

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Duquesne Light Company
Beaver Valley Power Station
Unit 1

Docket No. 50-334
License No. DPR-66
EA 91-098

During NRC inspections conducted from April 28 - July 9, 1991, and subsequent NRC inspector followup on July 9, 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. 10 CFR Part 50 Appendix B, Criterion XVI, Corrective Action, requires that measures shall be established to assure that conditions adverse to quality and nonconformances are promptly identified and corrected.

Contrary to the above, as of July 9, 1991, the licensee did not take prompt and adequate corrective action for a quality assurance auditor's finding on June 12, 1991 that identified that a longitudinal pipe weld on the low head safety injection system (LHSI) was not on his drawing and not included in the ISI program, or for a SSFE finding in 1989 concerning similar longitudinal welds. Specifically, in neither instance had the licensee conducted sufficient additional reviews to identify and resolve similar problems with longitudinal pipe welds which were present in other safety-related piping.

- B. 10 CFR 50.55a(g) requires, in part, that components shall meet the requirements of paragraph (g)(4) of this section and piping shall meet the requirements applicable to components which are classified as ASME Code Class 2.

10 CFR 50.55a(g)(4) requires, in part, that components which are classified as ASME Code Class 2 shall meet the requirements set forth in applicable editions of Section XI of the ASME Boiler and Pressure Vessel Code. The applicable edition of the Code is the 1974 Edition through Summer of 1975 addenda.

Section XI, Article IWC-2000, requires, in part, that inservice examinations be performed on longitudinal weld joints in pipe fittings such that the intervals between examinations will not exceed the 10 year inspection interval.

Contrary to the above, (1) on June 18, 1991, licensee engineering personnel identified 76 longitudinal welds (45 of which were fitting welds) on the low head safety injection system that were classified as ASME Code Class 2, and that were omitted from the Unit 1 isometric and vendor supplied drawings, resulting in the failure to include these welds in the licensee's inservice inspection (ISI) program and the failure to inspect these welds during the first 10 year ISI

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interval which ended in 1988; and (2) subsequent document review, on July 11, 1991, also revealed 76 longitudinal welds (66 of which were fitting welds) in the residual heat removal and 71 longitudinal welds (71 of which were fitting welds) in the high head safety injection system which were not included and inspected in the first 10-year interval of the ISI program.

This is a Severity Level III problem (Supplement I).
Civil Penalty - \$25,000 (assessed for Violation I.A.).

II. Violation Not Assessed a Civil Penalty

Technical Specification (TS) 3.7.7.1 requires that when either unit is in mode 1, 2, 3, or 4, the control room habitability system shall be operable. TS 3.7.7.1.c defines the control room emergency habitability system as OPERABLE when the series normal air exhaust isolation dampers for both units are OPERABLE, and capable of automatic closure on a control room high radiation and chlorine isolation signal, or the dampers shall be closed.

TS 3.0.3 requires that when a Limiting Condition for Operation is not met except as provided in the associated ACTION requirement, within one hour, action shall be initiated to place the unit in a MODE in which the specification does not apply.

Contrary to the above, on May 17, 1991, while Unit 1 was defueled and Unit 2 was in mode 1, the Unit 1 solid state protection system (SSPS) was out of service (unable to provide an isolation signal). The Unit 1 control room outside air exhaust isolation dampers (two in-series dampers) were neither operable nor closed in that they were deenergized in the open position for a period of 18 1/2 hours, with no action taken to place Unit 2 in a MODE in which TS 3.7.7.1.c does not apply.

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

Pursuant to the provisions of 10 CFR 2.201, Duquense 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 result 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.

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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 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 actions 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 I, and a copy to the NR/ Resident Inspector at the Beaver Valley Power Station.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed By:

Thomas T. Martin

Thomas T. Martin
Regional Administrator

Dated at King of Prussia, Pennsylvania
this day of October 1991