

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Carolina Power and Light Company
Brunswick Steam Electric Plant
Unit 2

Docket No. 50-324
License No. DPR-62
EA 91-023

During an NRC inspection conducted on January 1 - 31, 1991, 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 (1990), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violation and associated civil penalty are set forth below:

Technical Specification (TS) 6.8.1.a requires that written procedures be established, implemented and maintained for applicable procedures recommended in Appendix A, Regulatory Guide 1.33, Quality Assurance Program Requirements, November 1972. Regulatory Guide 1.33, Appendix A, November 1972 requires that administrative procedures be established detailing procedure adherence requirements.

Maintenance Management Manual (OMMM-001), Maintenance; Conduct of Operations, Revision 13, which, in part, implements TS 6.8.1.a states in Section 5.2.2, that the use of approved procedures is required when the complexity of the task is such that memory cannot be relied upon as the sequence of action must be specified to assure correct performance.

Process Instrument Calibration (OPIC-CPU001), Calibration of an Analog Process Computer Point, Revision 12, Section 3.2.1 of Attachment 13, states that the reactor plant will have to be in cold shutdown or refuel condition to perform the test of the specified feedwater control system computer point.

Contrary to the above, maintenance instrument calibration test, OPIC-CPU001 was not properly implemented in that after multiple levels of review the calibration test of the feedwater system computer point was attempted at approximately 8:00 a.m. on January 25, 1991 with Unit 2 at 100 percent power. The inappropriate attempt at performing this test at power resulted in a reactor scram.

This is a Severity Level III violation (Supplement I).
Civil Penalty - \$50,000

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

30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

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

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

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

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

FOR THE NUCLEAR REGULATORY COMMISSION


Stewart D. Ebnetar
Regional Administrator

Dated at Atlanta, Georgia
this 26th day of March 1991



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

AUG 30 1990

Docket Nos. 50-325 and 50-324
License Nos. DPR-71 and DPR 62
EA 90-130

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 - \$62,500
(NRC INSPECTION REPORT NOS. 50-325/90-25 AND 50-324/90-25)

This refers to the Nuclear Regulatory Commission (NRC) inspection conducted by F. N. Wright on July 9-13, 1990, at the Brunswick Steam Electric Plant. The inspection included a review of activities associated with a traversing incore probe (TIP) event of July 5, 1990, during which two individuals received unplanned radiation exposures. The report documenting this inspection was sent to you by letter dated July 26, 1990. As a result of this inspection, significant failures to comply with NRC regulatory requirements were identified. An Enforcement Conference was held on August 6, 1990, in the Region II office to discuss the violations, their cause, and your corrective action to preclude their recurrence. The letter summarizing this conference was sent to you by letter dated August 14, 1990.

The violations described in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) occurred during work activities associated with a TIP system modification that involved the installation of new TIP detectors and cables in Unit 1. On July 5, 1990, with Unit 1 in Mode 1, three Instrumentation and Control (I&C) technicians entered a TIP mechanism contamination control tent in the Reactor Building to complete the modification and, during the calibration of the "D" TIP, the activated detector and cable were removed directly out of the core into the technicians' work area. Although CP&L's subsequent evaluation concluded that no overexposure occurred, this event presented a substantial potential for personnel exposures in excess of 10 CFR Part 20 limits.

The potential for significant exposure resulted from the failure to establish adequate work procedures that should have included those necessary instructions and controls to prevent radiation exposures which had the potential to exceed established limits, and the assignment of a technician who was not provided adequate training for the job. Providing both adequate procedures and training are particularly relevant to work involving TIP systems whether the activities

4pp.
9009140186

A/S

AUG 30 1990

include removal of old TIP detectors or installation of new TIP detectors. Therefore, in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR Part 2, Appendix C (1990), the violations have been categorized in the aggregate as a Severity Level III problem.

To emphasize the importance of ensuring proper work control and job planning, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy 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 \$62,500 for the Severity Level III problem. The base value of a civil penalty for a Severity Level III problem is \$50,000. The escalation and mitigation factors in the Enforcement Policy were applied as discussed below.

Although this event was self-disclosing, mitigation of 25 percent was applied because you promptly reported the event to the Resident Inspector, even though there was no reporting requirement. Additional mitigation of 50 percent was appropriate because the corrective actions taken were prompt and extensive. Neither escalation nor mitigation was appropriate for past performance in the area of radiological controls, taking into account the SALP 2 ratings in this area and the instances of high radiation area control deficiencies and internal contamination events, as balanced against health physics program improvements, that were discussed during the enforcement conference.

Escalation of 100 percent was appropriate for the factor of prior notice of similar events in that, as your staff acknowledged during the enforcement conference, Information Notice 88-63, High Radiation Hazards From Irradiated Incore Detectors and Cables, dated August 15, 1988, specifically warned licensees about the potential problems associated with maintenance on TIP systems. 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 25 percent.

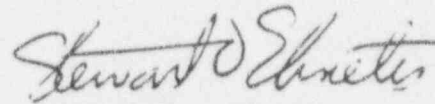
You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this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

AUG 30 1990

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980. Pub. L. No. 96-511.

Sincerely,



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
Box 10429
Southport, NC 28461

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

R. E. Jones, General Counsel
Carolina Power & Light Company
P. O. Box 1551
Raleigh, NC 27602

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

Chrys Bagget
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

cc w/encl contd: (see page 4)

cc w/encl contd:
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. 50-325 and 50-324
License Nos. DPR-71 and DPR-62
EA 90-130

During an NRC inspection conducted on July 9 - 13, 1990, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1990), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

- A. 10 CFR 20.201 (b) requires each licensee to 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. 10 CFR 20.201 (a) defines a "survey" as an evaluation of the radiation hazards incident to the production, use, release, disposal or presence of radioactive materials or other sources of radiation under a specific set of conditions.

Contrary to the above, on July 5, 1990, the licensee failed to adequately evaluate the extent of the radiation hazards present to preclude a substantial potential for an exposure in excess of 10 CFR 20 requirements for two individuals prior to their performing a modification on the Unit 1 "D" Traversing Incore Probe (TIP) Drive Mechanisms in the licensee's Unit 1 Reactor Building, in that, the workers received unplanned radiation exposure when they were momentarily exposed to an activated TIP having a radiation dose rate of approximately 1000 rem per hour on contact.

- B. Technical Specification 6.8.1 requires that written procedures be established, implemented, and maintained covering the activities recommended in Appendix A of Regulatory Guide 1.33, November 1972.

Regulatory Guide 1.33, November 1972, paragraph 9.e states general procedures for the control of maintenance repair, replacement, and modification work should be prepared prior to beginning work. These procedures should include information on areas such as the following:

- (1) Method for obtaining permission and clearance for operational personnel to work and for logging such work, and
- (2) Factors to be taken into account, including the necessity for minimizing radiation exposure to workmen, in preparing the detailed work procedures.

Technical Specification 6.11 requires that written procedures for personnel radiation protection shall be prepared consistent with the requirements of 10 CFR Part 20 and shall be approved, maintained, and adhered to for all operations involving personnel radiation exposure.

~~9009140189~~ 300

Contrary to the above, on July 5, 1990, the licensee failed to establish adequate radiation protection procedures concerning TIP replacement or modification, in that the licensee's procedure for plant modification 87-241 did not include necessary precautions to prevent accidental withdrawal of a highly radioactive detector into unshielded and occupied areas of the licensee's facility, creating the potential for significant personnel radiation exposures.

- C. 10 CFR 19.12 requires that all individuals working in a restricted area be kept informed of the storage, transfer, or use of radioactive materials or of radiation in such portions of the restricted area, and be instructed in the health protection problems associated with exposure to such radioactive materials or radiation, and in the precautions or procedures to minimize exposure.

Contrary to the above, on July 5, 1990, a licensee employee moving a highly radioactive TIP had not received training on the radiological hazards of the TIP system and had not been instructed that continued take-up of the detector's cable could cause the TIP to enter an unshielded and occupied area that could result in unplanned exposures to high radiation levels.

This is a Severity Level III problem (Supplement IV).

Cumulative Civil Penalty - \$62,500 (assessed equally among the three violations).

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 may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or 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

AUG 30 1990

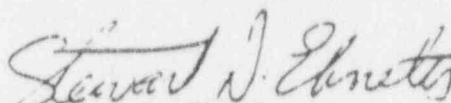
of Violation" and may: (1) deny the violations listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

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

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

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

FOR THE NUCLEAR REGULATORY COMMISSION


Stewart D. Ebnetter
Regional Administrator

Dated at Atlanta, Georgia
this 30th day of August 1990



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

MAY 29 1990

Docket No. 50-413
License No. NPF-35
EA 90-066

Duke Power Company
ATTN: H. B. Tucker, Vice President
Nuclear Production Department
422 South Church Street
Charlotte, NC 28242

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY -
\$100,000 (NRC INSPECTION REPORT NOS. 50-413/90-10 AND 50-414/90-10)

This refers to the Nuclear Regulatory Commission (NRC) inspection conducted on March 22-26, 1990, at the Catawba Nuclear Station. The inspection included a review of the March 20, 1990, Reactor Coolant System (RCS) low temperature pressurization event. The report documenting this inspection was sent to you by letter dated April 16, 1990. As a result of this inspection, significant failures to comply with NRC regulatory requirements were identified. An Enforcement Conference was held with members of your staff on April 25, 1990, to discuss your management control of plant configuration and the failure to conduct a Technical Specification surveillance test of the Power Operated Relief Valves (PORV). The letter summarizing this Conference was sent to you on April 30, 1990.

Violations I.A and I.B, described in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice), involve your failure to establish adequate measures for plant configuration control while in modes 5 (cold shutdown) and 6 (refueling). Specifically, Violation I.A addresses the March 20 RCS event that occurred because RCS pressure transmitter instrument root valves were left closed following a design modification. The work order to reopen the root valves was not completed prior to entering a plant condition in mode 5 that required these instruments to be operable.

The transmitters provided signals to (1) the control room indication used by the operators to monitor the initial RCS pressurization following the outage, (2) the Low Temperature Overpressure Protection (LTOP) System, and (3) the Residual Heat Removal (RHR) suction valves. The isolation of these signals gave the operators erroneous information which led them to continue pressurizing the RCS beyond the procedural limits, and prevented the Power Operated Relief Valves (PORV) from automatically opening after the safety setpoints were reached. This also would have prevented the RHR suction isolation valves from automatically closing on overpressure if that system's set point had been exceeded. It is fortuitous that your subsequent engineering analyses showed that the various system design pressure limits were not exceeded.

~~9006120187~~

5pp.

A/9

MAY 29 1990

Violation I.B involved the failure to perform a Technical Specification required surveillance test to verify operability of the PORVs. The surveillance is required to be run within 31 days prior to entering a condition in which the PORVs are required. Although the failure to perform the surveillance did not contribute to the March 20 event, nor would it have detected the closed root valves for the pressure transmitters, it exposed weaknesses in your program for scheduling surveillances required for certain plant conditions. Adequate provisions were not established to either reschedule the test after conflicting work conditions prevented completion when originally scheduled, or to otherwise flag the incomplete test status. These examples collectively indicate inadequate management control of programs to assure that the operating staff has accurate knowledge of plant equipment status at the Catawba Nuclear Station.

To emphasize the need for effective management controls to ensure that administrative measures are established for accurately indicating the operating status of plant systems and components, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Material Safety, Safeguards, and Operations Support, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the amount of \$100,000 for the Severity Level III problem described in the enclosed Notice. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1990), Violations I.A and I.B have been classified in the aggregate at the Severity Level III. The base value of a civil penalty for a Severity Level III problem is \$50,000. The escalation and mitigation factors in the Enforcement Policy were considered.

The staff recognizes that immediate and long-term corrective actions were taken following the pressurization event to correct problems associated with the administrative controls for maintenance and modification work. However, no mitigation was deemed appropriate for this factor because two subsequent events indicate that those immediate corrective actions were not effective. The first event involved the failure to unisolate the steam generator PORVs after completion of ESF testing on March 24, 1990. The second event involved the failure to return the Containment Valve Injection Water System alignment to normal following a testing tagout on March 27, 1990. Both conditions were not discovered until April 5, 1990.

Escalation was applied for poor past performance as a result of several previous enforcement actions which involved, to varying degrees, inadequate management controls and inadequate performance in plant operations. These included: (1) inadequate implementation of the test program for the auxiliary feedwater system, and an associated flow path configuration control problem (EA 88-96, Severity Level III), (2) inadequate post-modification testing of the hydrogen skimmer system (EA 89-46, Severity Level III, \$75,000 civil penalty), (3) the failure to restore the reactor vessel level indication system alignment prior to entering mode 3 (EA 89-138, Severity Level III), and (4) inadequate corrective actions following the test failure of an auxiliary feedwater pump (EA 89-178, Severity Level III, \$37,500 civil penalty). Given this performance record, full escalation of 100 percent for past performance is warranted notwithstanding the SALP rating of 2 with an increasing trend in operations. None of the other adjustment factors in the Policy were considered appropriate. Therefore, based on the above, the base civil penalty has been increased by 100 percent.

MAY 29 1990

The violation described in Part II of the enclosed Notice addresses a failure of the operations staff to adequately review the effects of station modification CN-10942. This review failed to identify the power dependence of the relay added to the "B" train RHR suction valve circuitry which resulted in control room operators being unable to electrically reopen the valve following the March 20, 1990 pressurization event. This violation has been categorized at a Severity Level IV.

In reviewing the reportability of the pressurization event, the staff agrees with your final conclusion that based on the analysis of the event it was not reportable. However, during and immediately following the event, initial indications tended to support the assumption that an overpressurization of the RCS had occurred. This condition should have been reported within four-hours. Subsequent analysis established that an overpressurization did not occur. The conservative approach to that condition would have been to make a four hour report based on the initial indications and then to rescind the report. We recognize your efforts to increase your staff's awareness of the reportability criteria as described during the Enforcement Conference.

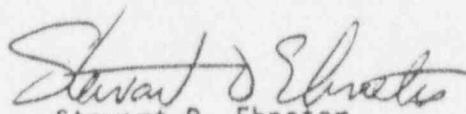
You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this 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 page 4)

MAY 29 1990

cc w/encl:

T. B. Owen, Station Manager
Catawba Nuclear Station
P. O. Box 256
Clover, SC 29710

A. V. Carr, Esq.
Duke Power Company
422 South Church Street
Charlotte, NC 28242

J. Michael McGarry, III, Esq.
Bishop, Cook, Purcell and Reynolds
1400 L Street, NW
Washington, D. C. 20005

North Carolina MPA-1
3100 Smoketree Ct., Suite 600
P. O. Box 29513
Raleigh, NC 27626-0513

Heyward G. Shealy, Chief
Bureau of Radiological Health
South Carolina Department of Health
and Environmental Control
2600 Bull Street
Columbia, SC 29201

Richard P. Wilson, Esq.
Assistant Attorney General
S. C. Attorney General's Office
P. O. Box 11549
Columbia, SC 29211

Michael Hirsch
Federal Emergency Management Agency
500 C Street, SW, Room 840
Washington, D. C. 20472

North Carolina Electric
Membership Corporation
3400 Sumner Boulevard
P. O. Box 27306
Raleigh, NC 27611

Karen E. Long
Assistant Attorney General
N. C. Department of Justice
P. O. Box 629
Raleigh, NC 27602

MAY 29 1990

Saluda River Electric
Cooperative, Inc.
P. O. Box 929
Laurens, SC 29360

S. S. Kilborn, Area Manager
Mid-South Area ESSD Projects
Westinghouse Electric Corporation
MNC West Tower - Bay 239
P. O. Box 335
Pittsburg, PA 15230

County Manager of York County
York County Courthouse
York, SC 29745

Piedmont Municipal Power Agency
121 Village Drive
Greer, SC 29651

State of South Carolina

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Duke Power Company
Catawba Nuclear Station
Unit 1

Docket No. 50-413
License No. NPF-35
EA 90-066

During the Nuclear Regulatory Commission (NRC) inspection conducted on March 22-26, 1990, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, (1990), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

I. Violations Assessed A Civil Penalty

10 CFR 50, Appendix B, Criterion XIV, Inspection, Test and Operating Status, as implemented by Duke Power Company Topical Report Quality Assurance Program, Duke-1-a, requires in part, that measures be established to indicate the status of inspections and tests performed upon individual items of the nuclear power plant. These measures shall provide for the identification of items which have satisfactorily passed required inspections and tests, where necessary to preclude the inadvertent bypassing of such inspections and tests. Measures shall also be established for indicating the operating status of structures, systems, and components of the nuclear power plant, such as by tagging valves and switches, to prevent inadvertent operation.

- A. Contrary to the above, the licensee failed to establish adequate measures to accurately indicate the operating status of systems and components required to be operable in modes 5 (cold shutdown) and 6 (refueling), and for plant condition changes within modes 5 and 6. On March 20, 1990, a Unit 1 plant condition change was initiated by performing the initial pressurization of the Reactor Coolant System (RCS) in preparation for plant startup while in mode 5. The current status of the wide range RCS pressure transmitters, a component required to be unisolated for this evolution, was not correctly identified as isolated.
- B. Contrary to the above, the licensee failed to adequately establish measures to indicate the status of tests performed upon individual items of the nuclear power plant and preclude the inadvertent bypassing of such tests when they are required to support plant condition changes within a mode. Technical Specification 4.4.9.3.1, Analog Channel Operational Test, is required to be performed within 31 days prior to entering a condition requiring Power Operated Relief Valve (PORV) operability. On March 20, 1990, Unit 1 entered a condition which required PORV operability without performing the Analog Channel Operational Test within the prior 31 days. The test had not been performed when originally scheduled, and measures were not implemented to reschedule or prevent the inadvertent bypassing of the test prior to entering a condition requiring PORV operability.

9006120192

3pp.

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

Cumulative Civil Penalty - \$100,000 (assessed equally among the two violations).

II. Violation Not Assessed A Civil Penalty

Technical Specification 6.8.1 requires that written procedures shall be established, implemented, and maintained covering the activities referenced in Appendix A of NRC Regulatory Guide 1.33, Revision 2, February 1978.

Catawba Nuclear Station Operations Management Procedure 1-12, Revision 8, Operations Modification Implementation Process, dated September 29, 1989, requires in part that, changes due to nuclear station modifications be incorporated into existing procedures, drawings, and essential training for licensed individuals as applicable.

Contrary to the above, essential training for licensed individuals was not conducted for station modification CN-10942, which changed the "B" train residual heat removal (RHR) suction valve control circuit operating interlock prior to the March 20, 1990 event. This resulted in the control room operators being unaware of the new operating characteristics of the RHR suction valve and their inability to electrically open it during the March 20, 1990, event.

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

Pursuant to the provisions of 10 CFR 2.201, Duke Power 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. 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 violation, (2) the reasons for the violation if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps which will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, or money order payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or 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

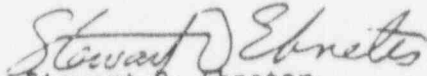
addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, 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(s) listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty, 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 should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201 but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205 regarding the procedure for imposing a civil penalty.

Upon failure to pay the penalty due, which 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 responses noted above (Reply to a Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region II and a copy to the NRC Resident Inspector, Catawba Nuclear Station.

FOR THE NUCLEAR REGULATORY COMMISSION


Stewart D. Ebnetter
Regional Administrator

Dated at Atlanta, Georgia
this 29th day of May 1990



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20556

MAR 13 1988

Docket No. 70-1113
License No. SNM-1097
EA 88-302

General Electric Company
ATTN: Mr. Eugene A. Lees, General Manager
Nuclear Fuel and Component
Manufacturing Department
Post Office Box 780
Wilmington, North Carolina 28402

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY

Vera M. English, a former employee at General Electric Company's Wilmington facility, filed a complaint with the Department of Labor on August 24, 1984, and an amended complaint on August 27, 1984, alleging discriminatory discharge under Section 210 of the Energy Reorganization Act of 1974 (ERA). Following an investigation of her allegations, the Administrator of the Wage and Hour Division of the Department of Labor concluded that GE had discriminated against Ms. English in violation of the ERA. The case was referred to an Administrative Law Judge (ALJ) when both Ms. English and GE appealed the Administrator's decision.

Following a hearing, the ALJ issued a Decision and Order on August 1, 1985, (Case 85-ERA-002) finding, among other things, that GE discriminated against Ms. English for engaging in protected activities by dismissing her from the Chemet Lab. Subsequent reviews and decisions by the Secretary of Labor and the U.S. Court of Appeals have addressed questions of timeliness of filing the complaint with DOL and of whether or not a continuing violation of the ERA has been established, but did not address the ALJ finding that discrimination occurred. Although the Court of Appeals remanded the case to the Secretary of Labor to consider Ms. English's claim of discrimination by retaliatory harassment while she was in the warehouse, there will now not be a final decision from the Secretary of Labor on the merits of the ALJ's decision concerning Ms. English's dismissal from the Chemet Lab. Therefore, the issue is now appropriate for NRC to consider. An Enforcement Conference is not being held in this matter in light of the opportunities General Electric has had to respond to a 1987 Petition submitted on behalf of Vera English pursuant to 10 CFR 2.206 and the information that General Electric has provided to the Department of Labor.

After reviewing the ALJ decision, the NRC staff has determined that a violation of the Commission's regulations in 10 CFR 70.7 occurred in that Ms. English was removed from the Chemet Lab as a result of her initiation of and participation in NRC proceedings under the Atomic Energy Act regarding Chemet Lab safety concerns. Beginning in 1982 and continuing into 1984, Ms. English reported

~~8903240175~~

3pp.

A/10

safety concerns to GE management and the NRC. On a number of occasions she raised with her management concerns relating to contamination that she was finding in the Chemet Lab. She reported that this contamination was being left by the workers on previous shifts and that she was having to clean it up for them. On March 16, 1984, Ms. English did not clean up contamination in the lab but instead reported it to her supervisor. As a result of raising concerns with her management and the NRC, Ms. English was removed from her job in the Chemet Lab and barred from further work in controlled areas and subsequently terminated on July 30, 1984. The licensee failed to investigate why other employees had not cleaned up the contamination and no other employees were disciplined for the failure to clean up spills reported by Ms. English.

Acts of discrimination against an employee who raises safety concerns or who communicates with the NRC will not be tolerated. To emphasize this, I am issuing the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the amount of Twenty Thousand Dollars (\$20,000) for the violation described in the enclosed Notice. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, (1984), which was the Policy in effect at the time of the violation (Enforcement Policy), the violation has been categorized as a Severity Level II violation. A civil penalty of \$20,000, the base civil penalty for a Severity Level II violation at the time the discrimination occurred, is being proposed. The violation is categorized at a Severity Level II because plant management was involved in the discrimination decision. The escalation and mitigation factors in the Enforcement Policy were considered and no adjustment has been deemed appropriate. This enforcement action does not consider whether Ms. English was subject to discrimination while working in a warehouse following her removal from the Chemet Lab. The DOL still has that issue before it. The staff will consider that matter following DOL's decision.

You are required to respond to this letter and the enclosed Notice 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 addition, a Director's Decision is being issued today concerning the 1987 Petition submitted on behalf of Vera English. A copy is enclosed.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosures will be placed in the NRC Public Document Room.

General Electric Company

- 3 -

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, PL 96-5611.

Sincerely,



Hugh L. Thompson, Jr.
Deputy Executive Director for
Nuclear Materials Safety, Safeguards,
and Operations Support

Enclosure:

1. Notice of Violation and Proposed Imposition of Civil Penalty
2. Director's Decision

General Electric Company

cc w/encl:

T. Preston Winslow, Manager
Licensing and Nuclear
Materials Management
State of North Carolina
General Electric Company

Anthony Z. Roismar
Suite 600
1401 New York Ave., NW
Washington, D.C. 20005

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

General Electric Company
Wilmington, North Carolina

Docket No. 70-1113
License No. SNM-1097
EA 88-302

Based on a Decision and Order issued by an Administrative Law Judge of the Department of Labor (DOL) dated August 1, 1985 (DOL case 85-ERA-002), the NRC has determined that a violation of its regulations has occurred. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1984), which was the Enforcement Policy in effect at the time of the violation, 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, PL 96-295, and 10 CFR 2.205. The particular violation and the associated civil penalty are set forth below:

10 CFR 70.7 prohibits discrimination by a Commission licensee against an employee for engaging in certain protected activities. Discrimination includes discharge and other actions that relate to the compensation, terms, conditions, and privileges of employment. The activities protected include but are not limited to providing the NRC or the employee's management information about possible violations of NRC requirements and requests to the NRC to take action against an employer for enforcement of NRC requirements.

Contrary to the above, Vera M. English, a General Electric employee, was discriminated against for engaging in protected activities in reporting safety problems to her management and requesting assistance from the NRC. Beginning in 1982 and continuing into 1984, Ms. English reported safety concerns to GE management and the NRC. On a number of occasions she raised with her management concerns relating to contamination in the Chemet Lab. On March 16, 1984, Ms. English did not clean up contamination and instead reported it to her supervisor. As a result of raising the concerns with her management and the NRC, Ms. English was removed from her job in the Chemet Lab and barred from further work in controlled areas and subsequently terminated on July 30, 1984.

This is a Severity Level II violation (Supplement VII).

Civil Penalty - \$20,000

Pursuant to the provisions of 10 CFR 2.201, General Electric Company is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) admission or denial of the violation, (2) the reasons for the violation if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps which will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may

89 03240180 2pp.

Notice of Violation

- 2 -

be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

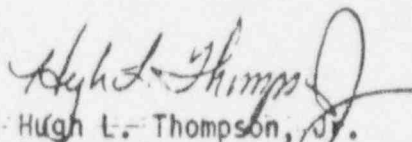
Within the same time as provided for the response required above under 10 CFR 2.201, the licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, or money order payable to the Treasurer of the United States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

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

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

The responses to the Director, Office of Enforcement, noted above (Reply to a Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region II.

FOR THE NUCLEAR REGULATORY COMMISSION



Hugh L. Thompson, Jr.
Deputy Executive Director for
Nuclear Materials Safety, Safeguards,
and Operations Support

Dated at Rockville, Maryland
this 13th day of March 1989