

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Pacific Gas and Electric Company  
Diablo Canyon Nuclear Power Plant

Docket Nos. 50-275; 50-323  
License Nos. DPR-80; DPR-82  
EA 95-279

During an NRC inspection conducted on various dates between October 21 and December 8, 1995, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, 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

Diablo Canyon Technical Specification 6.8.1 states, in part, that written procedures shall be established, implemented, and maintained covering the applicable procedures recommended in Appendix A of Regulatory Guide 1.33, Revision 2, dated February 1978.

Appendix A of Regulatory Guide 1.33, Revision 2, recommends procedures for equipment control and the startup and operation of offsite and onsite electrical systems.

1. Inter-Departmental Administrative Procedure OP2.ID1, Revision 2, "DCPP Clearance Process," Step 4.4.3 requires the clearance coordinator to list clear concise clearance points, including electrical grounding points.

Contrary to the above, on October 5, 1995, Clearance CR00049276 was issued without listing clear concise electrical grounding points, in that the instructions were to install two ground buggies "if necessary." 01013

2. Operating Procedure OP J-5:IV, Revision 6, "12KV Breaker Code Order," Step 6.5, "To Install and Remove Grounding Devices," requires that an approved switching form (69-9147) be used for the installation of a grounding device.

The switching form for Clearance CR00049276 requires that a ground buggy be installed on the load side of 12 kv circuit breaker 52-VD-4.

Contrary to the above, on October 6, 1995, electrical maintenance personnel did not install the ground buggy for Clearance CR00049276 on the load side; instead electrical maintenance personnel installed the ground buggy on the bus side of 12 kv circuit breaker 52-VD-4 and signed verification on the switching

form that the ground buggy had been installed on the load side of 12 kv circuit breaker 52-VD-4. 01023

3. Operating Procedure OP J-5:IV, Revision 6, "12KV Breaker Code Order," Step 6.5 requires that an operator will observe the completion of each switching step by the electrician and hang or remove the appropriate tag. The switching log for the ground buggy to be installed in the location of 12 kv Bus D circuit breaker 52-VD-4 in accordance with Clearance CR00049276 requires that the operator sign verification for proper installation of the grounding device.

Operating Procedure OP J-5:III, Revision 3, "12KV Bus D and E - Shutdown and Clearing," Step 6.5 requires that if work is to be performed on the bus, the Electrical Department will install grounds under the observation of a qualified operator. The switching log for the ground buggy to be installed in the location of circuit breaker 52-VD-4 in accordance with Clearance CR00049276 requires the operator sign verification for proper installation of the grounding device.

Contrary to the above, on October 6, 1995, a grounding buggy was installed by electrical maintenance personnel in the location of circuit breaker 52-VD-4 in accordance with Clearance CR00049276 without observation or verification by an operator. 01033

4. Technical Maintenance Services Procedure MP E-57.11B, Revision 8, "Installing and Removing Grounds from Deenergized Power Plant Electrical Equipment," Paragraph 7.1, Part A: "Installation of Ground Buggies," Step 7.1.22, requires personnel to hang a Ground Installed Tag on cubicle door, hang a Caution Tag on the ground buggy, and log the Caution Tag per CF4.ID5.

Inter-Departmental Administrative Procedure CF4.ID5, "Control of Lifted Circuitry, Process Tubing and Jumpers During Maintenance," Step 5.2.4 requires personnel to record the equipment location code number or any other specific information that identifies the location where the circuit has been lifted on the Status Sheet. Step 5.6 requires personnel to document on the Status Sheet the installation and removal of all tags and out-of service conditions which are not controlled and documented via an approved written procedure.

Contrary to the above, on October 6, 1995, electrical maintenance personnel installed a ground buggy on 12 kv Bus D but did not record the location of the ground buggy or log the Caution Tag on the Status Sheet. 01043

5. Technical Maintenance Services Procedure MP E-57.11B, Revision 8, "Installing and Removing Grounds from Deenergized Power Plant Electrical Equipment," Step 2.2 requires that a clearance shall

not be reported off until all ground buggies have been properly removed.

Contrary to the above, On October 21, 1995, an electrical maintenance foreman reported off Clearance CR00049276 with a ground buggy still installed on 12 kv bus D. 01053

6. Inter-Departmental Administrative Procedure OP2.ID1, Revision 2, "DCPP Clearance Process," Step 5.11.7 requires that plant operators shall perform all switching and valving to return the equipment to service. Clearance CR00049276, Section V requires that operators remove and verify ground buggies on 12 kv bus D.

Contrary to the above, on October 21, 1995, operators returned equipment to service for Clearance CR00049276 without removing or verifying removal of a ground buggy installed under Clearance CR00049276 on 12 kv bus D. 01063

These violations represent a Severity Level III problem (Supplement I).  
Civil Penalty - \$50,000

## II. Violations Not Assessed a Civil Penalty

Diablo Canyon Technical Specification 6.2.2.f states, in part, ". . . during extended periods of shutdown for refueling . . . the following guidelines shall be followed: . . . An individual should not be permitted to work . . . more than 72 hours in any 7-day period . . . excluding shift turnover time. . . . Routine deviation from the above guidelines is not authorized."

Contrary to the above, between September 30, 1995, and October 30, 1995 licensee management routinely authorized Technical Maintenance Section personnel to work more than 72 hours in a 7-day period. Approximately 44% of the temporary Technical Maintenance Section personnel were repeatedly authorized to work more than 72 hours in a 7-day period. Approximately 25 - 30 % of the permanent Technical Maintenance Section personnel were repeatedly authorized to work more than 72 hours in a 7-day period. 02014

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

Pursuant to the provisions of 10 CFR 2.201, Pacific Gas & 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 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 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 VI.B.2 of the Enforcement Policy 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: James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, and a copy to the NRC Resident Inspector at the Diablo Canyon Nuclear Power Plant.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at Arlington, Texas  
this 25th day of January 1996