, 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 exercise enforcement discretion in accordance with the guidance set forth in Section VII.B.(6) of the Enforcement Policy, to not issue an enforcement action for this violation because: (1) the violation occurred more than seven years ago; (2) the violation was identified by your staff on your own initiative and was promptly reported to the NRC upon discovery; (3) comprehensive corrective actions are being taken within a reasonable time period that involve an adequate root cause determination; and (4) the condition was caused by conduct that is not reasonably linked to present performance. Nonetheless, the NRC emphasizes that you should exercise care to ensure that all plant activities are conducted in a manner that will ensure compliance with the requirements of your license and that any similar violation in the future could result in an escalated enforcement action.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. 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 NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice 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. No. 96-511.

Sincerely,



Thomas T. Martin
Regional Administrator

Enclosure: Notice of Violation

Baltimore Gas and Electric Company

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DCS ☒ Yes ☐ No

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cc w/encl:

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