

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Baltimore Gas & Electric Company
Lusby, Maryland

Docket Nos. 50-317; 50-318
License Nos. DPR-53; DPR-69
EA 92-095

During an NRC inspection conducted between March 2 and April 3, 1992, violations of NRC requirements were identified. In accordance with the revised "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, 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 50.46(a)(1)(i), the version in effect until September 16, 1988, required, in part, that ECCS cooling performance shall be calculated in accordance with an acceptable evaluation model and shall be calculated for a number of postulated loss-of-coolant accidents of different sizes, locations, and other properties sufficient to provide assurance that the entire spectrum of loss-of-coolant accidents is covered. A revision to 10 CFR 50.46(a)(1)(i), effective September 16, 1988, requires, in part, that ECCS cooling performance must be calculated in accordance with an acceptable evaluation model and must be calculated for a number of postulated loss-of-coolant accidents of different sizes, locations, and other properties sufficient to provide assurance that the most severe postulated loss-of-coolant accidents are calculated.

Contrary to the above, from 1974 and 1976, for Units 1 and 2 respectively, until March 19, 1992, the licensee failed to assure ECCS cooling performance in accordance with 10 CFR 50.46 (a)(1)(i). Specifically, the licensee failed to assure cooling performance for a range of small break loss of coolant accidents (LOCAs) coincident with a loss of offsite power (LOOP), during which the potential existed for two loads to sequence on an EDG simultaneously (due to EDG sequencer process-controlled loading design), thus degrading the emergency bus voltage below levels required to ensure the proper operation of safety equipment.

- B. 10 CFR Part 50, Appendix B, Criterion XVI (Corrective Action), requires, in part, that measures be established to assure that conditions adverse to quality, such as failures, deficiencies, and deviations, are promptly identified and corrected.

Contrary to the above, from January 1987 until March 19, 1992, a condition adverse to quality was identified but not properly corrected. Specifically, the licensee identified in January 1987, through a calculation (E-87-1), the potential for degrading emergency bus voltages below levels required to ensure the proper

operation of safety equipment but did not correct the condition until it was identified by the NRC in March 1992.

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

Civil Penalty - \$50,000 (equally assessed between the violations)

Pursuant to the provisions of 10 CFR 2.201, Baltimore Gas and 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 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, 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 I, 475 Allendale Road, King of Prussia, Pennsylvania 19406 and a copy to the Senior Resident Inspector, Calvert Cliffs Units 1 and 2.

Dated at King of Prussia, Pennsylvania
this 7th day of August 1992