

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Georgia Power Company
Vogtle Electric Generating Plant
Unit 1

Docket No. 50-424
License No. NPF-68
EA 91-141

During an NRC investigation conducted between February 1, 1990, and March 19, 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 (1988), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

- A. Technical Specification (TS) 3.4.1.4.2 (1988 edition) required that two residual heat removal (RHR) trains shall be OPERABLE and at least one RHR train shall be in operation. Reactor Makeup Water Storage Tank (RMWST) discharge valves (1208-U4-175, 1208-U4-176, 1208-U4-177, and 1208-U4-183) shall be closed and secured in position whenever the plant is in Mode 5 with reactor coolant loops not filled. ACTION c. of TS 3.4.1.4.2 required that with the RMWST valves not closed and secured in position, immediately close and secure them in position.

Contrary to the above, on October 12 and 13, 1988, with Unit 1 in Mode 5, loops not filled, RMWST valves 1208-U4-176 and 1208-U4-177 were opened in order to add chemicals to the Reactor Coolant system.

- B. 50.73(a)(2)(ii)(B) requires licensees to submit a Licensee Event Report (LER) within 30 days after the discovery of any event or condition that resulted in the nuclear power plant being in a condition outside the design basis of the plant.

Contrary to the above, on or about November 17, 1989, the Plant Review Board (PRB) determined that the opening of the RMWST valves specified in TS 3.4.1.4.2 was not reportable and, therefore, an LER was not submitted within 30 days, even though opening the valves on October 12, and 13, 1988 had placed the plant in a condition outside the design basis. Opening the valves constituted a condition outside the plant design basis because at the time the valves were opened an analysis for a boron dilution accident through the valves did not exist.

- C. Technical Specification 6.7.1 requires written procedures shall be established, implemented, and maintained covering the activities recommended by Appendix A of Regulatory Guide (RG) 1.33, Revision 2, February 1978. Section 2 of Appendix A of RG 1.33, recommends procedures for general plant operation.

The following procedures, in part implement TS 6.7.1.

1. Vogtle Electric Generating Plant (VEGP) Operations Procedure Number 12006-C, Unit Cooldown to Cold Shutdown, in use on October 12 and 13, 1988, stated in Section D4.2.14 that valves 1-1208-U4-175, 1-1208-U4-176, 1-1208-U4-177, 1-1208-U4-181, 1-1208-U4-183, and others be closed, locked and tagged in Mode 5, loops not filled.
2. VEGP Procedure 10000-C, Conduct of Operations, Section 2.10.2 in use October 12 and 13, 1988, stated that the Unit Superintendent (US) is responsible to ensure plant operations are conducted in accordance with Technical Specifications and approved procedures.

Contrary to the above:

1. On October 12 and 13, 1988, licensee personnel failed to implement the requirements of procedure number 12006-C in that, valves 1-1208-U4-176 and -177 and 181, which were required to be closed, locked and tagged, were opened in Mode 5, loops not filled.
 2. On October 12 and 13, 1988, the US did not ensure that plant operations were conducted in accordance with Technical Specifications in that valves 1-1208-U4-176 and -177 were opened in Mode 5 loop not filled, with the express knowledge of the US.
- D. 10 CFR 50, Appendix B, Criterion V, requires, in part, that activities affecting quality shall be prescribed by documented instructions, procedures, or drawings of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings. VEGP Procedure No. 13007-1, VCT Gas Control and RCS Chemical Addition, Section 4.7, Procedure No. 35110-C, Chemistry Control of the Reactor Coolant System, Section 4.7 provide the instructions on chemical additions to the Reactor Coolant System.

Contrary to the above, on October 12, and 13, 1988, VEGP Procedure Nos. 13007-1 and 35110-C were inadequate in that these procedures did not contain provisions for adding chemicals to the reactor coolant system in Mode 5, loops not filled. Specifically, the procedures specify such conditions as having a reactor coolant pump running which is not possible in Mode 5, loops not filled.

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

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

Pursuant to the provisions of 10 CFR 2.201, Georgia Power 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 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 (1988), should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay 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

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Administrator, U.S. Nuclear Regulatory Commission, Region II, a copy to the NRC
Resident Inspector at the Vogtle Electric Generating Plant.

Dated at Atlanta, Georgia
this 9/4th day of December 1991