



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

Licensee: South Carolina Electric & Gas Company  
Columbia, SC 29218

Docket No. 50-395

License No. NPF-12

Facility Name: Virgil C. Summer

Inspection Conducted: June 14-15, 1989

Inspector: L. L. Lawyer  
L. L. Lawyer

7/14/89  
Date Signed

Approved by: T. A. Peebles  
T. A. Peebles, Chief  
Operations Branch  
Division of Reactor Safety

7-14-89  
Date Signed

SUMMARY

Scope: This was a reactive inspection conducted in the area of the assumption, on June 2, 1989, of licensed operator duties by an operator who had failed annual requalification and had not satisfactorily completed retraining and retesting. This inspection consisted of a review of the circumstances surrounding the event including reviews of associated procedures, logs, records, charts, and interviews with licensed operators and management personnel.

Results: Apparent violations were identified involving procedures and their implementation. The violations will be further evaluated following the Enforcement Conference and will be forwarded under a separate cover. (see page 3).

## REPORT DETAILS

### 1. Persons Contacted

#### Licensee Employees

- \*O. Bradham, Vice President Nuclear Operations
- C. Crowley, Operations Specialist
- \*W. Higgins, Supervisor, Regulatory Compliance
- S. Hunt, Manager, Quality Systems
- V. Kelley, Supervisor, Nuclear Operator Training
- \*A. Koon, Manager, Nuclear Licensing
- L. Martonen, Asst Reactor Operator
- F. McGee, Reactor Operator
- P. Pittman, Control Room Supervisor
- C. Price, Manager, Technical Oversight
- G. Sout, General Manager, Operations and Maintenance
- G. Taylor, Manager, Operations
- M. Williams, General Manager, Nuclear Services
- K. Woodward, Manager, Nuclear Operator Training

#### NRC Representatives

- \*P. Hopkins, Resident Inspector
- \*L. Robinson, Investigator

\*Attended exit interview

### 2. Lack of Qualification of the Operator-at-the-Controls (41701)

A reactive inspection was conducted to review the circumstances surrounding the June 2, 1989, assumption of the Operator-at-the-controls watch by an unqualified person. This person was a licensed Senior Reactor Operator but was unqualified to assume the watch by reason of having failed his most recent annual requalification examination and without having completed compensatory training and reexamination.

On June 30, 1987, the subject operator was issued a Senior Reactor Operator License, licensing him to direct the licensed activities of licensed operators at, and to manipulate all controls of the South Carolina Electric and Gas Company, V. C. Summer Nuclear Station, Unit No. 1, Facility License No. NPF-12. That license was effective July 18, 1987, with an expiration date of July 18, 1993. This SRO licensed operator completed his written requalification examination on April 11, 1989. On April 21, 1989, it was determined through grading by the licensee's training staff that the operator had failed. He was subsequently notified by letter and by telephone that he had failed and that therefore, he must be removed from licensed operator duties. Operations management was notified of the failure by the same letter.

On April 28, 1989, Operations Management notified all Shift Supervisors via the Shift Supervisor's log book, that the subject operator had failed his requalification examination and could not stand watches as a licensed operator until further notice.

This operator was not regularly assigned to a control room shift and in order to maintain his license active was required to stand a minimum of five-twelve hour shifts per quarter. None of the five watches had been completed for the then current quarter ending June 30, 1989.

Subsequent to April 28 and prior to June 1, 1989, the subject operator was notified verbally on two occasions, once by operations management and once by training management, that he could not assume licensed duties until he passed a requalification examination. Nevertheless, the operator contacted a member of the operations staff on more than one occasion to arrange a convenient time for him to assume licensed operator duties. June 1 and June 2 were agreed to as the first two of the required five-twelve hour watches. In addition, negotiations between he and his supervisor were conducted during this time frame regarding when he could be absent from his regular job while performing these licensed operator duties. He also went to the control room on two separate days just prior to June 1 for the purpose of preparing himself for assuming the watch on June 1. During these visits, he was briefed by the operators on shift concerning plant status. Shortly before the June 1 date the operator notified operations management that, due to personal reasons, he would not be able to stand the watch on June 1 but would be available for the June 2 watch.

On June 2, 1989, the subject operator reported to the control room at about 7 AM where he took part in a normal shift turnover with the operator he was relieving and with the operations management on shift. This process was culminated in his assuming the Operator-at-the-Controls station. He continued in this capacity until about 10 AM, at which time, based upon a comment by him, it was realized by shift management that he had failed his requalification examination, had not been retested, and was therefore not qualified to stand the watch. He was immediately relieved of his operator duties by a qualified operator at which time he retired to an area adjacent to the control room. The Shift Supervisor then initiated "Off-normal Occurrence Report" number 89-050.

Licensee management counseled the operator as documented in memo CGSS-081-NSN dated June 8, 1989, removed him from active license status by memo CGSS-01-2210-NO dated June 5, 1989, and commenced his retraining and retesting the week of June 12, 1989. On June 5, 1989, the Associate Manager, Operations reasserted management's opinion to all licensed operators that it is the licensed individual's responsibility to ensure he or she is qualified prior to assuming the watch. Similar notification was made to each licensed operator individually by the Vice President Nuclear Operations on June 12, 1989.

3. Procedural guidance, control, and implementation on June 2, 1989.

At the time of this incident, procedural guidance to individuals was in effect. SAP-200, Conduct of Operations, Revision 5, stated at 6.6.4 "The Operator-at-the-controls .....If he cannot fulfill his responsibilities for any reason, he should notify the Shift Supervisor or Control Room Supervisor and request relief." This was not implemented.

Procedural control applicable to the person being relieved was also contained in SAP-200 at 6.2.2 where it is stated "On-duty personnel shall remain on duty until relieved by a qualified person." and at 6.2.3 which states "The offgoing individual is to ensure that the relieving individual is capable of accepting the duties of the position. If unsure, the offgoing individual shall notify the Shift Supervisor for direction prior to being relieved." Neither of these were implemented by the person being relieved at the Operator-at-the-controls watch station on June 2, 1989.

Several procedural controls in place on June 2, 1989, were directly incumbent on the on-coming Shift Supervisor. SAP-200 at 6.2.5.D stated "The oncoming Shift Supervisor shall verify his shift is adequately manned and the personnel are fit for duty." and at 6.6.1 "The Shift Supervisor shall ensure that the Nuclear Reactor Operator-at-the-controls watch station is manned at all times with fuel in the reactor vessel or during the operation of the facility. The Nuclear Reactor Operator-at-the-controls watch station must have an active Reactor or Senior Reactor Operator License." The on-coming Shift Supervisor failed to implement both of these provisions. SAP-204, Operating Logs and Records, Revision 5 at 6.2 stated "Shift Supervisor Log: The Shift Supervisor Log is an informal log used to assist the Shift Supervisor and Management in disseminating information to future shifts." On April 28, 1989, an entry in that log warned that the unqualified operator involved in this incident had "...dropped his requal exam and cannot stand watches as a licensed Op. I will let you know when he can stand watches." This was signed by the Associate Manager, Operations. The oncoming Shift Supervisor failed to implement the provisions of this entry.

Administrative Procedure II.B.4, Requalification Program for USNRC Licensed Operators and Senior Operators, Revision 1 at 7.G stated "The Manager, Nuclear Operations Education and Training, is responsible for notifying the Director, Nuclear Plant Operations should any licensed personnel fail to meet the requirements of paragraph 7F (pass requalification). This notification shall include a statement that personnel who have failed to satisfy the requirements of paragraph 7F are no longer eligible to perform licensed duties." This notification was performed but apparently was ineffective. II.B.4 also provided at 10.A.2, "A licensed individual receiving a grade of less than 70% in any examination category or an overall grade of less than 80% shall be removed from licensed duties and placed in an accelerated requalification

program following notification to the Director, Nuclear Plant Operations, by the Manager, Nuclear Operations Education and Training." The subject operator was not removed from licensed duties and was not placed in an accelerated requalification program until the week of June 12, 1989, some eight weeks after the exam date.

NTCI-208, Licensed Operator Annual Requal Exam, Revision 9 (effective June 2, 1989) at 6. required "If an individual fails any section of the requalification exam ..., that individual shall be removed from licensed duties until remediation and reexamination has been completed satisfactorily." The subject operator was not removed from licensed duties.

Station Directive No. 13, NRC License/Certification Premium Pay, dated August 12, 1988, at 4.c.(4) required the Manager, Operations to initiate attachment IV, Removal of Active NRC License Status form, with a copy to the Duty Shift Supervisor, "when appropriate". The Manager, Operations failed to initiate this form with the result that the Shift Supervisor did not receive this redundant notification. An additional form, Initiate/Reduce/Terminate License Premium Pay, was not initiated by the Manager, Technical Oversight until several days after the inappropriate watch relief. The General Manager Nuclear Safety reported that management in Nuclear Safety did not understand they had responsibility for initiating this form and that "this requirement has probably not been complied with by the Nuclear Operations Department in the past on a generic basis".

Based on the events covered in this report, the licensee's procedures and their implementation were inadequate.

4. Exit interview (30703)

The inspection scope and findings were summarized on June 15, 1989 with those persons indicated in paragraph 1. The inspector described the areas inspected and discussed in detail the inspection finding listed below. Although proprietary material was reviewed during the inspection, proprietary information is not contained in this report. Dissenting comments were not received from the licensee.



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

AUG 31 1989

Paragraph (6)

responses for

Summer (50-395)

Docket No. 50-395  
License No. NPF-12  
EA 89-143

South Carolina Electric & Gas Company  
ATTN: Mr. O. S. Bradham  
Vice President, Nuclear Operations  
Virgil C. Summer Nuclear Station  
Post Office Box 88  
Jenkinsville, South Carolina 29065

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY  
(NRC INSPECTION REPORT NO. 50-395/89-14)

This refers to the Nuclear Regulatory Commission (NRC) inspection conducted by L. Lawyer at the V. C. Summer facility on June 14-15, 1989. The inspection included a review of the circumstances surrounding the assumption, on June 2, 1989, of licensed operator duties by an operator who had failed the annual requalification exam and had not satisfactorily completed retraining and retesting. The report documenting this inspection was sent to you by letter dated July 17, 1989. As a result of this inspection, a significant failure to comply with NRC regulatory requirements was identified, and accordingly, NRC concerns relative to the inspection findings were discussed in an Enforcement Conference held on July 28, 1989. The letter summarizing this Conference was sent to you on August 10, 1989.

The violation described in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) involved a failure to assure that an operator or senior operator qualified pursuant to 10 CFR Part 55 was present at the controls. This was caused when a licensed but unqualified senior reactor operator assumed the operator-at-the-controls watch from about 7:00 a.m., to 10:00 a.m., on June 2, 1989, with the unit in mode five. This SRO had taken a written requalification examination on April 11, 1989, with a failing score as determined on April 21, 1989. No retraining nor retesting, as required by 10 CFR Part 55 was performed prior to this person's assumption of the watch on June 2, 1989. The station staff promptly identified and reported the incident to the NRC. The NRC recognizes that other properly qualified licensed operators were on watch with other duties in the control room during this time period. We also note that while the immediate corrective action of relieving the unqualified operator was timely, your short-term corrective action was lacking in breadth in that it did not address the contribution of operations management to the error. The long-term corrective action described at the enforcement conference was both thorough and comprehensive.

To emphasize the need for adequate control to assure that properly qualified licensed persons are present at the controls at all times during the operation of the facility, 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

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AUG 31 1988

Violation and Proposed Imposition of Civil Penalty in the amount of Twenty-Five Thousand Dollars (\$25,000) 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, (1989) (Enforcement Policy), the violation described in the enclosed Notice has been categorized as a Severity Level III violation. The base civil penalty for a Severity Level III violation is \$50,000.

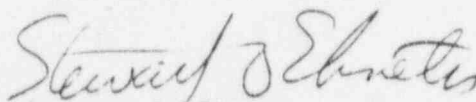
The escalation and mitigation factors in the Enforcement Policy were considered and the base civil penalty has been mitigated by 50 percent. Mitigation was deemed appropriate because your shift supervisor identified and reported the violation, and also for your generally good performance in reactor operations. However, the civil penalty was not completely mitigated because escalation was applied for your failure to initiate adequate corrective actions. Though the immediate corrective action was satisfactory, escalation is appropriate notwithstanding your eventual long term corrective actions because you erroneously determined that the sole root cause of the violation was the individual licensed operator's error. You initially maintained that it was the operator's responsibility to assure that all requalification requirements were met. Consequently, NRC intervention was necessary to focus your attention on the program weaknesses, which you subsequently corrected. No other factors were deemed appropriate and a \$25,000 civil penalty is assessed 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 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 enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and 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, Public Law No. 96-511.

Sincerely,

  
Stewart D. Ebnetter  
Regional Administrator

Enclosure:  
Notice of Violation and Proposed  
Imposition of Civil Penalty

cc w/encl: (See page 3)

South Carolina Electric and  
Gas Company

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cc w/encl:

J. L. Skolds, General Manager  
Nuclear Plant Operations  
A. R. Koon, Jr., Manager  
Nuclear Licensing  
J. B. Knotts, Jr.  
Bishop, Cook, Purcell & Reynolds  
W. A. Williams, Jr., Technical  
Assistant, Nuclear Operations -  
Santee Cooper  
R. E. Rainear, Executive Vice  
President, South Carolina Public  
Service Authority  
State of South Carolina



NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

South Carolina Electric & Gas Company  
V. C. Summer

Docket No. 50-395  
License No. NPF-12  
EA 89-143

During the Nuclear Regulatory Commission (NRC) inspection conducted on June 14-15, 1989, 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, (1989), 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 50.54(i) states, in part, as a condition of the facility operating license, that the licensee may not permit the manipulation of the controls of any facility by anyone who is not a licensed operator. It further provides that the licensee have in effect a requalification program meeting the requirements of 10 CFR 55.59(c), of this chapter. Licensee administrative procedure No. II.B.4, established to implement 10 CFR 55.59(c), requires that a written examination be given in order to determine each licensed individual's knowledge of topics covered in the requalification program. It further requires that an individual who fails this examination be removed from licensed duties.

Contrary to the above, a senior reactor operator, who failed a written requalification examination administered on April 11, 1989 and graded April 21, 1989, was assigned to the position of operator-at-the-controls on June 2, 1989, and on this date served in this capacity from about 7:00 a.m. to 10:00 a.m., prior to being administered retraining or reexamination.

This violation has been evaluated as a Severity Level III violation (Supplement I).

Civil Penalty - \$25,000.

Pursuant to the provisions of 10 CFR 2.201, South Carolina Electric & Gas 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 that have been 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.

AUG 31 1989

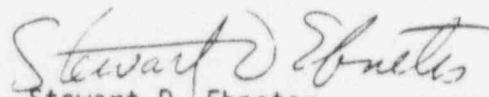
Within the same time as provided for the response required above under 10 CFR 2.201, the licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission, with a check, draft, or money order payable to the Treasurer of the United States 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 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 and a copy to the NRC Resident Inspector, Summer Nuclear Facility.

FOR THE NUCLEAR REGULATORY COMMISSION

  
Stewart D. Ebnetter  
Regional Administrator

Dated at Atlanta, Georgia  
this 31 day of August 1989