

FOIA — 93-139

RESPONSE TYPE

XX FINAL

PARTIAL

DATE

JUN 30 1993

DOCKET NUMBER(S) (if applicable)



740005 RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

REQUESTER

Rocky Rosen

PART I.—AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)

☐ No agency records subject to the request have been located.

☐ No additional agency records subject to the request have been located.

☐ Requested records are available through another public distribution program. See Comments section.

☐ Agency records subject to the request that are identified in Appendix(es) _____ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

☒ Agency records subject to the request that are identified in Appendix(es) A are being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

☐ The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

☐ Agency records subject to the request that are identified in Appendix(es) _____ may be inspected and copied at the NRC Local Public Document Room identified in the Comments section.

☐ Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

☒ Agency records subject to the request are enclosed.

☐ Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.

Fees

☐ You will be billed by the NRC for fees totaling \$ _____.

☐ You will receive a refund from the NRC in the amount of \$ _____.

☐ In view of NRC's response to this request, no further action is being taken on appeal letter dated _____, No. _____.

PART II. A—INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

☐ Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II, B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC in a folder under this FOIA number.

COMMENTS

The requested list in Item 1 is enclosed. With regard to Item 2, there have been no Office of Investigations investigations during the last 10 years with regard to the named facilities.

Also enclosed, in response to Item 3, is a list of civil penalties issued to North Carolina licensees during the past 10 years. For your convenience, we have enclosed copies of some of the notices of violation, which are identified on enclosed Appendix A.

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

Carol Ann Harris for

9404260188 930630

PDR FOIA

ROSEN93-139

PDR

APPENDIX A
DOCUMENTS BEING RELEASED

NUMBER	DATE	DESCRIPTION
1.	2/10/93	Letter from S. Ebnetter, Regional Administrator, Reg. II, to R. A. Watson, Carolina P&L Co., subject: Notice of Violation and Proposed Imposition of Civil Penalty \$225,000. (8 pages)
2.	1/21/93	Letter from S. Ebnetter to R. A. Watson, Carolina P&L Co., subject: Notice of Violation and Proposed Imposition of Civil Penalty - \$50,000. (8 pages)
3.	3/24/92	Letter from S. Ebnetter to Lynn Eury, Carolina P&L Co., subject: Notice of Violation and proposed Imposition of Civil Penalty - \$100,000. (6 pages)
4.	3/13/92	Letter from S. Ebnetter to Dallas Silverthorne, General Electric Company, subject: Notice of Violation and Proposed Imposition of Civil Penalty - \$20,000. (9 pages)
5.	1/3/92	Letter from S. Ebnetter to Lynn Eury, Carolina P&L Co., subject: Notice of Violation and Proposed Imposition of Civil Penalty - \$125,000. (9 pages)
6.	5/31/91	Letter from S. Ebnetter to Lynn Eury, Carolina P&L Co., subject: Notice of Violation and Proposed Imposition of Civil Penalty - \$87,500. (9 pages)
7.	3/26/91	Letter from S. Ebnetter to Lynn Eury, Carolina P&L Co. subject: Notice of Violation and Proposed Imposition of Civil Penalty - \$50,000. (7 pages)
8.	8/30/90	Letter from S. Ebnetter to Lynn Eury, Carolina P&L Company, subject: Notice of Violation and Proposed Imposition of Civil Penalty - \$62,500. (7 pages)

APPENDIX A
DOCUMENTS BEING RELEASED
(Continued)

NUMBER	DATE	DESCRIPTION
9.	5/29/90	Letter from S. Ebnetter to H. B. Tucker, Duke Power Company, subject: Notice of Violation and Proposed Imposition of Civil Penalty - \$100,000. (8 pages)
10.	3/13/88	Letter from H. Thompson to Eugene Lees, General Electric Company. (5 pages)

ACTIVE NRC LICENSEES IN NORTH CAROLINA

DATE: 03/12/93

ARMY, DEPARTMENT OF THE
WOMACK ARMY COMMUNITY HOSPITAL
NORMANDY DRIVE
FORT BRAGG, NC 28307-5000

CONTACT: HSXC-PM-RPO
PHONE : 919-396-5882

PROGRAM CODE: 02120
LICENSE NO. : 32-04054-04
DOCKET : 3002631

ARMY, DEPARTMENT OF THE
US ARMY ENGINEER DISTRICT, WILMINGT
P.O. BOX 1890
WILMINGTON, NC 28402

CONTACT: CESAW-SO
PHONE :

PROGRAM CODE: 03121
LICENSE NO. : 32-13439-02
DOCKET : 3021068

BTR PAPER GROUP
HUYCK FORMEX DIVISION
P.O. BOX 471
WAKE FOREST, NC 27587

CONTACT: JIM GROVENSTEIN
PHONE : 919-556-2071

PROGRAM CODE: 03121
LICENSE NO. : 32-18405-02
DOCKET : 3020201

CAROLINA POWER & LIGHT CO.
P. O. BOX 1551
411 FAYETTEVILLE ST. MALL
RALEIGH, NC 27602

CONTACT: R. A. WATSON
PHONE : 919-546-6331

PROGRAM CODE: 23200
LICENSE NO. : SNM-2502
DOCKET : 7200003

COMMERCE, DEPARTMENT OF
NATIONAL MARINE FISHERIES SERVICE
SOUTHEAST FISHERIES CENTER
BEAUFORT LABORATORY
BEAUFORT, NC 28516

CONTACT: LINDA C. CLEMENTS
PHONE : 919-728-8737

PROGRAM CODE: 03620
LICENSE NO. : 32-00426-02
DOCKET : 3005594

DUKE POWER CO.
OCONEE ISFSI
P.O. BOX 33189
CHARLOTTE, NC 28242

CONTACT: H. B. TUCKER
PHONE : 704-373-4531

PROGRAM CODE: 23200
LICENSE NO. : SNM-2503
DOCKET : 7200004

ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL RESEARCH CENTER
HI-WAY N.C. 54 & ALEXANDER DRI
RESEARCH TRI. PK., NC 27711

CONTACT: GRAHAM M. HAIR
PHONE :

PROGRAM CODE: 03610
LICENSE NO. : 32-14048-04
DOCKET : 3008631

ACTIVE NRC LICENSEES IN NORTH CAROLINA

DATE: 03/12/93

GENERAL ELECTRIC CO.
P. O. BOX 780
CASTLE HAYNE RD.
WILMINGTON, NC 28402

CONTACT: T. PRESTON WINSLOW
PHONE : 919-675-5461

PROGRAM CODE: 21210
LICENSE NO. : SNM-1097
DOCKET : 7001113

HEALTH & HUMAN SERVICES, DEPT. OF
PUBLIC HEALTH SERVICE
NATIONAL INST OF ENV. SCIENCE
P. O. BOX 12233
RESEARCH TRIANGLE P, NC 27709

CONTACT: DR. PHILIP E. HAMRICK
PHONE : 919-541-3383

PROGRAM CODE: 03610
LICENSE NO. : 32-12358-01
DOCKET : 3005596

IBM CORP.
OCCUPATIONAL HEALTH & SAFETY
BLDG. 002 / DEPT. 692
P. O. BOX 12195
RES. TRIANGLE PARK, NC 27709

CONTACT: R. TIMOTHY HITCHCOCK
PHONE : 919-543-5221

PROGRAM CODE: 03251
LICENSE NO. : 32-23734-01E
DOCKET : 3030841

JAMES R. VANNOY & SONS CONSTRUCTION
CO., INC.
P. O. BOX 635
JEFFERSON, NC 28640

CONTACT: JAMES M. VANNOY
PHONE : 919-246-7191

PROGRAM CODE: 03121
LICENSE NO. : 32-24990-01
DOCKET : 3030569

ROSE BROTHERS PAVING CO., INC.
P. O. BOX 806
AHOSKIE, NC 27910

CONTACT: W. REID CLARKE
PHONE :

PROGRAM CODE: 03121
LICENSE NO. : 32-24984-01
DOCKET : 3030524

S. K. MCBRYDE, INC.
P. O. BOX 579
SUMMERFIELD, NC 27358

CONTACT: JAMES E. BUCHANAN
PHONE : 919-852-0318

PROGRAM CODE: 03320
LICENSE NO. : 32-25137-01
DOCKET : 3032095

TROXLER ELECTRONIC LABS., INC.
P. O. BOX 12057
RESEARCH TRI. PARK, NC 27709

CONTACT: W. F. WALKER, RSO
PHONE : 919-549-8661

PROGRAM CODE: 03121
LICENSE NO. : 32-05998-03
DOCKET : 3005595

ACTIVE NRC LICENSEES IN NORTH CAROLINA

DATE: 03/12/93

V. A. MEDICAL CENTER
508 FULTON STREET
DURHAM, NC 27705

CONTACT: BARBARA A. SMALL
PHONE : 919-286-0411

PROGRAM CODE: 02110
LICENSE NO. : 32-01134-01
DOCKET : 3002630

V. A. MEDICAL CTR.
ASHEVILLE, NC 28805

CONTACT: LARRY SEBREN
PHONE : 704-298-7911

PROGRAM CODE: 02120
LICENSE NO. : 32-05830-01
DOCKET : 3002632

V. A. DEPARTMENT OF
MEDICAL CENTER
2390 RAMSEY STREET
FAYETTEVILLE, NC 28301

CONTACT: ANTONIE M. ROMYN, M.D.
PHONE : 919-488-2120

PROGRAM CODE: 02120
LICENSE NO. : 32-13654-01
DOCKET : 3002634

V. A. DEPARTMENT OF
MEDICAL CENTER
1601 ERENNER AVE.
SALISBURY, NC 28144

CONTACT: R. EUGENE KONIK
PHONE : 704-638-3390

PROGRAM CODE: 02120
LICENSE NO. : 32-15483-01
DOCKET : 3009184

YACHTING ELECTRONIC SERVCS USA INC.
1600 ONE TRIAD PARK
P. O. DRAWER 84
WINSTON-SALEM, NC 27102

CONTACT: R. GORDON DODDS
PHONE : 919-721-3675

PROGRAM CODE: 03254
LICENSE NO. : 32-23811-01E
DOCKET : 3032902

YALE SECURITY, INC.
P. O. BOX 869, HWY 74 EAST
MONROE, NC 28111-0869

CONTACT: BILLY R. HUDSON
PHONE : 704-233-4011

PROGRAM CODE: 03255
LICENSE NO. : 32-23499-01E
DOCKET : 3022268

EATC0922

ENFORCEMENT ACTION TRACKING SYSTEM
 LICENSEE HISTORY REPORT (SHORT LIST)

04/01/93
 PAGE 1

REGION = 2
 LICENSEE = DUKE POWER CO.
 LICENSEE TYPE = ALI

SORTED BY LICENSEE
 DATE RANGE = 01/01/82 - 04/01/93
 DATE TYPE = PROPOSED CP DATE

SUPPLEMENT = ALL

REGION 2

EA # ES	LICENSEE FACILITY	INSP DATE HQ DATE	SUPPL SEV	PROPOSED CP DATE	IMPOSED CP DATE	AMT PAID DATE	ACTION DATE	ENF CONF DATE NUREG VOL
82-065	DUKE POWER CO. OCONEE	04/01/82 05/10/82	1 3	44,000 06/25/82	44,000 10/12/82	44,000 11/15/82	00/00/00	00/00/00 V1N4
89-032 JL	DUKE POWER CO. OCONEE	01/16/89 02/28/89	1 3	25,000 04/11/89	0 00/00/00	25,000 05/08/89	00/00/00	02/10/89 V8N2
89-046 WT	DUKE POWER CO. CATAWBA	02/04/89 03/29/89	1 3	75,000 05/19/89	75,000 08/31/89	75,000 09/26/89	00/00/00	03/17/89 V8N3
89-151 DR	DUKE POWER CO. corporate	06/30/89 09/13/89	3 3	50,000 12/21/89	50,000 07/02/90	50,000 08/01/90	00/00/00	08/15/89 V9N3
89-178 WT	DUKE POWER CO. CATAWBA	09/15/89 11/08/89	1 3	50,000 12/19/89	37,500 04/12/90	37,500 05/11/90	00/00/00	10/12/89 V9N2
90-066 WT	DUKE POWER CO. CATAWBA	03/26/90 05/01/90	1 3	100,000 05/29/90	0 00/00/00	100,000 07/05/90	00/00/00	04/25/90 V9N2
90-119 RP	DUKE POWER CO. OCONEE	06/16/90 07/20/90	1 7 3	25,000 08/16/90	0 00/00/00	25,000 09/11/90	00/00/00	07/12/90 V9N3
91-167 RP	DUKE POWER CO. OCONEE	11/07/91 12/27/91	1 3	125,000 02/03/92	0 00/00/00	125,000 03/04/92	00/00/00	12/18/91 V11N1
91-191 RP	DUKE POWER CO. CATAWBA	12/10/91 01/17/92	1 4	15,000 02/14/92	0 00/00/00	15,000 03/16/92	00/00/00	01/15/92 V11N1
92-211 JL	DUKE POWER CO. OCONEE	11/03/92 12/04/92	1 3	100,000 12/28/92	0 00/00/00	0 00/00/00	00/00/00	11/24/92
83-041 GB	DUKE POWER CO. OCONEE	03/28/83 05/11/83	1 3	180,000 06/02/83	0 00/00/00	0 00/00/00	00/00/00	00/00/00 V2N4
84-037 PF	DUKE POWER CO. MCGUIRE	02/27/84 04/12/84	1 3	40,000 06/08/84	40,000 09/26/84	40,000 10/25/84	00/00/00	00/00/00 V3N4
84-093 GH	DUKE POWER CO. CATAWBA	06/22/84 09/11/84	7 2	64,000 09/13/85	20,000 06/30/86	20,000 07/29/86	00/00/00	00/00/00 V5N3
84-130 BB	DUKE POWER CO. MCGUIRE	11/03/84 12/07/84	1 3	50,000 02/20/85	50,000 06/21/85	50,000 07/03/85	00/00/00	00/00/00 V4N3

EATC0922

REGION = 2

LICENSEE = DUKE POWER CO.

LICENSEE TYPE = ALL

ENFORCEMENT ACTION TRACKING SYSTEM
 LICENSEE HISTORY REPORT (SHORT LIST)

SORTED BY LICENSEE

DATE RANGE = 01/01/82 - 04/01/93

DATE TYPE = PROPOSED CP DATE

04/01/93
PAGE 2

SUPPLEMENT = ALL

REGION 2

EA # ES	LICENSEE FACILITY	INSP DATE HQ DATE	SUPPL SEV	PROPOSED CP DATE	IMPOSED CP DATE	AMT PAID DATE	ACTION DATE	ENF CONF DATE NUREG VOL
86-052 HW	DUKE POWER CO. MCGUIRE	02/28/86 03/26/86	1 3	50,000 06/02/86	50,000 09/19/86	50,000 10/03/86	00/00/00 00/00/00	00/00/00 V5N4
86-147 HW	DUKE POWER CO. CATAMBA	07/02/86 09/19/86	1 3	50,000 11/12/86	50,000 04/14/87	50,000 05/11/87	00/00/00 00/00/00	00/00/00 V6N2
87-008 PW	DUKE POWER CO. MCGUIRE	01/31/86 01/16/87	1 3	50,000 03/06/87	0 00/00/00	50,000 04/03/87	00/00/00 00/00/00	12/08/86 V6N2
87-014 HW	DUKE POWER CO. OCONEE	06/11/86 01/26/87	1 3	25,000 03/12/87	0 00/00/00	0 00/00/00	00/00/00 00/00/00	12/22/86 V6N4
87-101 HW	DUKE POWER CO. OCONEE	04/28/87 05/29/87	1 3	25,000 07/17/87	0 00/00/00	25,000 08/14/87	00/06/00 00/00/00	05/13/87 V6N3
87-163 JL	DUKE POWER CO. MCGUIRE	08/07/87 10/13/87	1 3	100,000 10/28/87	100,000 03/03/88	100,000 04/01/88	00/00/00 00/00/00	00/00/00 V7N2
87-192 JL	DUKE POWER CO. MCGUIRE	09/04/87 12/15/87	1 3	25,000 01/29/88	0 00/00/00	25,000 02/26/88	00/00/00 00/00/00	00/00/00 V7N1
88-132 JL	DUKE POWER CO. CATAMBA	02/05/88 09/12/88	1 3	50,000 10/24/88	0 00/00/00	50,000 11/23/88	00/00/00 00/00/00	07/01/88 V7N4
88-228 RP	DUKE POWER CO. OCONEE	08/15/88 10/07/88	1 3	25,000 12/13/88	0 00/00/00	25,000 01/12/89	00/00/00 00/00/00	09/12/88 V8N1
88-247 WT	DUKE POWER CO. MCGUIRE	09/16/88 11/10/88	1 3	37,500 01/19/89	0 00/00/00	37,500 02/15/89	00/00/00 00/00/00	10/27/88 V8N1

EATC0922

ENFORCEMENT ACTION TRACKING SYSTEM

04/01/93

LICENSEE HISTORY REPORT

PAGE 1

REGION = CUMULATIVE

SORTED BY LICENSEE

SUPPLEMENT = ALL

LICENSEE = GENERAL ELECTRIC CO.

DATE RANGE = 01/01/82 - 04/03/93

LICENSEE TYPE = ALL

DATE TYPE = PROPOSED CP DATE

EA #	LICENSEE FACILITY	INSP DATE HQ DATE	SUPPL SEV	PROPOSED CP DATE MIT/ESC	IMPOSED CP DATE MIT/ESC	AMT PAID DATE	ACTION DATE	ENF CONF DATE NUREG VOL
88-302 DR	GENERAL ELECTRIC CO. WILMINGTON, SC	10/06/88 12/12/88	7 2	20,000 03/13/89 M: E:	0 00/00/00 M: E:	20,000 05/26/89	00/00/00	00/00/00 VBN2
FACTS: Discrimination against individual for reporting contamination in Chemet Lab								
KEYWORDS: 070400 - Misc. Matters - Sect. 210 - Discrimina - Sect. 210 - Discrimina								
91-185 WT	GENERAL ELECTRIC CO. WILMINGTON, NC	09/13/91 02/20/92	6 2	20,000 03/13/92 M: C H E: D P	0 00/00/00 M: E:	20,000 04/09/92	00/00/00	02/07/92 V11N2
FACTS: 5/29/91 criticality event. IIT								
KEYWORDS: 040605 - Health Physics/Materia - Misc. - Mass Critical Limit 040620 - Health Physics/Materia - Misc. - Criticality								

LICENSEE AND FACILITY	DATE	CIVIL PENALTY
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Carolina Power and Light Facilities:

Brunswick	2/8/83	\$600,000
Brunswick	1/10/84	\$40,000
Robinson	11/15/83	\$20,00
Robinson	3/13/84	\$30,000
Robinson	9/18/87	\$50,000
Robinson	11/13/87	\$50,000
Brunswick	5/5/88	\$50,000
Robinson	6/16/88	\$450,000
Robinson	6/15/88	\$50,000
Brunswick	10/17/88	\$25,000
Brunswick	12/30/88	\$75,000
Harris	12/28/88	\$25,000
Brunswick	3/16/89	\$150,000
Robinson	11/15/89	\$75,000
Brunswick	1/26/90	\$75,000
Brunswick	8/30/90	\$62,500
Brunswick	3/26/91	\$50,000
Brunswick	5/31/91	\$87,500
Harris	7/23/91	\$50,000
Robinson	12/16/91	\$37,500
Brunswick	1/3/92	\$125,000
Brunswick	3/25/92	\$100,000
Brunswick	2/10/93	\$225,000
Robinson	2/23/92	\$50,000
Brunswick	1/23/93	\$50,000

Duke Power Company Facilities:

McGuire	6/8/84	\$40,000
McGuire	2/20/85	\$50,000
McGuire	6/2/86	\$50,000
McGuire	3/6/87	\$50,000
McGuire	10/28/87	\$100,000
McGuire	1/29/88	\$25,000
McGuire	1/19/89	\$37,500
McGuire	7/2/90	\$50,000

Duke Power Company	7/2/90	\$50,000
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General Electric Company

Wilmington, NC	3/13/92	\$20,000
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30323

FEB 10 1993

Docket Nos. 50-325 and 50-324
License Nos. DRP-71 and DRP-62
EA 92-075

Carolina Power and Light Company
ATTN: Mr. R. A. Watson
Senior Vice President
Nuclear Generation
Post Office Box 1551
Raleigh, North Carolina 27602

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF
CIVIL PENALTY \$225,000 (NRC INSPECTION REPORT
NOS. 50-325/92-10 AND 50-324/92-10)

This refers to the special inspection conducted by the Nuclear Regulatory Commission, Region II, at the Brunswick Steam Electric Plant (BSEP) on March 30 - April 10, 1992, to assess BSEP performance in the areas of engineering, technical support, and corrective actions. The report documenting this inspection was sent to you by letter dated April 29, 1992. As a result of this inspection, a violation of NRC requirements was identified. An enforcement conference was held on May 12, 1992, at NRC Headquarters, in Rockville, Maryland, to discuss the violation, its cause, and your corrective actions. This enforcement action was deferred pending an investigation by the NRC Office of Investigations. That investigation has recently been terminated. A summary of the conference was sent to you by letter dated June 5, 1992.

The violation in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) involved a significant breakdown in your corrective action program as evidenced by significant deficiencies in masonry wall construction which were identified by your staff as early as 1987, but not corrected until after you were prompted by the NRC in 1992. The violation was of a continuing nature and extended over a five-year period. Specifically, on February 13, 1987, a licensee engineer identified and documented in a memorandum that certain bolts which are required for seismic adequacy of masonry walls in the emergency generator building, were inadequately installed. It appears that two additional requests were made for technical support regarding this deficiency in April 1988 and September 1989. However, you did not perform calculations to show that the walls met your criteria for short-term structural integrity until 1990. When these calculations were challenged by NRC inspectors in April 1992, you found that they were incorrect because the calculation assumed that more bolts were installed than were actually present.

AI/

9303020247

5pp.

The identified deficiencies included modified bolts which had been cut off with only the head attached to the structure giving the appearance of bolts where none actually existed. The purpose of these bolts was to support the walls in the event of an earthquake to prevent them from falling and damaging the emergency diesel generators and other safety-related equipment inside the building. Had a seismic event occurred, failure of the masonry walls could have rendered the emergency AC power system inoperable. This was a breakdown of the process by which a licensee evaluates identified deficiencies and provides reasonable assurance of verification of analytical assumptions against the actual plant condition. Thus, your untimeliness in analyzing an identified deficiency and your inadequate analysis in 1990 led to the continued operation of the plant in an unacceptable condition until April 1992.

When you concluded that the walls would not meet your design criteria, you declared the emergency diesel generators (EDG) inoperable and shut down both units. Thorough walkdowns were performed in the EDG building, the control building and the reactor buildings, and all safety-related block and poured concrete walls were examined for structural integrity. A 100 percent inspection and document review of anchor bolts installed during original EDG building construction was performed and subsequently expanded to the control building and both units' reactor buildings. A sampling plan to walkdown a cross section of raceways, building steel, heating/ventilation/air conditioning, and equipment foundations for structural integrity was also implemented. Reorganization and management changes were instituted, and a plant three-year improvement plan and a corporate improvement plan were implemented. Both units remain shutdown pending completion of additional plant upgrades and improvements.

To emphasize the importance of ensuring that identified deficiencies: (1) receive an adequate evaluation in a timely manner, (2) are corrected in a timely manner commensurate with the importance to safety, and (3) that appropriate levels of management are notified of significant conditions adverse to quality, 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 \$225,000 for the Severity Level III violation. The base value of a civil penalty for a Severity Level III violation is \$50,000.

The escalation and mitigation factors in the Enforcement Policy were considered. The civil penalty was escalated by 50 percent for identification because it was only after aggressive questioning by the NRC staff regarding the adequacy of your engineering evaluation that you performed additional evaluations which revealed the problems with the masonry walls.

Because a significant aspect of the violation was the fact that you had a prior opportunity to identify the deficient condition during your 1990 engineering evaluation, but failed to do so, the civil penalty was escalated 100 percent. Another significant aspect of this violation was the duration

that it existed, from February 13, 1987 until April 1992. Therefore, escalation by another 100 percent was deemed appropriate for this factor.

Due to your past enforcement history, the civil penalty was escalated an additional 100 percent for this factor. On August 30, 1990, escalated enforcement action (EA 90-130) was issued with a proposed civil penalty of \$62,500 to emphasize the importance of proper work control and job planning associated with activities related to the installation of a traversing incore probe on July 5, 1990. On November 30, 1990, a Severity Level III violation (EA 90-154) was issued for the failure to follow procedures and the subsequent inaccurate completion of procedural requirements associated with a maintenance surveillance test. On May 31, 1991, a Severity Level III violation (EA 91-045) was issued with a proposed civil penalty of \$87,500 for failure to follow procedures. On January 3, 1992, a Severity Level III violation (EA 91-158) was issued with a proposed civil penalty of \$125,000 for inadequate corrective action related to work control and independent verification inadequacies. On March 24, 1992, a Severity Level III violation (EA 92-024) was issued with a proposed civil penalty of \$100,000 for an inadequate maintenance procedure related to the EDGs.

The other adjustment factors in the Policy were considered, and no further adjustment to the base civil penalty is considered appropriate. Therefore, based on the above, the base civil penalty of \$50,000 has been increased 350 percent to \$225,000. While Section 234 of the Atomic Energy Act of 1954, as amended, limits the civil penalty for a single violation to \$100,000 per violation per day, a civil penalty may be assessed for each day of a continuing violation such as the one in this case. Accordingly, a civil penalty of \$225,000 is being proposed for this violation.

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.

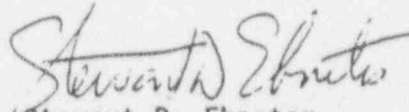
Carolina Power and
Light Company

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Should you have any questions concerning this letter, please contact us.

Sincerely,


Stewart D. Ebnetter
Regional Administrator

Enclosure:
Notice of Violation and Proposed
Imposition of Civil Penalty

cc w/encl:
R. Anderson
Vice President
Brunswick Nuclear Project
P. O. Box 10429
Southport, NC 28461

R. Morgan
Plant Manager, Unit 1
Brunswick Steam Electric Plant
P. O. Box 10429
Southport, NC 28461

M. Brown
Plant Manager, Unit 2
Brunswick Steam Electric Plant
P. O. Box 10429
Southport, NC 28461

H. Ray Starling
Vice President - Legal Department
Carolina Power and Light Co.
P. O. Box 1551
Raleigh, NC 27602

F. Rabon
Board of Commissioners
P. O. Box 249
Bolivia, NC 28422

Chrys Baggett
State Clearinghouse
Budget and Management
116 West Jones Street
Raleigh, NC 27603

cc w/encl con't: (see next page)

Carolina Power and
Light Company

- 5 -

cc w/encl con't:
Dayne H. Brown, Director
Division of Radiation Protection
N. C. Department of Environment,
Health & Natural Resources
P. O. Box 27687
Raleigh, NC 27611-7687

H. A. Cole
Special Deputy Attorney General
State of North Carolina
P. O. Box 629
Raleigh, NC 27602

Robert P. Gruber
Executive Director
Public Staff - NCUC
P. O. Box 29520
Raleigh, NC 27626-0520

Ms. Gayle B. Nichols
Staff Counsel
SC Public Service Commission
P. O. Box 11649
Columbia, SC 29211

State of North Carolina

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Carolina Power and Light
Company
Brunswick Steam Electric Plant
Units 1 and 2

Docket Nos. 50-325 and 50-324
License Nos. DRP-71 and DRP-62
EA 92-075

During an NRC inspection conducted on March 30 - April 10, 1992, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (57 FR 5791, February 18, 1992), 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 are set forth below:

10 CFR Part 50, Appendix B, Criterion XVI, Corrective Action, requires that measures be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition. The identification of the significant condition and the corrective action taken shall be documented and reported to the appropriate levels of management.

Contrary to the above, the licensee failed to adequately establish or implement measures to promptly identify and correct deficiencies with emergency diesel generator room masonry walls, a significant condition adverse to quality. Specifically, on February 13, 1987, a licensee engineer identified and documented in a memorandum that certain bolts installed to seismically qualify emergency diesel generator room masonry walls were inadequately installed. Measures undertaken to fully identify and correct the deficiencies with the walls were inadequate. The failure to take adequate corrective actions, and hence the violation, continued until April 1992 when, after questioning by NRC inspectors, the licensee determined that widespread deficiencies existed resulting in the shutdown of both units on April 21, 1992.

This is a Severity Level III violation (Supplement I).
Civil Penalty - \$225,000

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 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

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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 or a Demand for Information may be issued as to 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 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 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.2 of 10 CFR Part 2, Appendix C (57 FR 5791, February 18, 1992), 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

Notice of Violation

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FEB 10

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 II, and
a copy to the NRC Resident Inspector at the Brunswick Steam Electric Plant.

Dated at Atlanta, Georgia
this 10th day of February 1993



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30323

JAN 21 1993

Docket Nos. 50-325 and 50-324
License Nos. DPR-71 and DPR-62
EA 92-217

Carolina Power and Light Company
ATTN: Mr. R. A. Watson
Senior Vice President
Nuclear Generation
Post Office Box 1551
Raleigh, North Carolina 27602

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL
PENALTY - \$50,000 (NRC INSPECTION REPORT NOS. 50-325/92-32
AND 50-324/92-32)

This refers to the Nuclear Regulatory Commission (NRC) inspection conducted by Mr. E. Testa on September 23-28, October 26-30, and November 12, 1992, at the Brunswick Steam Electric Plant. The inspection included a review of the facts and circumstances related to the cutting of a startup source holder that contained, unknown to the personnel involved, an americium/beryllium neutron source. The cutting of the source holder resulted in the inadvertent contamination of the Unit 2 refueling floor on September 22, 1992. The report documenting this inspection was sent to you by letter dated November 24, 1992. As a result of this inspection, potential violations of NRC requirements were identified. An enforcement conference was held on December 7, 1992, in the NRC Region II office to discuss the potential violations, their causes, and your corrective actions to preclude recurrence. A summary of this enforcement conference was sent to you by letter dated December 11, 1992.

On September 22, 1992, with Units 1 and 2 in cold shutdown as a result of a forced outage which began on April 21, 1992, preparations were underway for the final stage of the cleanup of the Unit 2 Spent Fuel Pool (SFP). Several days earlier, while sorting the remaining miscellaneous non-irradiated components in the SFP for disposal, contract workers, who were conducting the cleanup, discovered a startup source holder tube on the bottom of the SFP under a support beam. They raised the tube from the floor and placed it on an underwater table where a visual examination revealed what appeared to be an unused source holder. Subsequently, the source holder was lifted from the table by the bottom end and shaken in order to determine if there was a source in the holder. Underwater gamma dose measurements were taken. As a result of the measured dose rates, the unused appearance of the source tube, and the fact that a source did not fall out of the source holder when it was shaken, the decision was made to remove the source holder from the SFP.

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Once it was out of the SFP, additional surveys were performed and a hot spot was found in the approximate center of the source holder. The decision was then made to cut one foot on each side of the hot spot so that the two foot section with the hot spot could be disposed of with high dose rate waste material and the remaining sections, with low dose rate waste. Following preparation of the immediate work area the cuts were made and technicians began a survey of the work area. The surveys indicated unusually high contamination levels in the work area and decontamination efforts were initiated. These efforts continued until early evening and following general decontamination and cleanup, licensee personnel frisked themselves with an RM-14/HP-210 survey instrument and found no contamination.

The following day, September 23, 1992, Health Physics personnel were discussing the previous day's events, specifically the unexpectedly high contamination levels. One Health Physics technician recalled that some startup sources contained americium-241 whereupon it was decided to re-survey the area and have the smears counted for alpha contamination. That survey resulted in the discovery of high alpha contamination levels, and the subsequent discovery that one individual involved in the cutting work had sustained potential internal contamination. Efforts to contain and isolate the contamination began immediately.

Violation A in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) involved the failure to either label the americium-241 or provide a readily available written record identifying the americium-241 source and its storage location in the SFP. This particular source arrived at the Brunswick facility in December 1978 and may have been used in maintaining the Source Range Monitor minimum count rate at the beginning of Unit 2 fuel reloading in 1979. The source would likely have been removed once an adequate response on the Source Range Monitor was obtained and would not have been used long enough that either it or its holder would have been significantly irradiated by the reactor core or the holder's appearance significantly altered. Accountability for the source was not maintained, and therefore, no record was available to document its storage location for a period of 14 years. If accountability had been maintained or if the source had been properly labelled, this event may not have occurred.

Violation B in the enclosed Notice involves the failure to perform an adequate survey to evaluate the extent of potential radioactive hazards that were present prior to the cutting of the source holder. Specifically, the personnel concluded that the holder had not been used by incorrectly relying on the holder's appearance. The holder's appearance is a poor indicator of whether the holder has been used in the reactor or if the holder contains a source. In addition, given that the holder was bent, the fact that nothing came out when it was examined is an inconclusive test for the presence of a source. Also, the individuals involved in this event should have understood the type of source that could have been in the holder. Knowing that, they should have recognized that gamma surveys, especially those conducted in the presence of a gamma hot spot, would likely be insufficient to detect the

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presence of a neutron source that emits only a low energy gamma. Finally, no effort was made to determine whether all on-site sources were accounted for prior to cutting the holder. While such an effort would not have helped prevent the incident that occurred, the lack of this effort is indicative of a predisposition on the part of the involved personnel to the conclusion that the holder was empty, rather than the conclusion that the holder contained a source.

Plant management failed in not maintaining effective oversight of this work in that (1) an adequate technical evaluation of the start-up source holder was not performed prior to any cutting by the personnel involved in the SFP cleanup, (2) adequate oversight of the contract workers who conducted the cleanup and made many of the decisions about disposal of the source holder was not performed, and (3) a complete source inventory was not maintained. This overall lack of effective management controls directly contributed to the event.

The staff recognizes that significant improvements have been made in the area of spent fuel pool management, including the handling and assessment of miscellaneous material. Additionally, the staff acknowledges the long-term corrective actions that have been undertaken to improve source inventory and other procedures.

The two violations and the significant contributing factors have been evaluated in the aggregate because they have the same underlying cause (i.e., management deficiencies related to project planning and source inventory control) and it is likely that, if proper accountability of the source had been maintained, a more thorough evaluation of the source holder would have been conducted prior to the cutting evolution. These issues represent a significant failure to control licensed material and provided the potential for radiological exposures in excess of regulatory limits. Therefore, these violations have been classified in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), 10 CFR Part 2, Appendix C (57 FR 5791, February 18, 1992), as a Severity Level III problem.

To emphasize the importance of maintaining control over radioactive material, 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 \$50,000 for the Severity Level III problem.

The NRC staff credits the Health Physics technicians involved in this event for their concern relative to the high levels of contamination, the initiative shown in their evaluation of that problem, and the subsequent actions taken, including additional surveys. Their inquisitive attitudes reduced the potential for additional radiation exposures associated with this event. Normally, such actions, which led to the identification of the violations,

along with the corrective actions your staff took in response to the violations, would warrant some amount of mitigation of the base civil penalty. However, after considering all the circumstances in this case, mitigation of the base civil penalty was found inappropriate. Specifically, this event resulted from a failure in an area fundamental to any health physics program, the proper control of radioactive material. Additionally, the loss of control of radioactive material in this case resulted in a significant contamination event. The contamination event could have been prevented if your staff had performed an adequate evaluation of the situation, and notwithstanding the failure to prevent the event, it could have been identified earlier if your staff had recognized either of the several resulting indicators of the problem. Therefore, in accordance with Section VII.A.1 of the Enforcement Policy, discretion is being exercised, and a civil penalty equal to the base amount for a Severity Level III problem is being issued to emphasize the concerns discussed above.

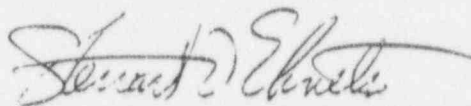
You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this 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.

Should you have any questions concerning this letter, please contact us.

Sincerely,



Stewart D. Ebnetter
Regional Administrator

Enclosure:
Notice of Violation and Proposed
Imposition of Civil Penalty

cc w/encl: (see next page)

Carolina Power and Light
Company

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cc w/encl:

Roy Anderson, Vice President
Brunswick Nuclear Project
P. O. Box 10429
Southport, NC 28461

H. Ray Starling
Vice President - Legal Department
Carolina Power and Light Co.
P. O. Box 1551
Raleigh, NC 27602

Kelly Holden
Board of Commissioners
P. O. Box 249
Bolivia, NC 28422

Chrys Baggett
State Clearinghouse
Budget and Management
116 West Jones Street
Raleigh, NC 27603

Dayne H. Brown, Director
Division of Radiation Protection
N. C. Department of Environment,
Health & Natural Resources
P. O. Box 27687
Raleigh, NC 27611-7687

H. A. Cole, Spec. DA General
State of North Carolina
P. O. Box 629
Raleigh, NC 27602

Robert P. Gruber
Executive Director
Public Staff - NCUC
P. O. Box 29520
Raleigh, NC 27626-0520

Ms. Gayle B. Nichols
Staff Counsel
SC Public Service Commission
P. O. Box 11649
Columbia, SC 29211

State of North Carolina

21 1024

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION CIVIL PENALTY

Carolina Power and Light Company
Brunswick Steam Electric Plant
Unit 2

Docket No. 50-324
License No. DPR-62
EA 92-217

During an NRC inspection conducted on September 23-28, October 26-30, and November 12, 1992, 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 (57 FR 5791, February 18, 1992), 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 violations are set forth below:

- A. 10 CFR 20.203(f), "Containers," requires, in part, that (1) except as provided in paragraph (f)(3) of this section, each container of licensed material shall bear a durable, clearly visible label identifying the radioactive contents. Paragraph (f)(3) specifies, in part, that notwithstanding the provisions of paragraph (f)(1), labeling is not required for containers which are accessible only to individuals authorized to handle them, or to work in the vicinity thereof, provided that the contents are identified to such individuals by a readily available written record.

Contrary to the above, on September 22, 1992, the licensee retrieved and handled a startup source holder containing a 5.4 Curie americium-241 source from the Unit 2 Spent Fuel Pool that was neither properly labeled nor identified on a readily available written record.

- B. 10 CFR 20.201(b) requires that each licensee shall make or cause to be made such surveys as (1) may be necessary for the licensee to comply with the regulations in this part, and (2) are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present.

Contrary to the above, on September 22, 1992, the licensee failed to perform surveys that were reasonable under the circumstances to evaluate the extent of radioactive hazards that were present prior to cutting a startup source holder that may have contained a startup source and was later determined to contain a 5.4 Curie americium-241 source.

This is a Severity Level III problem (Supplement IV).
Civil Penalty \$50,000

Pursuant to the provisions of 10 CFR 2.201, Carolina Power and Light Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region II, and a copy to the NRC Resident Inspector at the Brunswick Steam Electric Plant, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of

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Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time. 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 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 in whole or in part, such answer may request remission or mitigation of the civil penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section VI.B.2 of 10 CFR Part 2, Appendix C (57 FR 5791, February 18, 1992), 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 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: 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 a copy to the NRC Resident Inspector at the Brunswick Steam Electric Plant.

Dated at Atlanta, Georgia
this 21st day of January 1993



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W., SUITE 2800
ATLANTA, GEORGIA 30323

MAR 24 1992

Docket Nos. 50-325 and 50-324
License Nos. DPR-71 and DPR-62
EA 92-024

Carolina Power and Light Company
ATTN: Mr. Lynn W. Eury
Executive Vice President
Power Supply
Post Office Box 1551
Raleigh, North Carolina 27602

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY - \$100,000
(NRC INSPECTION REPORT NOS. 50-325/92-01 AND 50-324/92-01)

This refers to the Nuclear Regulatory Commission (NRC) inspection conducted by Mr. R. Prevatte on January 4-31 and February 3, 1992, at the Brunswick Steam Electric Plant. The inspection included a review of the facts and circumstances related to the use of an inadequate maintenance procedure during cleaning activities on emergency diesel generator (EDG) No. 2 which consequently resulted in the failure of the EDG to start on demand on January 6, 1992, while Unit 1 was at 20 percent power and Unit 2 was at 100 percent power. The report documenting this inspection was sent to you by letter dated February 13, 1992. As a result of this inspection, a violation of NRC requirements was identified. An enforcement conference was held on March 3, 1992, in the NRC Region II office to discuss the violation, its cause, and your corrective actions to preclude recurrence. A summary of the conference was sent to you by letter dated March 4, 1992.

The violation in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) involved an inadequate maintenance procedure which was used by plant services maintenance personnel to clean EDG No. 2 in preparation for painting. The procedure was inadequate in that it had not been properly evaluated to determine whether the materials and processes used to clean EDG No. 2 would impact the operability of the diesel generator or would otherwise constitute an unreviewed safety question. On January 3, 1992, with EDG No. 2 in operable status, plant services personnel, using a degreasing solvent with water, proceeded to spray the left side of EDG No. 2. Though the procedure required that the fuel control racks be lubricated after cleaning, the procedure did not contain a signoff step, and following receipt of notification that the cleaning was complete, maintenance personnel decided that the lubrication of the fuel control racks could be done on the morning of January 6, 1992. As a result, the cleaning solvent dried leaving a residue which formed a crystalline adhesive bond that effectively disabled the fuel control racks by mechanical binding. On January 6, 1992, with reactor power at 20 percent, an overspeed test was performed on the Unit 2 Main Turbine Generator. As the turbine was tripped, reverse power and diesel auto start alarms were received; however, EDG No. 2

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failed to start. Subsequent investigation revealed that EDG No. 2 fuel control racks were not moving and when a mechanic pushed the manual control lever on the fuel control racks to move them, the EDG started.

In this case, there was no loss of offsite power and EDG Nos. 1, 3, and 4 did start, as designed, on receipt of the diesel auto start signal. Other safety issues become evident when consideration is given to the effect of spraying diesel generator electrical systems with solvent, particularly when the personnel involved in such activity may not have the requisite knowledge or procedural guidance regarding the constraints on such activity. This event is seen as a continuation of significant problems related to work control that have yet to be adequately resolved.

The significance of this violation, and the basis of NRC's concern, is not focused on the diesel generator, but centers on the apparent inability of Carolina Power and Light Company management to properly and consistently control work on components and systems at the Brunswick Steam Electric Plant that are important to safety. On August 30, 1990, escalated enforcement action (EA 90-130) was issued with a proposed civil penalty of \$62,500 to emphasize the importance of proper work control and job planning associated with activities related to the installation of a traversing incore probe on July 5, 1990. On November 30, 1990, a Severity Level III violation (EA 90-154) was issued for the failure to follow procedures and the subsequent inaccurate completion of procedural requirements associated with a maintenance surveillance test. On March 26, 1991, EA 91-023 was issued with a proposed civil penalty of \$50,000 for violations involving the failure to follow procedures related to a calibration test of a process computer point on the feedwater control system. On May 31, 1991, EA 91-045 was issued with a proposed civil penalty of \$87,500 for violations involving the failure to follow procedures. On January 3, 1992, EA 91-158 was issued with a proposed civil penalty of \$125,000 for violations involving inadequate corrective action related to work control and independent verification inadequacies.

Therefore, in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR Part 2, Appendix C (1991), this violation raises a significant regulatory concern and has been categorized at Severity Level III. To emphasize the importance of ensuring that proceduralized work controls are adequate, 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 in the amount of \$100,000 for the Severity Level III violation. The base value of a civil penalty for a Severity Level III violation is \$50,000.

The escalation and mitigation factors in the Enforcement Policy were considered. The self-disclosing nature of the event did not warrant escalation or mitigation for identification and reporting. As to corrective action to prevent recurrence, immediate corrective action was taken to correct the diesel generator operability problem. However, your long-term corrective action to address overall work control problems is essentially similar to your past corrective action that has not been proven particularly effective. In addition, it appears to the NRC staff that you have mischaracterized the root cause of the problem as failure to

MAR 24 1992

require a post-maintenance test as opposed to failure to adequately evaluate whether the planned activity would constitute an unreviewed safety question and take actions as appropriate. Therefore, your corrective actions do not warrant mitigation. Escalation of 100 percent was warranted for past performance which reflects a history of the continuing problem related to work control. The other adjustment factors in the Policy were considered and no further adjustment to the base civil penalty is considered appropriate. Therefore, based on the above, the base civil penalty has been increased by 100 percent.

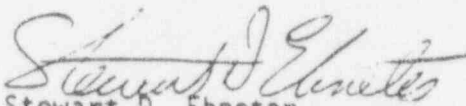
You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this 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.

Should you have any questions concerning this letter, please contact us.

Sincerely,


Stewart D. Ebnetter
Regional Administrator

Enclosure:
Notice of Violation and Proposed
Imposition of Civil Penalty

cc w/encl:
S. H. Smith, Jr.
President & CEO
Carolina Power and Light Co.
P. O. Box 1551
Raleigh, NC 27602

R. A. Watson
Sr. Vice President
Carolina Power and Light Co.
P. O. Box 1551
Raleigh, NC 27602

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cc w/encl: (Con't)
R. B. Starkey, Jr.
Vice President
Brunswick Nuclear Project
P. O. Box 10429
Southport, NC 28461

J. W. Spencer
Plant General Manager
Brunswick Steam Electric Plant
P. O. Box 10429
Southport, NC 28461

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Carolina Power and Light Co.
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Raleigh, NC 27602

Kelly Holden
Board of Commissioners
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Bolivia, NC 28422

Chrys Baggett
State Clearinghouse
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116 West Jones Street
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Division of Radiation Protection
N. C. Department of Environment,
Health & Natural Resources
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Raleigh, NC 27611-7687

H. A. Cole
Special Deputy Attorney General
State of North Carolina
P. O. Box 629
Raleigh, NC 27602

Robert P. Gruber
Executive Director
Public Staff - NCUC
P. O. Box 29520
Raleigh, NC 27626-0520

State of North Carolina

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Carolina Power and Light Company
Brunswick Steam Electric Plant
Units 1 and 2

Docket Nos. 50-369 and 50-324
License Nos. DPR-71 and DPR-62
EA 92-024

During an NRC inspection conducted on January 4-31, and February 3, 1992, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1991), 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 are set forth below:

Technical Specification 6.8.1.a requires that written procedures shall be established and implemented as recommended in Appendix "A" of NRC Regulatory Guide 1.33, November 1972. Section I.1 of Appendix "A" requires that procedures for maintenance which can affect the performance of safety-related equipment be properly preplanned and performed with written procedures or instructions appropriate to the circumstances.

Contrary to the above, on January 3, 1992, the licensee performed a maintenance work activity on Emergency Diesel Generator (EDG) No. 2, a safety-related component, using a procedure that was not appropriate to the circumstances. Specifically, the procedure, Repainting Diesel Generators, dated May 16, 1991 and updated January 2, 1992, did not receive an adequate review to evaluate the impact of the planned work on the operability of EDG No. 2. The maintenance work activity performed under this procedure resulted in the failure of EDG No. 2 to start upon receipt of a valid start signal on January 6, 1992.

This is a Severity Level III violation (Supplement 1).
Civil Penalty - \$100,000

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 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 or a Demand for Information may be issued as to 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.

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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 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 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 (1991), 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 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: 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 a copy to the NRC Resident Inspector at the facility that is the subject of this Notice.

Dated at Atlanta, Georgia
this *24th* day of March 1992



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30323

MAR 13 1992

Docket No. 70-1113
License No. SNM-1097
EA 91-185

General Electric Company
ATTN: Mr. Dallas L. Silverthorne, Manager
Nuclear Fuel and Components
Manufacturing
Post Office Box 780
Wilmington, North Carolina 28402

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY - \$20,000
(NRC INSPECTION REPORT NO. 70-1113/91-04)

This refers to the Nuclear Regulatory Commission (NRC) inspection conducted by Mr. G. Troup on August 19 - September 13, 1991, at Nuclear Fuel and Components Manufacturing (NF&CM), General Electric Company, Wilmington, NC. The purpose of the inspection was to review the findings of the Incident Investigation Team (IIT) as documented in NUREG-1450, "Potential Criticality Accident at the General Electric Nuclear Fuel and Component Manufacturing Facility, May 29, 1991," (NUREG-1450) issued in August 1991. The IIT was chartered on May 31, 1991, by the NRC's Executive Director for Operations and directed to review the facts and circumstances that led to the inadvertent transfer of approximately 320 pounds of uranium to a waste treatment tank with an unfavorable geometry on May 29, 1991. The charter of the IIT did not include assessing violations of NRC rules and requirements. A Confirmation of Action Letter dated May 31, 1991, documented your commitments to cooperate with the IIT, halt processing of materials in the solvent extraction system, quarantine equipment involved in the incident, and to provide other assistance to the IIT as needed.

The report documenting the August 19 - September 13, 1991 inspection was sent to you by letter dated December 23, 1991. As a result of this inspection to followup on the IIT findings, significant violations of NRC requirements were identified. An enforcement conference was held on February 7, 1992, in the NRC Region II office to discuss the violations, their cause, and your corrective actions to preclude recurrence. A summary of the enforcement conference was sent to you by letter dated February 20, 1992.

On May 28, 1991, routine fuel manufacturing operations at NF&CM facility were in progress with waste treatment operations that consisted of routine transfers from waste accumulation tanks to waste treatment tanks proceeding as normal. In mid-afternoon, Waste Treatment Facility (WTF) operators began pumping the contents of a Waste Accumulation Tank (V-103) to the Nitrate Waste Neutralization

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MAR 13 1992

Tank (V-104). On May 29, 1991, through the routine sampling of tank V-104, a 20,000 gallon waste treatment tank with an unfavorable geometry, the WTF staff determined that the tank contained 2333 ppm Uranium (ppm U), a significantly higher amount than normally expected concentrations of uranium. Further investigation by the plant staff identified abnormal concentrations of uranium in the Nitrate Waste Storage Tank (V-103) and Aqueous Waste Quarantine tanks. It was subsequently determined that the source of the uranium was the Solvent Extraction system in the Uranium Recycle Unit (URU) and that the malfunction of a valve in that system resulted in high concentration uranium solutions being released to the Aqueous Waste system and subsequently released to the Secondary Nitrate Waste system.

Violation A described in Part I of the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) involved the failure to follow procedures involving the process requirements for discharging waste from the Aqueous Waste Quarantine (AWQ) tanks. Specifically, the AWQ tanks were inappropriately sampled while being filled, were not properly isolated, and were not recirculated for the required time of 15 minutes prior to sampling. As a result, the contents of the AWQ tanks were released to tank V-103 and subsequently discharged to tank V-104 without sampling the contents which were subsequently determined to have exceeded the uranium concentration limit of 15 ppm U for discharge.

Violation B in Part I of the Notice involved the failure to have adequate procedures in that 1) there was no procedure for the URU process that defined how the access to the Tune Mode of the process control computer was to be controlled, 2) the procedure for trouble shooting the Solvent Extraction and Aqueous Waste systems did not require the system to be placed in the "problem" step while trouble shooting, nor did it specify any time limits for trouble shooting before the system had to be placed in a temporary shutdown, and 3) there was no procedure which required audits of the configuration control associated with the distributed digital control system for the URU process that assured that unauthorized changes had not been made; consequently, no such audits were performed on the system.

The significance of this event was the potential for a nuclear criticality accident that existed because the safety limits of uranium concentrations in unfavorable geometry tanks had been exceeded and the system of criticality safety controls had deteriorated to the point where process controls and mass limit control were no longer effective. Therefore, in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR Part 2, Appendix C (1991), the violations in Part of the Notice are classified in the aggregate as a Severity Level II problem.

The staff recognizes that you have initiated extensive corrective actions to preclude recurrence of this type of event and that those actions are also intended to reinforce your staff's "safety first" attitude with regard to nuclear criticality safety. Significant among these actions was the increase in management oversight of operational activities to include enhancement of technical support by the addition of increased supervisory and technical advi

MAR 13 1992

resources to each shift. In addition, your corrective actions, such as enhanced training and sensitization of personnel, physical plant changes, procedural changes and verification of key operational controls, should contribute to improved performance.

To emphasize the importance of ensuring that criticality control measures are maintained at the highest degree of effectiveness, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$20,000 for the Severity Level II problem. The base value of a civil penalty for a Severity Level II problem is \$20,000. The escalation and mitigation factors in the Enforcement Policy were considered.

Neither escalation nor mitigation was warranted for identification and reporting. Although you identified the potential criticality problem and reported it to the NRC, those actions were significantly delayed. Mitigation of 50 percent was warranted for your comprehensive corrective actions as discussed above. Consideration was given to the general trend of improving performance which has been taking place in the recent past as evidenced by the Operational Safety Assessment which was conducted at the facility in March 1991. However, a number of weaknesses were identified during that assessment that preclude full mitigation for this factor. Therefore, mitigation of 50 percent was deemed warranted for this factor.

The NRC Office of Nuclear Material Safety and Safeguards issued NRC Information Notice No. 90-63, "Management Attention to the Establishment and Maintenance of a Nuclear Criticality Safety Program," on October 3, 1990. That Information Notice was provided to alert licensees to an incident that resulted from inadequate management attention to the establishment and maintenance of a nuclear criticality safety program. Attached to that Information Notice was NRC Information Notice No. 89-24, "Nuclear Criticality Safety," which had been previously issued on March 6, 1989. Both of these information notices highlighted the need for continuing vigilance in providing a sound nuclear safety program and should have prompted your staff to review the nuclear safety program at NF&CM. Therefore, escalation of 50 percent was warranted for the factor of prior notice, inasmuch as licensees are expected to take prompt action to assure issues discussed in such notices are properly addressed. Additional escalation of 50 percent was warranted for the fact that, for an extended period of time, inadequate procedures existed and the operations staff had not been complying with established process procedure requirements.

The other adjustment factors in the Policy were considered, and no further adjustment to the base civil penalty is considered appropriate. Therefore, based on the above, a civil penalty of \$20,000 is assessed.

The violations described in Part II of the Notice have been categorized at Severity Level IV. Violation A involved the failure to promptly identify and declare an Alert emergency condition. A potential criticality situation existed from approximately 7:00 a.m. on May 29, 1991 through 6:30 a.m. on

MAR 13 1992

May 30, 1991, which was consistent with the Alert definition in the Radiological Contingency and Emergency Plan (RCEP). Implementation of emergency action is dependent upon an accurate and rapid identification and classification of events that could affect the health and safety of the public. Such a violation would be normally categorized at a higher severity level. However, a lesser severity level was assessed because the facility staff initiated actions consistent with an Alert with the exception that all required notifications were not completed. Violation B involved an inadequate Facility Change Request which permitted the processing of uranium bearing fuel which exceeded the license enrichment limits established and approved for processing in the oxidation sub-area of the facility. This violation is being cited, notwithstanding identification by the facility staff, because NRC requested the document review which resulted in identification of the violations. Violation C involved the failure to provide adequate training to an individual designated an interim Emergency Director.

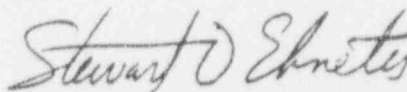
You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this 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.

Should you have any questions concerning this letter, please contact us.

Sincerely,



Stewart D. Ebnetter
Regional Administrator

Enclosure:
Notice of Violation and Proposed
Imposition of Civil Penalty

cc w/encl:
T. Preston Winslow, Manager
Licensing and Nuclear Materials
Management
General Electric Company
P. O. Box 780, Mail Code J26
Wilmington, NC 28402

State of North Carolina

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

General Electric Company
Nuclear Fuel and Components
Manufacturing
Wilmington, North Carolina

Docket No. 70-1113
License No. SNM-1097
EA 91-185

During an NRC inspection conducted on August 19 - September 13, 1991, 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 (1991), 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 violations and associated civil penalty are set forth below:

I. Violations Assessed a Civil Penalty

- A. License Condition No. 9 of Special Nuclear Material License No. 1097 (SNM-1097) requires that licensed materials be used in accordance with the statements, representations, and conditions of Part 1 of the license application dated October 23, 1987, and supplements thereto.

Part 1, Chapter 2, Section 2.7 of the license application requires that licensed material processing be conducted in accordance with properly issued procedures or instructions.

Process Requirements and Operator Document (PROD) 103.02, Revision 3, Solvent Extraction and Aqueous Waste Quarantine, Section 3.3.5, required that the Aqueous Waste Quarantine tanks be isolated at 90 percent level ("high set point"), recirculated for 15 minutes before a sample of the contents is collected, and the sample results have a uranium concentration which is acceptable before the Aqueous Waste Quarantine tank can be released to tank V-103. Nuclear Safety Release/Requirements (NSR/R) 02.08.07 required that Aqueous Waste Quarantine tank discharges to tank V-103 must be less than 150 parts per million uranium (ppm U).

Contrary to the above, during May 28-29, 1991, the licensee failed to follow the requirements of PROD 103.02 in that:

1. The Aqueous Waste Quarantine tanks were sampled while filling and were not isolated.
2. The Aqueous Waste Quarantine tanks were not recirculated for the required time, 15 minutes, prior to sampling.
3. Several Aqueous Waste Quarantine tanks were released to tank V-103 and discharged without sampling of the contents, and were subsequently determined to have exceeded the NSR/R limit of 150 ppm U for discharge.

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4. Aqueous Waste Quarantine tanks which were measured prior to release actually exceeded the NSR/R limit due to non-representative sampling.
8. License Condition No. 9 of SNM-1097 requires that licensed materials be used in accordance with the statements, representations, and conditions of Part I of the license application dated October 23, 1987, and supplements thereto.

Part I, Chapter 2, Section 2.7 of the license application requires that licensed material processing be conducted in accordance with properly issued procedures or instructions.

Part I, Chapter 2, Section 2.2.1.3 of the license application requires the nuclear safety function to measure the effectiveness of the criticality control program, and that measurement of the effectiveness of the criticality control program is determined through audit programs to assure that nuclear safety criteria are met for the protection of employees, the public and the environment. Part I, Chapter 2, Section 2.8 of the license application requires audits to be performed to assure that plant operations are conducted in accordance with the operating procedures. Part I, Chapter 2, Section 2.8.1 of the license application requires audits to be performed in accordance with written procedures to determine that actual operations conform to criticality requirements.

Contrary to the above, during the week of May 27, 1991, the licensee failed to have adequate procedures for licensed activities in that:

1. There was no procedure for the Uranium Recycle Unit (URU) process defining how the access to the Tune Mode was to be controlled, specifying limitations on the use of the Tune Mode, or recording of actions taken while in the Tune Mode, including changes to parameters.
2. PROD 103.02, Solvent Extraction and Aqueous Waste Quarantine, which contained instructions for troubleshooting the Solvent Extraction and Aqueous Waste systems was inadequate in that it did not require that the system be placed in the PROBLEM step while troubleshooting, and did not specify any time limit for troubleshooting before the system had to be placed in a temporary shutdown. The PROD also did not provide any criteria for switching from process computer control to manual control.
3. There was no procedure which required audits of configuration control associated with the distributed digital control system for the URU process to assure that unauthorized changes had not been made. As a result, no such audits were performed.

This is a Severity Level II problem (Supplement VI).
Cumulative Civil Penalty - \$20,000 (assessed equally between Violations A and B).

II. Violations Not Assessed a Civil Penalty

- A. License Condition No. 9 of SNM-1097 requires that licensed materials be used in accordance with the statements, representations, and conditions of Part I of the license application dated October 23, 1987, and supplements thereto.

Part I, Section 8 of the license application requires the licensee to maintain a capability for handling emergencies in accordance with the Radiological Contingency and Emergency Plan (RCEP), submitted to NRC on August 27, 1981, and as revised in its entirety on December 1, 1988, in accordance with regulatory provisions.

Section 3.1 of the RCEP states that criteria are specified for recognizing, characterizing, and declaring each emergency classification or sub-class, as applicable.

Section 3.1.2 of the RCEP defines the Alert classification as an event which involves situations which could lead to identified hazard potentials. The situation has not yet caused damage to the facility nor harm to personnel and does not necessarily require an immediate change in facility operating status. Inherently, this is a situation in which time is available to take precautionary steps and/or mitigate consequences. The RCEP further states that an emergency Alert condition implies a rapid transition to a state of readiness by the facility personnel and possibly by off-site emergency support organizations, the possible cessation of certain routine non-essential functions or activities within the facility and possible precautionary actions that a specific situation may require.

Contrary to the above, from approximately 7:00 a.m. on May 29, 1991, through 6:30 a.m. on May 30, 1991, a potential criticality situation existed in the licensee's solvent extraction process (tank V-104) which was consistent with the Alert definition for which the licensee failed to promptly identify and declare as an Alert emergency condition.

This is a Severity Level IV violation (Supplement VIII).

- B. License Condition No. 9 of SNM-1097 requires that licensed materials be used in accordance with the statements, representations, and conditions of Part I of the license application dated October 23, 1987, and supplements thereto.

Part I, Chapter 1, Section 1.8.10 of the license application requires that the maximum enrichment in the Uranium Recycle operation shall not exceed the minimum U-235 enrichment approved by the nuclear safety function for any Uranium Recycle process. The minimum enrichment approved for any Uranium Recycle process was 4.025 percent U-235.

Contrary to the above, on April 11, 1991, Facility Change Request (FCR) 89.075 was approved for operation by the Manager, Nuclear Safety Engineering, and the Area Manager, to process uranium bearing fuel of up to five percent U-235 in the oxidation subarea of Uranium Recovery and uranium enriched to greater than 4.025 percent U-235 was subsequently processed in that area.

This is a Severity Level IV violation (Supplement VI).

- C. License Condition 9 of SNM-1097 requires that licensed materials be used in accordance with the statements, representations, and conditions of Part I of the application dated October 23, 1987, and supplements thereto.

Part I, Section 8 of the license application requires the licensee to maintain a capability for handling emergencies in accordance with the RCEP, submitted to NRC on August 27, 1981, and as revised in its entirety on December 1, 1988, in accordance with regulatory provisions.

Section 5.1 of the RCEP states that the Building Manager (i.e., the Area Coordinator during off-hours) shall assume the responsibility for all emergency response actions until such time as the emergency is terminated, or the responsibility is transferred to someone else, or he is relieved by the Emergency Director.

Section 7.2 of the RCEP states that special initial training and periodic retraining programs are provided to plant and support personnel to ensure their readiness for emergencies.

Contrary to the above, the training provided to an individual designated as interim Emergency Director was inadequate in that during the inspection on September 10-13, 1991, the individual interviewed was not fully cognizant of his full responsibility to classify emergency events.

This is a Severity Level IV violation (Supplement VIII).

Pursuant to the provisions of 10 CFR 2.201, General Electric Company (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 or a Demand for Information may be issued as to 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 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 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 (1991), 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 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: 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.

Dated at Atlanta, Georgia
this 13th day of March 1992



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30323

JAN 03 1992

Docket Nos. 50-325 and 50-324
License Nos. DPR-71 and DPR-62
EA 91-158

Carolina Power and Light Company
ATTN: Mr. Lynn W. Eury
Executive Vice President
Power Supply Groups
Post Office Box 1551
Raleigh, North Carolina 27602

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY -
\$125,000 (NRC INSPECTION REPORT NOS. 50-325/91-26 AND 50-324/91-26)

This refers to the Nuclear Regulatory Commission (NRC) inspection conducted by Mr. R. Prevatte on October 5 - November 8, 1991, at the Brunswick Steam Electric Plant. The inspection included a review of the facts and circumstances related to six incidents of failure to follow procedure, three of which were identified by your staff, two that were self-disclosing, and one that was identified by the NRC Resident Inspection staff. In addition, one incident involving an inadequate work procedure was self-disclosing. The report documenting this inspection was sent to you by letter dated November 22, 1991. An enforcement conference was held on December 3, 1991, in the NRC Region II office to discuss the violation, its cause, and your corrective actions to preclude recurrence. A summary of the conference was sent to you by letter dated December 10, 1991. In addition, we have reviewed your letter of December 11, 1991.

The violation in Part I of the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) involves two examples of inadequate corrective action for previous violations concerning work control and independent verification inadequacies. The first example in the violation involved the improper alignment of a Unit 1 B train Residual Heat Removal (RHR) heat exchanger bypass valve that resulted from a failure by control operators to follow a procedure that required independent verification to assure correct alignment. This event, which occurred while the unit was at 100 percent power, was identified by the NRC Resident Inspection staff during a walkdown of the control board. The second example in the violation involved a maintenance mechanic who performed diesel generator air intake valve adjustments without using a required maintenance instruction critical to the task of valve timing adjustment. The procedure required that the link shaft actuator be centered prior to adjusting the air intake valves. Because the link shaft actuator was not centered, the valves would not open and close at the correct time during engine operation. The work control process associated with this particular maintenance activity did not reveal that documentation for work critical to engine operation was missing prior to running the engine. Additionally the maintenance mechanic worked on this task for approximately nine hours with

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virtually no supervision by the three levels of supervisory management assigned to the diesel generator activities and there was no quality control oversight or interface involved in this activity.

This violation with two examples illustrates that your corrective actions to address previous similar violations have been inadequate. On May 31, 1991, you were informed by letter of an enforcement action that included a Notice of Violation and Proposed Imposition of Civil Penalty (EA 91-045) that involved three violations relating to work control and independent verification issues. We noted at the time that "when [the violations were] evaluated collectively and in conjunction with other recent violations of a similar nature, they represent a continuing human performance problem that is of significant concern to the NRC." In your July 1, 1991, response to the above enforcement action, you listed various corrective steps that would be taken to avoid further similar violations. For example, the "Please Listen" training program designed to stress quality communications and self-checking techniques was to be completed by September 27, 1991; supervisors were required to increase their time in the field; Quality Control and Nuclear Assessment Department surveillances were to be increased on work activities; senior management was to meet with supervisors on expectations; performance standards and employee coaching were to be implemented to help avoid further violations; and the Communications, Command and Control Manual (BSP-50), issued in April 1991, set out specific guidelines that required individual work activity to be under the command and control of a designated individual who would ensure that everything occurred in conformity with an adopted plan, with approved instructions, and in accordance with established principles. Notwithstanding those actions, the violations at issue here occurred shortly thereafter.

Other recent enforcement actions also addressed problems associated with your work control process and independent verification activity. EA 91-023 which was sent to you by letter dated March 26, 1991, involved a series of breakdowns in the work control process which allowed a "shutdown" computer point calibration procedure to be performed while Unit 2 was operating thereby causing a reactor trip. EA 90-154 which was sent to you by letter dated November 6, 1990, involved the intentional failure to follow procedures and falsification of documents relating to the completion of procedural requirements associated with a maintenance surveillance test and the intentional disregard for independent verification requirements.

The examples in Part I of the Notice represent continuing work control and independent verification problems that have yet to be adequately addressed by your corrective actions for previous similar violations. This is a significant safety concern. The NRC is concerned with the effectiveness of your continuing efforts to inculcate management, supervisory and line staff with the appropriate level of sensitivity and awareness necessary to provide the high level of quality assurance that those previously developed corrective actions were intended to ensure. Therefore, in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR Part 2, Appendix C (1991), this violation has been categorized at Severity Level III.

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To emphasize the importance of ensuring the development and implementation of effective corrective actions to achieve sustained improvement in the work control and independent verification processes, 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 in the amount of \$125,000 for the Severity Level III violation. The base value of a civil penalty for a Severity Level III violation is \$50,000.

The escalation and mitigation factors in the Enforcement Policy were considered, and escalation of the base civil penalty by 50 percent was warranted for identification because Example A in the violation in Part I was identified by the NRC Resident Inspector even though there were several opportunities for your staff to identify the deficiency (i.e., at least three control board walkdowns were conducted without identifying the mispositioned valve). Example B of the violation was considered to be self-disclosing in that it was found as a result of troubleshooting abnormal diesel generator operation. Neither escalation nor mitigation was warranted for corrective action to prevent recurrence. The immediate corrective actions that were taken upon identification of the events were appropriate and included extensive investigations to determine the complete facts related to each event. However, mitigation was not warranted for corrective actions to address the long-term resolution of management overview of work control activities because those actions have not adequately reduced errors in the work control area. Essentially, no new action was proposed. Escalation of 100 percent was warranted for past performance because previous corrective actions for similar problems have not been effective. Consideration was also given to your overall poor performance in work control activities and the independent verification process as well as previous enforcement actions that addressed the same problem as discussed above. The other adjustment factors in the Enforcement Policy were considered and no further adjustment to the base civil penalty is considered appropriate. Therefore, based on the above, the base civil penalty has been increased by 150 percent.

The violation in Part II of the Notice includes three examples of failure to follow procedures and an example of an inadequate procedure. Example A in the Notice involved a Unit 2 Reactor Protection System actuation that occurred when a Senior Reactor Operator returned the Scram Discharge Volume high level trip bypass switch from "bypass" to "normal" prior to the high-high level trip switches resetting. Example B involved a deficient procedure, Special Procedure SP-91-042, Reactor Vessel Water Level Control for Chemical Decontamination, that failed to ensure a specific sequence for pulling Emergency Core Cooling System (ECCS) analog trip unit cards, thereby leading to an unnecessary Unit 2 ECCS actuation. Example C involved the discovery of a Reactor Core Isolation Cooling system pump discharge valve in the open position when in-place clearance tags indicated the valve was closed. Example D involved a Service Water valve that was found stuck in the open position subsequent to the hanging of a clearance tag that required the valve to be positioned and double verified as closed. This violation, with four examples, serves to further illustrate the continuing problems regarding strict compliance with procedural requirements.

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In addition to the violations discussed above, another violation was identified involving in-service inspection technicians who failed to follow a procedure on two occasions during leak rate testing. This licensee-identified violation is not being cited because criteria specified in Section V.G.1 of the NRC Enforcement Policy were satisfied.

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. Your response should specifically include actions taken to assure that independent verifications and clearances are properly performed.

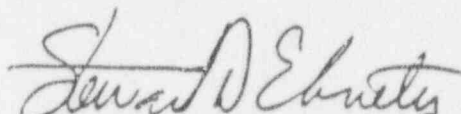
Finally, while it is recognized that it takes time to change performance, you have had substantial time to improve performance. Therefore, after reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether more stringent 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.

Should you have any questions concerning this letter, please contact us.

Sincerely,


Stewart D. Ebnetter
Regional Administrator

Enclosure:
Notice of Violation and Proposed
Imposition of Civil Penalty

cc w/encl:
R. B. Starkey, Jr.
Vice President
Brunswick Nuclear Project
P. O. Box 10429
Southport, NC 28461

cc w/encl con't: (see next page)

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cc w/encl con't:
J. W. Spencer
Plant General Manager
Brunswick Steam Electric Plant
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Southport, NC 28461

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Raleigh, NC 27626-0520

State of North Carolina

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Carolina Power and Light Company
Brunswick Steam Electric Plant
Units 1 and 2

Docket Nos. 50-325 and 50-324
License Nos. DPR-71 and DPR-62
EA 91-158

During an NRC inspection conducted on October 5 - November 8, 1991, 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 (1991), 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:

I. Violation Assessed a Civil Penalty

10 CFR Part 50, Appendix B, Criterion XVI, Corrective Actions, requires in part, that measures be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected.

Contrary to the above, effective measures were not established to promptly identify and correct deficiencies that resulted in the continuing breakdown of management control over work control activities similar to those previously identified in NRC enforcement action (EA) 91-045 which was issued on May 31, 1991, as evidenced by the following examples:

- A. On October 3, 1991, at approximately 3:30 a.m., a reactor operator failed to correctly reposition Unit 1 B train Residual Heat Removal (RHR) heat exchanger bypass valve from the shut to open position as required by the RHR System Operating Procedure 1-OP-17, Revision 38, step 7.3(B)(5) to return the RHR Loop B from suppression pool cooling to the standby mode of operation. The second operator failed to independently verify that this valve was correctly aligned as required by the procedure. It remained in the incorrect position until identified by the NRC at approximately 6:30 a.m. on the same date.
- B. On October 4, 1991, the mechanic assigned to perform the air inlet valves' lash adjustment on Diesel Generator No. 3 specified in step 7.3.4.2 of Maintenance Surveillance Test Procedure, Emergency Diesel Generators Inspection, OMST-DG500, Revision 2, failed to obtain and use the required instructions contained in Maintenance Instruction, Diesel Engine: Exhaust Tappets and Inlet Hydraulic Lash Adjusters, MI-16-685C, Revision 000, in performing this task. In addition, the mechanic did not fill out nor place in work package

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MI-16-685C, the data sheet to document completion of this task. A lack of supervisory review of this task resulted in the diesel generator operating under a condition that could have resulted in equipment damage.

This is a Severity Level III violation (Supplement I).
Civil Penalty - \$125,000

II. Violation Not Assessed a Civil Penalty

Technical Specification 6.8.1.a requires that written procedures shall be established, implemented, and maintained covering the applicable procedures recommended in Appendix A of Regulatory Guide 1.33, Quality Assurance Program Requirements (Operation), November 1972. Appendix A requires that procedures be established for Performing Maintenance; Equipment Control (e.g., locking and tagging); and Correcting Abnormal, Offnormal, or Alarm Conditions.

Contrary to the above, procedures were not properly established or implemented as indicated by the following examples:

- A. On September 27, 1991, the Scram Discharge Volume (SDV) high level trip bypass switch was positioned from BYPASS to NORMAL by a Senior Reactor Operator prior to the SDV High-High Level Reactor Protection System (RPS) Trip Annunciator clearing as directed in Annunciator Panel Procedure APP-A-05, Revision 21, for window 1-5, Scram Discharge Volume High-High Water Level Trip Bypass. This caused an unnecessary RPS System actuation.
- B. On October 2, 1991, Special Procedure SP-91-042, Reactor Vessel Water Level Control for Chemical Decontamination, was not properly established in that the necessity for pulling Emergency Core Cooling System (ECCS) analog trip unit cards in a specified sequence was not clearly stated in prerequisite step 5.1. This led to an unnecessary Unit 2 ECCS actuation.
- C. On October 14, 1991, Unit 2 Reactor Core Isolation Cooling Valve 2-E51-F012, Reactor Core Isolation Cooling (RCIC) Pump Discharge Valve, was discovered open instead of being closed as required by Local Clearances 2-91-1090, Master Drain Clearance for B Feed Water Local Leak Rate Test (LLRT), established on October 3 and 4, 1991, and 2-91-0850B, RCIC Master LLRT Clearance Boundary Change, established on October 6, 1991.
- D. On October 29, 1991, Unit 2 Service Water Valve 2-SW-V294, Outboard Isolation to Chlorination, was left open instead of being placed in the closed position as required by Local Clearance 2-91-1587, Secondary Containment Integrity, established on that date.

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

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 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 or a Demand for Information may be issued as to 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 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 (1991), 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 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: 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 a copy to the NRC Resident Inspector at the Brunswick Steam Electric Plant.

Dated at Atlanta, Georgia
this 3rd day of January 1992