

NUREG-0940
Vol. 14, Nos. 3 & 4, Part 2
Reactor Licensees

Enforcement Actions: Significant Actions Resolved Reactor Licensees

Semiannual Progress Report
July - December 1995

U.S. Nuclear Regulatory Commission

Office of Enforcement



9603040093 960229
PDR NUREG
0940 R PDR

Doc
7/1

AVAILABILITY NOTICE

Availability of Reference Materials Cited in NRC Publications

Most documents cited in NRC publications will be available from one of the following sources:

1. The NRC Public Document Room, 2799 R Street, NW, Lower Level, Washington, DC 20555-0007
2. The Superintendent of Documents, U.S. Government Printing Office, P. O. Box 37084, Washington, DC 20540-0074
3. The National Technical Information Service, Springfield, VA 22161-0001

Although the listing that follows represents the majority of documents cited in NRC publications, it is not intended to be exhaustive.

Referenced documents available for inspection and copying (or, for those from the NRC Public Document Room, NRC correspondence and internal NRC memoranda, NRC orders, circulars, information notices, inspection and investigatory notices, licenses, event reports, vendor reports and correspondence, Commission orders and stipulations and license amendments and correspondence).

The following documents in the NUREG series are available for purchase from the Government Printing Office: formal NRC staff and contractor reports, NRC-sponsored worldwide proceedings, international agreement reports, grants reports, and NRC booklets and brochures. Also available are regulatory guides, NRC regulations in the Code of Federal Regulations, and Nuclear Regulatory Commission orders.

Documents available from the National Technical Information Service include NUREG-series reports and technical reports prepared by other Federal agencies and reports prepared by the Atomic Energy Commission, former agencies of the Nuclear Regulatory Commission.

Documents available from books and periodicals sources include literature items such as books, journal articles, and dissertations; Federal Register notices, orders, and data legislation; and computerized reports can usually be located from these sources.

Documents such as theses, dissertations, journal reports and transactions, and NRC conference proceedings are available for purchase from the publisher sponsoring the publication.

Single copies of NRC staff reports are available free to the extent of supply upon written request to the Office of Administration, Distribution and Mail Services Section, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Copies of Federal codes and standards used in a substantive manner in the NRC regulatory process are maintained at the NRC Library, Two World Farm Road, 11544 Rockville Pike, Rockville, MD 20852-2728, for use by the public. Codes and standards are usually copyrighted and may be purchased from the originating organization, or, if they are American National Standards, from the American National Standards Institute, 1433 Broadway, New York, NY 10013-1902.

NUREG-0940
Vol. 14, Nos. 3 & 4, Part 2
Reactor Licensees

Enforcement Actions: Significant Actions Resolved Reactor Licensees

Semiannual Progress Report
July - December 1995

U.S. Nuclear Regulatory Commission

Office of Enforcement



9603040093 960229
PDR NUREG
0940 R PDR

*DFOR
0/1*

AVAILABILITY NOTICE

Availability of Reference Materials Cited in NRC Publications

Most documents cited in NRC publications will be available from one of the following sources:

1. The NRC Public Document Room, 2120 L Street, NW., Lower Level, Washington, DC 20555-0001
2. The Superintendent of Documents, U.S. Government Printing Office, P. O. Box 37082, Washington, DC 20402-9328
3. The National Technical Information Service, Springfield, VA 22161-0002

Although the listing that follows represents the majority of documents cited in NRC publications, it is not intended to be exhaustive.

Referenced documents available for inspection and copying for a fee from the NRC Public Document Room include NRC correspondence and internal NRC memoranda; NRC bulletins, circulars, information notices, inspection and investigation notices; licensee event reports; vendor reports and correspondence; Commission papers; and applicant and licensee documents and correspondence.

The following documents in the NUREG series are available for purchase from the Government Printing Office: formal NRC staff and contractor reports, NRC-sponsored conference proceedings, international agreement reports, grantee reports, and NRC booklets and brochures. Also available are regulatory guides, NRC regulations in the *Code of Federal Regulations*, and *Nuclear Regulatory Commission Issuances*.

Documents available from the National Technical Information Service include NUREG-series reports and technical reports prepared by other Federal agencies and reports prepared by the Atomic Energy Commission, forerunner agency to the Nuclear Regulatory Commission.

Documents available from public and special technical libraries include all open literature items, such as books, journal articles, and transactions. *Federal Register* notices, Federal and State legislation, and congressional reports can usually be obtained from these libraries.

Documents such as theses, dissertations, foreign reports and translations, and non-NRC conference proceedings are available for purchase from the organization sponsoring the publication cited.

Single copies of NRC draft reports are available free, to the extent of supply, upon written request to the Office of Administration, Distribution and Mail Services Section, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001.

Copies of industry codes and standards used in a substantive manner in the NRC regulatory process are maintained at the NRC Library, Two White Flint North, 11545 Rockville Pike, Rockville, MD 20852-2738, for use by the public. Codes and standards are usually copyrighted and may be purchased from the originating organization or, if they are American National Standards, from the American National Standards Institute, 1430 Broadway, New York, NY 10018-3308.

NUREG-0940
Vol. 14, Nos. 3 & 4, Part 2
Reactor Licensees

Enforcement Actions: Significant Actions Resolved Reactor Licensees

Semiannual Progress Report
July - December 1995

Manuscript Completed: February 1996
Date Published: February 1996

Office of Enforcement
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001



ABSTRACT

This compilation summarizes significant enforcement actions that have been resolved during the period (July - December 1995) and includes copies of letters, Notices, and Orders sent by the Nuclear Regulatory Commission to reactor licensees with respect to these enforcement actions. It is anticipated that the information in this publication will be widely disseminated to managers and employees engaged in activities licensed by the NRC, so that actions can be taken to improve safety by avoiding future violations similar to those described in this publication.

CONTENTS

	<u>Page</u>
ABSTRACT.....	iii
INTRODUCTION.....	1
SUMMARIES.....	3
REACTOR LICENSEES	
A. <u>Civil Penalties and Orders</u>	
Florida Power and Light Company, Juno Beach, Florida (St. Lucie), EA 95-180.....	A-1
Northern States Power Company, Minneapolis, Minnesota (Prairie Island), EA 93-192.....	A-10
Public Service Electric and Gas Company, Newark, New Jersey (Salem), EAs 95-062, 95-065, and 95-117.....	A-19
Vermont Yankee Nuclear Power Corporation, Brattleboro, Vermont (Vermont Yankee), EA 95-070.....	A-28
Washington Public Power Supply System, Richland, Washington (WNP-2), EA 95-096.....	A-34
Washington Public Power Supply System, Richland, Washington (WNP-2), EA 95-109.....	A-42
B. <u>Severity Level I, II, III Violations, No Civil Penalty</u>	
Bechtel Construction Company, Naperville, Illinois EA 95-235.....	B-1
Burns International Security Service, Parsippany, New Jersey EAs 94-016, 94-017.....	B-5
Carolina Power & Light Company, Southport, North Carolina (Brunswick), EA 95-166.....	B-15
Carolina Power & Light Company, Southport, North Carolina (Brunswick), EA 95-228.....	B-21
Commonwealth Edison Company, Downers Grove, Illinois (Byron Station), EA 95-197.....	B-29
Commonwealth Edison Company, Downers Grove, Illinois (Zion Nuclear Station), EA 95-118.....	B-34
Consolidated Edison Company of New York, Buchanan, New York (Indian Point 2), EA 95-155.....	B-41

Duke Power Company, Huntersville, North Carolina (McGuire), EA 95-156.....	B-48
Ebasco Services, Inc., New York, New York EA 95-151.....	B-55
Entergy Operations, Inc., Russellville, Arkansas (Arkansas Nuclear One), EA 95-076.....	B-59
Entergy Operations, Inc., Russellville, Arkansas (Arkansas Nuclear One), EA 95-085.....	B-65
John M. Gallagher (WNP-2), EA 95-105.....	B-73
Dennis J. Heath (Northern States Power Company), EA 95-131.....	B-78
Hydro Nuclear Services, Inc., Moorestown, New Jersey EA 95-080.....	B-81
Indiana Michigan Power Company, Columbus, Ohio (Donald C. Cook), EA 95-219.....	B-84
Morrison-Knudsen Ferguson, Cleveland, Ohio EA 95-079.....	B-89
New York Power Authority, Lycoming, New York (FitzPatrick), EA 95-142.....	B-95
New York Power Authority, White Plains, New York (Indian Point 3), EA 95-176.....	B-100
Northeast Nuclear Energy Company, Hartford Connecticut (Millstone), EA 95-177.....	B-106
Northern States Power Company, Minneapolis, Minnesota (Monticello), EA 95-244.....	B-113
PECO Energy, Wayne, Pennsylvania (Peach Bottom), EA 95-132.....	B-119
Power Systems Energy Services, Inc., Altamonte Springs, Florida EA 92-233.....	B-124
Public Service Company of Colorado, Denver, Colorado (Ft. St. Vrain), EA 95-045.....	B-130
Public Service Company of Colorado, Denver, Colorado (Ft. St. Vrain), EA 95-110.....	B-136
Public Service Electric and Gas Company, Hancocks Bridge, New Jersey, (Hope Creek), EA 95-087.....	B-142

Scientific Ecology Group, Inc., Oak Ridge, Tennessee
EA 95-164.....B-148

Virginia Electric and Power Company, Glen Allen, Virginia
EA 95-223.....B-153

C. Non-Licensed Vendor (Part 21), No Civil Penalty

Energy Steel & Supply Company, Auburn Hills, Michigan
EA 93-074.....C-1

ENFORCEMENT ACTIONS: SIGNIFICANT ACTIONS RESOLVED
REACTOR LICENSEES

July - December 1995

INTRODUCTION

This issue and Part of NUREG-0940 is being published to inform Nuclear Regulatory Commission (NRC) reactor licensees about significant enforcement actions and their resolution for the second half of 1995. Enforcement actions are issued in accordance with the NRC's Enforcement Policy, published as NUREG-1600, "General Statement of Policy and Procedure for NRC Enforcement Actions." Enforcement actions are issued by the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operation and Research (DEDR), and the Regional Administrators. The Director, Office of Enforcement, may act for the DEDR in the absence of the DEDR or as directed. The NRC defines significant enforcement actions or escalated enforcement actions as civil penalties, orders, and Notices of Violation for violations categorized at Severity Level I, II, and III (where violations are categorized on a scale of I to IV, with I being the most significant).

The purpose of the NRC Enforcement Program is to support the agency's safety mission in protecting the public and the environment. Consistent with that purpose, the NRC makes this NUREG available to all reactor licensees in the interest of avoiding similar significant noncompliance issues. Therefore, it is anticipated that the information in this publication will be widely disseminated to managers and employees engaged in activities licensed by NRC.

A brief summary of each significant enforcement action that has been resolved in the second half of 1995 can be found in the section of this report entitled "Summaries." Each summary provides the enforcement action (EA) number to identify the case for reference purposes. The supplement number refers to the activity area in which the violations are classified in accordance with the Enforcement Policy.

Supplement I	- Reactor Operations
Supplement II	- Facility Construction
Supplement III	- Safeguards
Supplement IV	- Health Physics
Supplement V	- Transportation
Supplement VI	- Fuel Cycle and Materials Operations
Supplement VII	- Miscellaneous Matters
Supplement VIII	- Emergency Preparedness

Section A of this report consists of copies of completed civil penalty or Order actions involving reactor licensees, arranged alphabetically. Section B includes copies of Notices of Violation that were issued to reactor licensees for a Severity Level I, II, or III violation, but for which no civil penalties were assessed. Section C includes a Notice of Violation that was issued to a non-licensed vendor for a Severity Level II, but for which no civil penalty was assessed.

The NRC publishes significant enforcement actions taken against individuals and involving materials licensees as Parts I and III of NUREG-0940, respectively.

SUMMARIES

A. CIVIL PENALTIES AND ORDERS

Florida Power and Light Company, Juno Beach, Florida
(St. Lucie), Supplement I, EA 95-180

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued November 13, 1995 to emphasize the importance of maintaining adequate and diverse methods to ensure system operability. The action was based on violations that were indicative of weaknesses in the control of maintenance and testing that resulted in inoperability of both of the Unit 1 power operated relief valves during periods that they were relied upon to provide low temperature overpressure protection to the reactor coolant system. Although application of the Enforcement Policy in this case would normally have resulted in no civil penalty being proposed, because of the numerous opportunities the licensee was given to have identified this problem, enforcement discretion was exercised and a base civil penalty was issued. The licensee responded and paid the civil penalty on December 5, 1995.

Northern States Power Company, Minneapolis, Minnesota
(Prairie Island), Supplement VII, EA 93-192

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued January 26, 1994 to emphasize the importance of maintaining an environment in which employees are free to engage in protected activities without fear of retaliation. The action was based on the findings of a Department of Labor Administrative Law Judge that a contractor for NSP, Burns International Security Services, Inc., discriminated against an employee for raising safety concerns. The discrimination included termination. The Notice directed that payment of the civil penalty was not required until 30 days after review by the Secretary of Labor. In a Final Decision and Order dated May 24, 1995, the Secretary of Labor found that even though the employee's protected activities were a contributing factor in the discharge decision, Burns proved that it would have legitimately discharged the employee even if she had not raised safety concerns. The Secretary of Labor overruled the ALJ and dismissed the case. The Notice of Violation and Proposed Imposition of Civil Penalty was withdrawn September 11, 1995.

Public Service Electric and Gas Company, Newark, New Jersey
(Salem), Supplement I, EAs 95-062, 95-065, and 95-117

A Notice of Violation and Proposed Imposition of Civil Penalties in the amount of \$600,000 was issued October 16, 1995. The action was based on several inspections conducted at the Salem Nuclear Generating Station and involves six violations, five associated with the licensee's failures to promptly respond to and correct conditions adverse to quality over an extensive period of time. The sixth violation involved the licensee's failure to adequately perform a modification on the Unit 2 pressurizer code safety valves. Each of the six Severity Level III violations was assessed a \$100,000 civil penalty and were issued at

twice the base civil penalty amount in order to appropriately reflect the NRC's high level of concern regarding the violations and causes, given that (1) the licensee's enforcement history had not been good, (2) the majority of the violations were identified by the NRC, and (3) the licensee's organization's prior actions to ensure problems were identified and corrected in a timely manner had not been effective. The licensee responded and paid the civil penalty on November 15, 1995.

Vermont Yankee Nuclear Power Corporation, Brattleboro, Vermont
(Vermont Yankee), Supplement I, EA 95-070

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued July 5, 1995 to emphasize the importance of prompt identification and correction of conditions adverse to quality, and in recognition of the licensee's previous escalated enforcement actions. The action was based on violations that were indicative of weaknesses in corrective action. Certain ECCS injection valves in the core spray system were susceptible to being pressure locked and potentially unable to fulfill their safety function following a LOCA. However, the licensee neither modified the valves to eliminate the potential problem nor performed quantitative analyses to resolve the concern until identified by the NRC a year later. The licensee responded and paid the civil penalty on August 3, 1995.

Washington Public Power Supply System, Richland, Washington
(WNP-2), Supplement I, EA 95-096

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued August 17, 1995 to emphasize the importance of, and need for, effective and lasting correction of problems in the area of human performance. The action was based on multiple violations associated with human performance problems in the area of procedural compliance and attention to detail by licensed operators. Although application of the Enforcement Policy in this case normally would have resulted in no civil penalty being proposed, in this case enforcement discretion was exercised to emphasize the need for effective and lasting corrective action in view of the licensee's prior poor corrective action performance. The licensee responded and paid the civil penalty on September 25, 1995.

Washington Public Power Supply System, Richland, Washington
(WNP-2), Supplement IV, EA 95-109

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 was issued September 7, 1995 to emphasize the importance of proper planning and execution of tasks where a potential for significant radiation exposure exists and the prompt identification of problems so as to prevent events from occurring. The action was based on four violations associated with the inadequate removal and transfer of spent reactor water cleanup system filters that had radiation levels as high as 80 rem/hr on contact. The licensee was not given credit for having identified the problem. The licensee responded and paid the civil penalty on October 9, 1995.

B. SEVERITY LEVEL I, II, AND III VIOLATIONS, NO CIVIL PENALTY

Bechtel Construction Company, Naperville, Illinois
Supplement VII, EA 95-235

A Notice of Violation was issued November 28, 1995. The action was based on a discrimination complaint of an employee. The complaint was later changed due to Bechtel's refusal to hire him for the 1994-1995 Zion outage because of safety concerns he raised during a prior outage. The Secretary of Labor issued a final decision on September 28, 1995 finding discrimination and ordering Bechtel to (1) pay back wages, (2) not consider the individual's involvement in protected activities when deciding whether to rehire him in the future, and (3) pay reasonable costs to the individual.

Burns International Security Service, Inc., Parsippany, New Jersey
Supplement VII, EAs 94-016 and 94-017

A Notice of Violation and Demand for Information was issued January 26, 1994. The action was based on an allegation from a former security guard that she was improperly terminated because of questions raised regarding certain security practices at Prairie Island. In a final decision the Secretary of Labor found that even though the former employee's protected activities were a contributing factor in the discharge decision, Burns proved that the employee would have been discharged even if she had not raised concerns about nuclear safety. A Withdrawal of the Notice of Violation was issued September 11, 1995.

Carolina Power & Light Company, Southport, North Carolina
(Brunswick), Supplement I, EA 95-166

A Notice of Violation was issued September 8, 1995 based on violations associated with deficiencies identified in design control, implementation of plant modifications, and post-modification testing. In accordance with the Enforcement Policy, a civil penalty was not proposed because the facility had not been the subject of escalated enforcement action in two years and long-term corrective actions, which included training on management expectations regarding the quality of design review and post-modification testing, were considered prompt and comprehensive.

Carolina Power & Light Company, Southport, North Carolina
(Brunswick), Supplement I, EA 95-228

A Notice of Violation was issued November 20, 1995 based on the failure of the licensee's design control program to ensure selection of suitable materials for the replacement of the channelstream retainers in three RHR heat exchanger discharge valves. In accordance with the Enforcement Policy, a civil penalty was not proposed because the licensee identified the violation and took timely and comprehensive corrective actions.

Commonwealth Edison Company, Downers Grove, Illinois
(Byron Station), Supplement I, EA 95-197

A Notice of Violation was issued December 11, 1995 based on violations involving the inoperability of the 1B hydrogen monitor. After consulting with the vendor, the licensee's staff determined that the 1B hydrogen monitor had been inoperable since initial plant construction. In accordance with the Enforcement Policy, a civil penalty was not proposed because the facility had not been the subject of escalated enforcement action within the last two years and the licensee took comprehensive corrective actions.

Commonwealth Edison Company, Downers Grove, Illinois
(Zion Nuclear Station), Supplement I, EA 95-118

A Notice of Violation was issued September 22, 1995 based on violations involving the failure to: (1) comply with technical specification surveillance requirements for several engineered safeguards features including auxiliary feedwater, safety injection, containment spray, containment isolation, and steamline isolation systems, (2) obtain Commission approval prior to revising an emergency diesel generator testing procedure, and (3) assure that a condition adverse to quality concerning steam generator tube cracking was promptly identified and corrected. A civil penalty was not proposed because the licensee identified the problem and credit was given for the comprehensive corrective actions which included senior management reinforcing its expectation for technical specification compliance, strengthening management's oversight of technical specification implementation, and providing procedures, processes and training to increase the rigor of station compliance with the technical specifications.

Consolidated Edison Company of New York, Inc., Buchanan, New York
(Indian Point 2), Supplement IV, EA 95-155

A Notice of Violation was issued September 18, 1995 based on an event in which a radwaste worker identified an unsecured door to a locked high radiation area. In accordance with the Enforcement Policy, a civil penalty was not proposed because the licensee identified the violation, reported it, and conducted a detailed root cause analysis. In addition, significant corrective actions were taken by the licensee including disciplinary action against the plant operator and supervisor.

Duke Power Company, Huntersville, North Carolina
(McGuire), Supplement I, EA 95-156

A Notice of Violation was issued August 22, 1995 based on a violation associated with the failure to implement adequate design control measures during modification of the EDG turbochargers. In accordance with the Enforcement Policy, a civil penalty was not proposed because the facility has not been the subject of escalated enforcement action in two years and the licensee took prompt corrective actions, once the failure mechanism and root cause were identified.

EBASCO Services, Inc., New York, New York
Supplement VII, EA 95-151

A Notice of Violation was issued July 21, 1995 based on a decision by the Secretary of Labor which found that discrimination had occurred. The Secretary of Labor found that the contractor was aware of the complainant's involvement and reputation as a whistleblower and failed to place the complainant on a list of qualified personnel for referral to Texas Utilities.

Entergy Operations, Inc., Russellville, Arkansas
(ANO), Supplement III, EA 95-076

A Notice of Violation was issued July 6, 1995 based on a violation involving the failure to control access for an unauthorized individual who had been terminated for cause. In accordance with the Enforcement Policy, a civil penalty was not proposed because the licensee identified the violation and took prompt and comprehensive corrective action.

Entergy Operations, Inc., Russellville, Arkansas
(ANO), Supplement I, EA 95-085

A Notice of Violation was issued July 17, 1995 based on a violation surrounding the higher than expected radiation dose rates and accumulated exposure received during the installation of the core support assembly. In accordance with the Enforcement Policy, a civil penalty was not proposed because the licensee identified the violation and took prompt and comprehensive corrective action which appropriately addressing the root causes and contributing factors.

John M. Gallagher
Supplement I, EA 95-105

A Notice of Violation was issued to this licensed senior reactor operator (SRO) on August 17, 1995 and is based on a violation involving the failure to follow plant procedures which involved the operation of the reactor water cleanup system. The individual accepted responsibility for the violation, had good past performance with respect to procedural compliance, and the licensee's employer took disciplinary action against the individual which resulted in the termination of the individual's SRO license.

Dennis J. Heath
Supplement I, EA 95-131

A Notice of Violation was issued July 12, 1995 based on a confirmed positive test for alcohol. The licensee responded on August 7, 1995 to describe his corrective actions.

Hydro Nuclear Services, Inc., Moorestown, New Jersey
Supplement VII, EA 95-080

A Notice of Violation was issued June 28, 1995 based on DOL findings which involved a complaint of employee discrimination filed by an

applicant for employment with Hydro Nuclear Services. Hydro Nuclear Services refused to hire the complainant because he refused to sign the authorization form unless the release of liability paragraph was deleted. The DOL found that such refusal was protected activity in this case.

Indiana Michigan Power Company, Columbus, Ohio
(Donald C. Cook), Supplement III, EA 95-219

A Notice of Violation was issued December 8, 1995 based on the inappropriate granting of unescorted access to an individual before a negative pre-access test result had been received. In accordance with the Enforcement Policy, a civil penalty was not issued because the licensee identified the violation and took comprehensive corrective actions which included terminating the contract employee's unescorted access, verifying the negative chemical test results for 964 individuals processed during the Unit 1 refueling outage, and counseling the access control clerk.

Morrison-Knudsen Ferguson, Cleveland, Ohio
Supplement VII, EA 95-079

A Notice of Violation was issued August 14, 1995 based on an investigation which concluded that supervisors created a hostile work environment among contract employees at Ft. St. Vrain by threatening and intimidating employees who expressed radiological and other safety concerns. Specific corrective actions taken were: (1) actions against the contractor employees who were involved in the discriminatory actions, (2) in-depth reviews of the layoff procedures, (3) training for personnel on elements of 10 CFR 50.7, (4) establishing enhanced communications throughout the organization and with Ft. St. Vrain and other contract personnel, and (5) an emphasis on team building.

New York Power Authority, Lycoming, New York
(FitzPatrick), Supplement VII, EA 95-142

A Notice of Violation was issued July 27, 1995 based on a violation involving a fire protection supervisor/fire inspector forging the signature of a fire protection system engineer on a Combustion Control Permit. Creation of the inaccurate record constitutes a violation of NRC requirements. In accordance with the Enforcement Policy, a civil penalty was not proposed because (1) the violation was identified by the licensee's staff and reported, (2) the significance of the violation was at a Severity Level IV, (3) the licensee took appropriate corrective actions, including disciplinary action against the individual, and (4) the violation involved the act of an individual without management involvement.

New York Power Authority, White Plains, New York
(Indian Point 3), Supplement I, EA 95-176

A Notice of Violation was issued October 16, 1995 based on a violation involving the failure to perform a safety evaluation prior to making a change to the facility as described in the FSAR. In accordance with the

Enforcement Policy, a civil penalty was not proposed because the licensee identified the violation and conducted a detailed root cause analysis, and took significant corrective actions.

Northeast Nuclear Energy Company, Hartford, Connecticut
(Millstone Station), Supplement I, EA 95-177

A Notice of Violation was issued December 7, 1995 based on violations involving the degradation of equipment. The first violation involved an existing single failure vulnerability in the loss of normal power logic that would have prevented both emergency power sources from properly starting and sequencing required loads. The second violation involved two examples of existing vulnerabilities in the standby gas treatment system. In accordance with the Enforcement Policy, a civil penalty was not proposed because the licensee identified the violations and conducted a root cause analysis and took appropriate corrective actions. The licensee agreed to perform additional corrective actions for the second violation because this violation might have been identified earlier by routine surveillance activities.

Northern States Power Company, Minneapolis, Minnesota
(Monticello Nuclear Generating Plant), Supplement I, EA 95-244

A Notice of Violation was issued December 28, 1995 based on violations involving the inoperability of the "B" containment spray/cooling subsystem. On October 12, 1995, while at 100 percent power, a plant equipment operator found the "B" residual heat removal drywell spray manual isolation valve unlocked and closed with a hold card attached to it. The valve had been mispositioned since returning to power from the last refueling outage in October 1994. In addition, the "A" drywell spray system had been simultaneously inoperable for 56 hours because of online maintenance in early October 1995. In accordance with the Enforcement Policy, a civil penalty was not proposed because the licensee had not been the subject of escalated enforcement action for the past two years and the licensee took prompt and comprehensive corrective actions.

PECO Energy, Wayne, Pennsylvania
(Peach Bottom), Supplement I, EA 95-132

A Notice of Violation was issued August 17, 1995 based on a violation involving the installation and testing of modification P-231 on emergency diesel generators E-2 and E-4 at the Station. A civil penalty was not proposed because the licensee identified the violation through an outstanding questioning attitude demonstrated by the two instrument and control technicians, who performed the routine relay calibration check and identified the modification error, and the licensee took comprehensive corrective action for the problem.

Power Systems Energy Services, Inc., Altamonte Springs, Florida
Supplement VII, EA 92-233

A Notice of Violation was issued October 10, 1995 based on an investigation that determined that a violation had occurred involving the falsification of screening certification letters.

Public Service Company of Colorado, Denver, Colorado
(Fort St. Vrain), Supplement VII, EA 95-045

A Notice of Violation was issued August 14, 1995 based on an investigation of allegations by former contractor employees. The investigation concluded that the supervisors about whom the allegations were made created a hostile work environment at Fort St. Vrain by threatening and intimidating other employees. A civil penalty was not proposed because without NRC intervention, the licensee identified the issue and took prompt, comprehensive and effective corrective action to address both the particular situation and the overall work environment for raising safety concerns.

Public Service Company of Colorado, Denver, Colorado
(Fort St. Vrain), Supplement VII, EAs 95-110

A Notice of Violation was issued October 30, 1995 based on an investigation involving radiation survey documentation irregularities. The involved records were created substantially after the surveys were purported to have been performed, but were dated and signed to make it appear they had been prepared earlier. Furthermore, the records contained numerous inaccuracies, such as survey instrument usage and calibration dates, that could not be supported by factual information. A civil penalty was not proposed because the licensee identified and thoroughly investigated the violations, and took prompt and extensive corrective actions.

Public Service Electric and Gas Company, Hancocks Bridge, New Jersey
(Hope Creek), Supplements I and IV, EA 95-087

A Notice of Violation was issued July 20, 1995 based on violations involving an unplanned release of radioactive material from the station's south plant vent. In accordance with the Enforcement Policy, a civil penalty was not proposed because the licensee had not been the subject of escalated enforcement action within the last two years and the licensee was given credit for corrective action.

Scientific Ecology Group, Inc., Oak Ridge, Tennessee
Supplement VII, EAs 95-164 and 95-185

A Notice of Violation was issued October 30, 1995 based on an investigation of radiation survey documentation irregularities which involved several SEG supervisors and technicians who had falsely documented two categories of radiation survey records associated with the decommissioning project at Ft. St. Vrain.

Virginia Electric and Power Company, Glen Allen, Virginia
(Surry), Supplement I, EA 95-223

A Notice of Violation was issued November 22, 1995 based on violations involving (1) failures of the operating staff to maintain management oversight and control of operating activities, (2) failure of the operating staff to properly confirm and control plant configuration affecting approved maintenance activities, and (3) failure to follow

procedures for the control of pressurizer relief tank venting activities. In accordance with the Enforcement Policy, a civil penalty was not proposed because the licensee had not been the subject of escalated enforcement actions within the last two years and the corrective actions were comprehensive and included improvements in a broad spectrum of areas potentially involved in the violations.

C. NON-LICENSED VENDOR (PART 21), NO CIVIL PENALTY

Energy Steel & Supply Company, Auburn Hills, Michigan
Supplement VII, EA 93-074

A Notice of Violation was issued July 19, 1995 based on an NRC investigation which identified violations of NRC requirements. Energy Steel procured commercial-grade fasteners without dedicating the commercial-grade fasteners for use as basic components, supplied them to the nuclear industry as safety-related basic components, issued certificates of conformance to NRC licensees which certified that the fasteners complied with NRC requirements. A civil penalty was not issued because the NRC considers the safety issues to have been adequately addressed, because Energy Steel notified each of its nuclear customers who had purchased safety-related fasteners between June 1986 and November 1987 of a potential fastener concern due to the invalid COCs provided.

A. CIVIL PENALTIES AND ORDERS



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W., SUITE 2900
ATLANTA, GEORGIA 30323-0198

November 13, 1995

EA 95-180

Florida Power and Light Company
ATTN: Mr. J. H. Goldberg
President - Nuclear Division
Post Office Box 14000
Juno Beach, Florida 33408-0420

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY -
\$50,000
(NRC Inspection Report No. 50-335/95-16 and 50-389/95-16)

Dear Mr. Goldberg:

This refers to the inspection conducted on August 9-30, 1995, at the St. Lucie Nuclear Plant. The inspection included a review of the circumstances associated with the incorrect installation of a key component in both of the Unit 1 Power Operated Relief Valves (PORVs) resulting in inoperability of both PORVs. The results of our inspection were sent to you by letter dated September 8, 1995. A closed predecisional enforcement conference was conducted in the Region II office on September 25, 1995, to discuss the apparent violations, the root causes, and your corrective actions to preclude recurrence. A list of conference attendees, NRC slides, and a copy of your presentation summary are enclosed.

Based on the information developed during the inspection and the information you provided during the conference, the NRC has determined that violations of NRC requirements occurred. These violations are cited in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) and the circumstances surrounding them are described in detail in the subject inspection report. Violation A, described in the enclosed Notice, involved the failure to meet Technical Specification 3.4.13 requirements to maintain PORVs V-1404 and V-1402 operable when at low pressure conditions. The valves were inoperable because the main disc guide had been installed upside down during routine maintenance. Although the direct root cause of Violation A was the failure of contractor technicians to specifically follow the approved maintenance procedure, other weaknesses contributed to the errors. One such weakness involved the fact that although the maintenance activities were performed on both valves by the same technicians, additional controls were not in place to ensure operability and protect against a common mode failure such as verification of orientation of the main disc guide by either quality control or an independent verification by a second party.

Violation B involved the failure to adequately identify and perform post-maintenance testing of PORVs V-1404 and V-1402 in order to demonstrate that the valves would perform satisfactorily in service after valve maintenance was performed. Although testing was performed to confirm that seat leakage requirements were met, you failed to identify and perform testing to ensure that the valves would function as required under pressure. Testing to ensure

satisfactory performance of valves in service is a requirement of 10 CFR Part 50, Appendix B, Criterion XI, Test Control.

Violation C involved the failure to perform adequate inservice testing of the PORVs as required by 10 CFR 50.55(f)(4)(ii). The inservice testing performed relied solely on the use of acoustic monitoring of valve discharge to indicate valve position. This method was not sufficient to discern the difference between bypass flow through the PORV pilot valves and actual changes in main valve position. At low pressure the inservice test was performed with the block valves open providing multiple alternative indications of PORV position. The violation was caused by the reliance on a parameter insufficient to determine valve position.

The NRC relies on implementation of strong maintenance and testing programs to ensure operability of key components. The NRC is particularly concerned that your procedures and controls in diverse parts of the maintenance and testing process failed and led to a common mode failure of the PORVs. In addition, opportunities to recognize the inoperability of the valves during a unit trip and during inservice tests were missed. The safety consequences of these multiple errors were that the availability of both PORVs for secondary heat removal in a post accident condition and for low temperature overpressure protection was lost. The failure to maintain programs that provide defense in depth to preclude common mode failures is a significant safety and regulatory concern. Therefore, these violations are classified in the aggregate in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), (60 FR 34381; June 30, 1995/NUREG-1600) as a Severity Level III problem.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III problem. Because your facility has not been the subject of escalated enforcement actions within the last two years, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment provision in Section VI.B.2 of the Enforcement Policy. Your immediate corrective actions included restoring the valves to an operable status, revising maintenance and test procedures, and conducting a comprehensive review of the facts and circumstances which led to the valve failure. Your planned long-term corrective actions included, in part, (1) a phased review of other maintenance and test procedures to ensure quality control attributes are identified and verified and that post-maintenance and inservice testing adequately demonstrate operability; (2) consolidating test groups under a single manager; and (3) training on accountability and administration with regard to the control of contractors. The NRC determined that credit was warranted for the factor of *Corrective Action*.

Notwithstanding your past performance and corrective action, the NRC may exercise discretion, as provided in Section VII.A of the Enforcement Policy, to propose a civil penalty to ensure that the enforcement action reflects the significance of the circumstances and conveys the appropriate regulatory message. In this case there were six opportunities missed to ensure system

operability with a resulting loss of a safety function required by your Technical Specifications. These opportunities involved:

- 1) Expected provisions to ensure valve operability during maintenance on the PORVs were not implemented. Examples included the failure to include a quality control holdpoint for a critical point in the reassembly and the failure to employ independent verification methods when vulnerabilities to common mode failures were introduced by allowing the same individuals to work on the redundant valve.
- 2) Management reviews of testing criteria and results were inadequate. Your plant safety committee and plant management accepted post maintenance testing that only verified seat leakage prior to putting the valves back in service. The post maintenance test failed to demonstrate per the ASME code that valve performance parameters were within acceptable limits prior to the time the valves were returned to service.
- 3) Operations and Maintenance did not have a common understanding of the status of PORV operability and each organization made erroneous assumptions about the post-maintenance and preoperational testing that the other organization would perform. As a result of these misunderstandings, the PORVs were placed in the RCS and declared operable without reasonable assurance that the PORVs would perform satisfactorily in the low temperature over pressure conditions which would exist prior to performance of the routine surveillance test.
- 4) The engineering and management reviews of the ability of the acoustic monitors to provide a reliable indication of valve operability were inadequate. Your subsequent investigation of the event revealed that the PORV pilot valves allowed sufficient bypass flow to actuate the acoustic monitors. A thorough initial review could have identified this testing flaw.
- 5) Operator attention to diverse control board indications during testing was lacking and only when the one parameter that was required, i.e., the acoustic monitoring indication, failed, did operators question the other indications they were getting.
- 6) An adequate post trip data analysis during the July 1995 nit trip would have detected that the PORVs were inoperable.

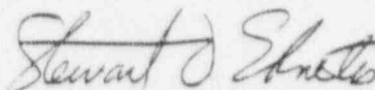
These failures warrant the exercise of discretion. Therefore, to emphasize the importance of maintaining adequate and diverse methods to ensure system operability, I have been authorized, after consultation with the Director, Office of Enforcement and the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the base amount of \$50,000 for the Severity Level III problem.

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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The responses directed by this letter and the 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, Pub. L. No. 96.511.

Sincerely,



Stewart D. Ebner
Regional Administrator

Docket No. 50-335
License No. DPR-67

Enclosures: 1. Notice of Violation and Proposed
Imposition of Civil Penalty
2. List of Attendees
3. NRC Slides
4. Licensee Presentation Handout

cc w/encls: (See Next Page)

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Florida Power and Light Company
St. Lucie Unit 1

Docket No. 50-335
License No. DPR-67
EA 95-180

During an NRC inspection conducted on August 9-30, 1995, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (60 FR 34381; June 30, 1995/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:

- A. Technical Specification 3.4.13 requires, in part, that two Power Operated Relief Valves (PORVs) be operable in Mode 4 when the temperature of any RCS cold leg is less than or equal to 304°F, in Mode 5 and Mode 6 when the head is on the reactor vessel; and the RCS is not vented through a greater than 1.75 square inch vent. Technical Specification 3.4.13, Action Statement (c), requires that, with both PORVs inoperable, at least one PORV be returned to an operable status or that the RCS be completely depressurized and vented through a minimum 1.75 square inch vent within 24 hours.

Contrary to the above, from November 22 through 27, 1994, and from February 27 through March 6, 1995, while St. Lucie Unit 1 was in one of the conditions specified in Technical Specification 3.4.13 requiring operable PORVs, PORVs V-1404 and V-1402 were inoperable because the main disc guide had been installed upside down and the provisions of Technical Specification 3.4.13, Action Statement (c) were not met. (01013)

- B. 10 CFR Part 50, Appendix B, Criterion XI, requires, in part, that a test program be established to ensure that all testing required to demonstrate that components will perform satisfactorily in service is identified and performed in accordance with written test procedures which incorporate the requirements and acceptance limits contained in applicable design documents and that the test program shall include proof tests prior to installation.

10 CFR 50.55a(f)(4)(ii) requires, in part, that inservice tests to verify operational readiness of valves, whose function is required for safety, conducted during successive 120-month intervals, must comply with requirements of the latest edition and addenda of the ASME Code.

Section XI of the 1983 ASME Boiler And Pressure Vessel Code, article IWV-3000, Test Requirements, Section IWV-3200, Valve Replacement, Repair, and Maintenance, requires, in part, that when a valve or its control system has been replaced or repaired or has undergone

Enclosure 1

maintenance that could affect its performance, and prior to the time it is returned to service, it shall be tested to demonstrate that the performance parameters, which could be affected by the replacement, repair, or maintenance are within acceptable limits.

Contrary to the above, after maintenance performed on November 4, 1995, the licensee failed to adequately identify and perform post-maintenance testing of Power Operated Relief Valves V-1404 and V-1402 to demonstrate that the valves would perform satisfactorily in service after valve maintenance was performed. Specifically, the post-maintenance test performed did not include a verification that the valve would change state under pressure prior to return to service. (01023)

- C. 10 CFR 50.55a(f)(4)(ii) requires, in part, that inservice tests to verify operational readiness of valves, whose function is required for safety, conducted during successive 120-month intervals, must comply with requirements of the latest edition and addenda of the ASME Code.

Florida Power and Light Second Ten-year Inservice Inspection Interval Inservice Testing Program For Pumps and Valves, Document Number JNS-PSI 203, Revision 5, states, in part, that, between February 11, 1988 and February 10, 1998, the St. Lucie Unit 1 ASME Inservice Inspection (IST) Program will meet the requirements of the ASME Boiler and Pressure Vessel Code (the Code), Section XI, 1983 Edition.

Section XI of the 1983 ASME Boiler And Pressure Vessel Code, article IWV-3000, Test Requirements, Section IWV-3400, Inservice Tests, requires, in part, that Category A valves shall be full-stroke exercised at least once every three months. Category A valves that cannot be exercised during plant operation shall be full-stroke exercised during cold shutdowns.

Contrary to the above, on November 25, 1994, and February 27, 1995, the licensee failed to adequately full-stroke exercise ASME Category A Power Operated Relief Valves V-1404 and V-1402. Specifically, operational surveillance testing, performed on the above dates to satisfy ASME Section XI full-stroke exercise requirements, under Administrative Procedure 1-0010125A, "Surveillance Data Sheets" (revision 39), Data Sheet 24, "Valve Testing Procedures," did not include an adequate test to detect that the main disc guides in valves V-1404 and V-1402 were misoriented causing the valves to fail to stroke open. (01033)

These violations represent a Severity Level III problem (Supplement I). This problem is applicable to Unit 1 only.
Civil Penalty - \$50,000.

Pursuant to the provisions of 10 CFR 2.201, Florida Power and Light 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 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 violation(s) 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. 2222c.

Notice of Violation and Proposed
Imposition of Civil Penalty

4

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: Mr. 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 II and a copy to the NRC Resident Inspector at the St. Lucie facility.

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 Atlanta, Georgia
this 13th day of November 1995

LIST OF ATTENDEES

Licensee

J. Goldberg, President, Nuclear Division
D. Sager, Vice President, St. Lucie Site
J. Geiger, Vice President, Florida Power and Light company (FPL)
W. Bohike, Vice President, Engineering
L. Bradow, Nuclear Assurance Manager
L. Rogers, Systems and Component Engineering Manager
J. Marchese, Maintenance Manager
J. West, Operations Manager
R. Golden, Nuclear Information Coordinator, FPL

Nuclear Regulatory Commission

S. Ebnetter, Regional Administrator, Region II
E. Merschoff, Director, Division of Reactor Projects (DRP)
A. Gibson, Director, Division of Reactor Safety (DRS)
B. Uryc, Director, Enforcement and Investigation Coordination Staff
K. Landis, Branch Chief, Reactor Projects Branch 3, DRP
D. Prevatte, Senior Resident Inspector, St. Lucie Nuclear Plant
C. Evans, Regional Attorney
L. Watson, Enforcement Specialist
B. Schin, Project Engineer, DRP
E. Lea, Project Engineer, DRP
G. Hopper, Reactor Engineer, DRS
M. Satorius, Enforcement Coordinator, Office of Enforcement (by telephone)

Enclosure 2



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

January 26, 1994

Docket Nos. 50-282 and 50-306
License Nos. DPR-42 and DPR-60
EA 93-192

Northern States Power Company
ATTN: Mr. Douglas Antony
Vice President
Nuclear Generation
414 Nicollet Mall
Minneapolis, Minnesota 55401

Dear Mr. Antony:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL
PENALTY - \$50,000 AND DEMAND FOR INFORMATION
(U. S. Department of Labor Case No. 93-ERA-12)

This refers to the results of a hearing conducted by a U. S. Department of Labor (DOL) Administrative Law Judge (ALJ) into a complaint filed on November 5, 1992, by an individual formerly employed by Burns International Security Service (Burns), a subcontractor at Northern States Power Company's (NSP) Prairie Island Nuclear Generating Plant (Prairie Island) (DOL Case No. 93-ERA-12). The former security guard alleged that Burns improperly terminated her employment on September 3, 1992 because she raised questions about certain security practices at Prairie Island.

In a December 4, 1992 letter, the DOL Area Director concluded that Burns would have taken the same unfavorable personnel action regardless of the individual's questions about the security practices. That decision was appealed by the individual and, following a hearing, the DOL ALJ concluded that unlawful employment discrimination had occurred. Specifically, the ALJ found that Burns, partly due to pressure applied by Northern States Power Company managers, wrongfully discharged the individual in retaliation for her having engaged in protected activities on several occasions. The ALJ ordered Burns to reinstate the guard with back pay and other compensation.

An enforcement conference was held on September 1, 1993 in the Region III office to discuss the corrective actions taken by NSP as a result of the findings by the DOL ALJ in this case. The corrective actions were also described in your letter of August 31, 1993, which was placed in the NRC's Public Document Room. The NRC has determined that Burns' termination of the guard was a violation of 10 CFR 50.7, "Employee Protection." This violation is described in the enclosed Notice of Violation

and Proposed Imposition of Civil Penalty (Notice). Specifically, under 10 CFR 50.7, discrimination by a Commission licensee, or its contractor or subcontractor, against an employee for engaging in protected activities is prohibited. The guard's activities, which included raising questions about security practices at an NRC licensed facility, are considered protected activities under 10 CFR 50.7.

To emphasize the importance of maintaining an environment in which employees are free to engage in protected activities without fear of retaliation, the violation has been categorized at Severity Level III in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR Part 2, Appendix C. After consultation with the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research and the Director of the Office of Enforcement, I have been authorized to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the amount of \$50,000 for the Severity Level III violation.

The base value of a civil penalty for a Severity Level III violation is \$50,000. The civil penalty adjustment factors in the Enforcement Policy were considered. The NRC considered mitigating the base penalty for your corrective actions; however, mitigation was not warranted because you did not become involved in this case or otherwise take steps to limit the potential chilling effect of the alleged discrimination until the DOL process was far along and allegations and complaints of discrimination had been pending for an extended period. With respect to prior performance, the NRC recognizes that your recent performance in this area generally has been good. Under the normal application of the mitigation factors in the Enforcement Policy, full mitigation of the civil penalty might be warranted. However, because we have substantial concerns about the discrimination and the apparent involvement of NSP personnel in the discrimination in this case, we have decided to exercise discretion pursuant to section VII.A.1 of the Enforcement Policy and not mitigate the civil penalty in order to emphasize the need for NSP to eliminate discrimination and foster an environment in which all employees at Prairie Island and NSP's contractors feel free to raise safety concerns without fear of retaliation.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. Since the NRC enforcement action in this case is based on the Recommended Decision and Order of the DOL ALJ, which is still being reviewed by the Secretary of Labor, you may delay payment of the civil penalty and submission of certain portions of the response as described in the enclosed Notice until 30 days after the final decision of the Secretary of Labor. Notwith-

standing your presentation and the corrective actions you described at the enforcement conference and in your letter of August 31, 1993, in that portion of your response which describes corrective steps you have taken, you are required to describe any additional actions that you plan to take to minimize any potential chilling effect arising from this incident.

The DOL ALJ found that Burns International Security Service discriminated against the former security guard. However, the ALJ also concluded that NSP was aware of the individual's protected activities and put pressure on Burns to remove her. To support this conclusion, the ALJ cited numerous occasions in which: (1) the NSP Security Shift Supervisor told other security officers that the security guard in question should back off and not ask any questions and stated that there would be problems if that security guard "did not back off", (2) two NSP supervisors allegedly recommended that Burns reprimand the security guard, and (3) the NSP Superintendent of Security labeled the security guard a "troublemaker". (See ALJ Recommended Decision and Order, June 24, 1993, at 21) The ALJ concluded that Burns was in frequent communication with NSP concerning the security guard and that the "record was replete with enmity directed toward [her] by Burns because of her . . . protected activities, and the pressure placed on Burns by its client NSP, who was also aware of her protected activities."

While harassment, intimidation, or discrimination against any person for engaging in protected activities is cause for concern, discrimination by management is of special concern to the NRC. Therefore, in order to determine whether additional enforcement action is appropriate, including action directed to individuals responsible for discrimination, you are hereby required, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954 as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR 50.54(f) to provide the following information to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 within 30 days of the date of this letter, in writing and under oath or affirmation:

- your basis for concluding that Burns International Security Service and NSP managers and supervisors involved in this event fully understand their responsibilities under your NRC license and their obligation to fulfill NRC regulations and license requirements;
- the steps you have taken to ensure that the NSP and Burns International Security Service personnel whom the DOL ALJ indicated were involved in the discriminatory action that is addressed herein will perform their duties in compliance with the Commission's requirements; and

- the steps you have taken to ensure that managers, supervisors, and employees of both NSP and NSP's contractors, including Burns International Security Service, understand their responsibilities regarding the right of individuals to raise safety concerns without fear of retaliation or discrimination.

The answers to these questions are required to be included in that portion of the response which is due within 30 days of the date of the enclosed Notice of Violation. A copy of your response to these questions should also be sent to the NRC Assistant General Counsel for Hearings and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. You should also address what action you plan to take to ensure that you are aware of allegations of discrimination made by your contractor employees and what actions you plan to take to ensure investigation and resolution of such complaints.

A Notice of Violation is being issued to Burns International Security Service for the violation and a Demand for Information is being issued to Burns requiring it to provide information to determine whether additional enforcement action would be appropriate. Copies are enclosed.

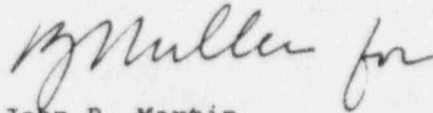
In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your responses will be placed in the NRC Public Document Room.

Please provide copies of this letter and the enclosed Notice of Violation to the individuals who were involved in the incident and inform them that they may respond and that, if they do choose to respond, this response must be provided within 30 days of the date of this letter.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Manage-

ment and Budget as required by the Paperwork Reduction Act of 1980, Public Law No. 96-511.

Sincerely,



John B. Martin
Regional Administrator

Enclosures:

1. Notice of Violation and Proposed Imposition of Civil Penalty
2. Letter to Burns International Security Service enclosing Notice of Violation and Demand for Information

cc: Burns International Security Services

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Northern States Power Company
Prairie Island Nuclear Generating
Plant, Units 1 and 2

Docket Nos. 50-282; 50-306
License Nos. DPR-42, DPR-60
EA 93-192

Based on a U. S. Department of Labor (DOL) Administrative Law Judge's Recommended Decision and Order in DOL Case 93-ERA-12, dated June 24, 1993, the NRC has determined that a violation of the Energy Reorganization Act of 1974, as amended, and NRC regulations occurred. In accordance with the "Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violation is listed below:

Section 210 (now 211) of the Energy Reorganization Act of 1974, as amended, and 10 CFR 50.7 prohibit discrimination by a Commission licensee, permittee, an applicant for a Commission license or permit, or a contractor or subcontractor of a Commission licensee, permittee, or applicant against an employee for engaging in certain protected activities. Discrimination includes discharge or other actions relating to the compensation, terms, conditions, or privileges of employment. Activities protected by Section 210 of the Energy Reorganization Act of 1974, as amended, (now Section 211) include, but are not limited to, questioning the security practices employed at an NRC licensed facility.

Contrary to the above, Susan Yule, a former security guard at the Prairie Island Nuclear Generating Station and a former employee of Burns International Security Service (Burns), a contractor of the Northern States Power Company, was discharged on September 3, 1992, by Burns. A U.S. Department of Labor Administrative Law Judge issued a Recommended Decision and Order in DOL Case 93-ERA-12 on June 24, 1993 which found that Ms. Yule's discharge was an unlawful act of retaliation for engaging in protected activities. The protected activities included: (1) on February 19, 1992, raising a question about the posting of an unarmed guard at a containment entry point; (2) during March and July 1992, reporting possible regulatory violations to NRC inspectors; and (3) on August 10, 1992, reporting that the security badge issue station had been left unattended. (01013)

This is a Severity Level III violation (Supplement VII).
Civil Penalty - \$50,000

Pursuant to the provisions of 10 CFR 2.201, Northern States Power Company is hereby required to submit a written statement or explanation within 30 days of the final decision of the Secretary of Labor in this case 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. In addition, also pursuant to the provisions of 10 CFR 2.201, Northern States Power Company is required to submit a written statement or explanation within 30 days of the date of this Notice of Violation and should include for each alleged violation: (1) the corrective steps that have been taken and the results achieved, (2) the corrective steps that will be taken to avoid future violations, and (3) the date when full compliance will be achieved. These replies should each be clearly marked as a "Reply to a Notice of Violation". If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information 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.

Within 30 days of the final decision of the Secretary of Labor in this case, 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 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 VI.B.2 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 III, and a copy to the NRC Resident Inspector at the Prairie Island facility.

Dated at Lisle, Illinois
this 26 day of January 1994



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

September 11, 1995

EA 93-192

Mr. E. Watzl, Vice President
Nuclear Generation
Northern States Power Company
414 Nicollet Mall
Minneapolis, MN 55401

SUBJECT: WITHDRAWAL OF NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL
PENALTY - \$50,000 (U. S. DEPARTMENT OF LABOR CASE NO. 93-ERA-12)

Dear Mr. Watzl:

This refers to the Notice of Violation and Proposed Imposition of Civil Penalty - \$50,000 that was issued on January 26, 1994 (Notice). The Notice was based on the Recommended Decision and Order, dated June 24, 1993, of an U. S. Department of Labor Administrative Law Judge (ALJ). The ALJ found that Burns International Security Services, Inc. (BISSI), the security guard contractor at Northern States Power Company's Prairie Island Nuclear Generating Station, improperly terminated an employee on September 3, 1992, for engaging in activities protected by 10 CFR 50.7, "Employee protection." The Notice directed that payment of the civil penalty was not required until 30 days after review by the Secretary of Labor.

In a Final Decision and Order, dated May 24, 1995, the Secretary of Labor found that the former BISSI employee's protected activities were a contributing factor in the discharge decision. However, BISSI proved that it legitimately would have discharged the employee even if she had not raised any concerns about nuclear safety. As a result, the Secretary of Labor overruled the ALJ and dismissed the case. The individual did not appeal the Secretary of Labor's Decision and Order. Therefore, the NRC is withdrawing the Notice of Violation based on the decision of the Secretary of Labor.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be placed in the NRC Public Document Room.

Sincerely,

Hubert J. Miller
Regional Administrator

Dockets No. 50-282; 50-306
Licenses No. DPR-42; DPR-60



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 16, 1995

EAs 95-62; 95-65; 95-117

Mr. E. James Ferland
Chairman and Chief Executive Officer
Public Service Electric and Gas Company
80 Park Place
Newark, New Jersey 07101

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTIES
- \$600,000
(Inspection Reports Nos. 50-272/94-32; 50-311/94-32; 50-272/95-02;
50-311/95-02; 50-272/95-07; 50-311/95-07; 50-272/95-10;
50-311/95-10)

Dear Mr. Ferland:

Between December 5, 1994 and June 23, 1995, Region I staff conducted the four subject inspections at the Salem Nuclear Generating Station, Hancocks Bridge, New Jersey, and identified numerous violations of NRC requirements. The inspection reports were sent to you previously on March 30, April 7, May 24, and July 14, 1995, respectively. Several of the violations involved the failure to promptly identify and correct conditions adverse to quality at the Salem facility. On July 28, 1995, Mr. T. Martin, Regional Administrator, Region I, conducted a predecisional enforcement conference with Mr. B. Simpson and other members of your staff to discuss the violations, their causes, and your corrective actions. The violations are described in detail in the enclosed Notice of Violation and Proposed Imposition of Civil Penalties.

We have carefully considered these violations, several of which involve the failure to promptly respond to, and correct, conditions adverse to quality at Salem. The number and nature of the violations demonstrate inadequate performance by a licensee of the Commission. The past overall response by your staff and management relative to decision-making on operability issues and the approach to resolution of these issues has not been acceptable.

As you are aware, the NRC has sent four Augmented Inspection Teams (AIT) to Salem in the past four years. AIT inspections are relatively rare and reserved for significant occurrences. Four AIT inspections dispatched to one facility in four years is extremely rare. As a result of the last of those AIT inspections in April 1994, NRC issued a \$500,000 civil penalty on October 5, 1994, for numerous violations associated with an event at the facility, including similar violations involving failure to recognize and effectively correct conditions that challenged the safe operation of the Salem facility. In our letter transmitting that civil penalty, we expressed concerns about nonconservative operational decision-making at the facility. We raised questions regarding the manner in which management's expectations are established and communicated to the Salem staff regarding their performance at the station. We noted that while NRC found your immediate corrective actions

acceptable for that event, the NRC was unwilling to predict or assume success for your long-term actions because historically, the implementation of such actions for past problems has proven to be ineffective. We further noted that it appeared that you have tolerated an atmosphere that accepts degraded conditions rather than establishing an atmosphere of a high quality operating environment.

Now, approximately one year later, our concerns remain. For example, although Westinghouse informed you in March 1993 of nonconservatism in the setpoint methodology for low temperature overpressure transient conditions, the problem remained unresolved for more than 18 months. Two other examples involved: 1) degraded equipment affecting switchgear ventilation equipment in Unit 1, and 2) residual heat removal (RHR) minimum flow recirculation valves in Unit 2. In these cases, your staff failed to respond promptly when component failures affecting these systems were first identified in December 1994 and January/February 1995, respectively. Even after it became more imperative to address these component issues, your staff delayed operability decision-making until it was apparent that a basis could not be established to justify continued operation. Subsequently, the two units were shut down in accordance with license requirements on May 16 and June 7, 1995. Numerous other examples are described in the Notice, including failures to perform adequate testing of modifications and evaluation of changes. These examples indicate a management and staff attitude that was not conducive to the safe operation of a nuclear power plant.

This attitude and inclination to delay decision-making regarding licensed activities at Salem must change. Problems must be addressed promptly and directly rather than worked around. Root causes must be identified and effective corrective actions established and implemented. Operability of safety-related equipment must be ensured. It is imperative that management assure that these changes occur before operation of the units is resumed.

We recognize that you have shut down both of the Salem units and have agreed, as noted in the NRC Confirmatory Action Letter sent to you on June 9, 1995, not to restart either unit without first gaining NRC agreement. We also recognize that you recently have introduced an entirely new management team to oversee the Salem and Hope Creek facilities. We further recognize the commitments by your new management team, at the predecisional enforcement conference, to effect demonstrable performance improvement. Nonetheless, in light of your past failures to achieve lasting corrective actions and in order to reinforce to you, your management team, and your staff, the seriousness with which we regard the deficient conduct of operations at Salem, cumulative civil penalties in the amount of \$600,000 are proposed for six violations, each of which is classified at Severity Level III in accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," (Enforcement Policy) (NUREG 1600; 60 FR 34381, June 30, 1995).

The base civil penalty amount for each Severity Level III violation is \$50,000. In each case, we have decided to exercise discretion, after consultation with the Commission, and propose a \$100,000 civil penalty for

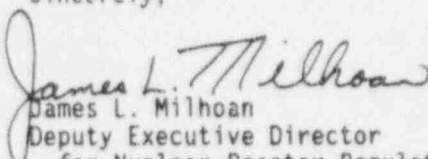
each violation, so as to appropriately reflect the NRC's concern regarding the violations and causes, and to convey an appropriate message, given that (1) the Salem enforcement history has not been good, (2) the majority of the violations were identified by the NRC, and (3) your organizations's prior actions to ensure problems are identified and corrected in a timely manner have not been effective. Were it not for your voluntary action in maintaining both unit, at the facility in a shutdown condition for an extended period to implement broad-scope and long-term corrective actions, the enforcement action might have been more severe.

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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The responses directed by this letter and the 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, Pub. L. No. 96.511.

Sincerely,



James L. Milhoan
Deputy Executive Director
for Nuclear Reactor Regulation
Regional Operations and Research

Docket Nos. 50-272; 50-311
License Nos. DPR-70; DPR-75

Enclosure: Notice of Violation and
Proposed Imposition of Civil Penalties

cc w/encl:

L. Eliason, Chief Nuclear Officer and President
J. Storz, Senior Vice President - Nuclear Operations
E. Simpson, Senior Vice President - Nuclear Engineering
J. Hagan, Vice President - Business Support
C. Schaefer, External Operations - Nuclear, Delmarva Power & Light Company
cc w/encl: (See Next Page)

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTIES

Public Service Electric and Gas Company
Salem Nuclear Generating Station
Units 1 & 2

Docket Nos: 50-272; 50-311
License Nos. DPR-70; DPR-75
EAs 95-062; 95-065; 95-117

During four NRC inspections conducted between December 5, 1994 and June 23, 1995, at the Salem Nuclear Generating Station of the Public Services Electric and Gas Company (Licensee), violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," (NUREG-1600; 60 FR 34381, June 30, 1995), the Nuclear Regulatory Commission proposes to impose civil penalties 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 penalties are set forth below:

- I. 10 CFR Part 50, Appendix B, Criterion XVI, Corrective Action, requires, in part, that conditions adverse to quality are promptly identified and corrected; and in the case of significant conditions adverse to quality, the cause of the condition shall be documented, appropriately reported to levels of management, and corrective action taken to preclude repetition.

- A. Contrary to the above, a significant condition adverse to quality existed at the Salem Unit 2 facility from January 26, 1995, until June 7, 1995, in that the Licensee was aware that the No. 22 Residual Heat Removal (RHR) pump minimum recirculation flow valve would not open on low RHR flow as required to prevent pump failure. Similarly, the Licensee was aware that the same significant condition adverse to quality existed at the facility from February 9, 1995, until June 7, 1995, for the No. 21 RHR pump minimum recirculation flow valve. However, prior to June 7, 1995, the Licensee failed to determine the cause of the valve failures or initiate corrective measures. (01013)

This is a Severity Level III Violation (Supplement I)
Civil Penalty - \$100,000

- B. Contrary to the above, a significant condition adverse to quality existed at the Salem Unit 1 facility from December 12, 1994, until May 16, 1995, in that the No. 12 safety related switchgear ventilation supply fan failed on December 12, 1994, and the Licensee did not initiate resolution of the condition or effect any corrective measures to resolve the condition promptly. (J2013)

This is a Severity Level III Violation (Supplement I).
Civil Penalty - \$100,000

- C. The Licensee was informed by Westinghouse on March 15, 1993, of a significant condition adverse to quality involving

nonconservatism in the setpoint methodology for the Pressurizer Overpressure Protection System (POPS) for low temperature overpressure transient conditions.

1. Contrary to Criterion XVI, the Licensee took nine months of analysis, from March 1993 to December 1993, to conclude that the corrected peak transient pressure would exceed pressure/temperature (P/T) limits as described in each unit's technical specifications limits. After completing the analysis, from December 30, 1993, and continuing for approximately one month, the Licensee dispositioned the matter of the nonconservatism in the setpoint methodology for the POPS by 1) administratively limiting RCS operation to two reactor coolant pumps when the RCS was less than 200°F and 2) increasing each unit's P/T limit by 10%; the latter corrective action was inadequate because it utilized as a basis an unauthorized ASME Code Case (N-514), which the Licensee was aware was not acceptable pursuant to 10 CFR 50.55(a). (03013)

This is a Severity Level III Violation (Supplement I)
Civil Penalty - \$100,000

2. Contrary to Criterion XVI, in January 1994, following the Licensee recognizing the unacceptability of using unauthorized Code Case N-514 as a corrective action to disposition the POPS setpoint methodology, the Licensee elected to implement corrective action by taking credit for the relief capacity provided by RHR system suction relief valve RH3 to augment POPS relief capacity. However, as the Salem FSAR (Section 7.6.3.2) describes the POPS system to include two Power Operated Relief Valves (PORVs) and does not describe Valve RH3, this corrective action was inadequate because an evaluation was not performed to determine the acceptability of the use of Valve RH3 as part of the POPS system. In addition, the Licensee failed to identify that on the receipt of a safety injection (SI) signal, a previously operating positive displacement charging pump's discharge, combined with the discharge from the high head safety injection pump that starts on receipt of the SI signal, could have injected water mass into the RCS at a rate that could have prevented POPS from performing its function. (04013)

This is a Severity Level III Violation (Supplement I)
Civil Penalty - \$100,000

- D. Contrary to the above, on several occasions, conditions adverse to quality existed, but were not identified and promptly corrected, as evidenced by the following examples:

1. On June 7, 1994, the Licensee identified that material management documentation for limit switches related to the reactor head vent valves, improperly classified the components as non-safety related. A nuclear design discrepancy evaluation form (DEF) identified that a switch short circuit could render two head vent valves inoperable since the components were powered from the same common circuit. Notwithstanding, the DEF did not identify any concern relative to operability or safety. In February 1995, the Licensee determined that non-safety related limit switches were actually installed in reactor head vent valves IRC41 and IRC43 at Salem Unit 1. Subsequently, the Licensee failed to perform and document an engineering evaluation to demonstrate the acceptability of continued Salem Unit 1 operation with non-safety-related parts installed in a safety-related application.
2. On February 24, 1995, Unit No. 1 operators placed control of a PORV in the manual mode, rendering it inoperable, and failed to adhere to the Technical Specification 3.4.3 action statement which required operators to close the block valve within one hour. A shift supervisor discovered that the PORV had been erroneously placed in the manual mode and corrected it on February 25, 1995, about 23 hours later.
3. On July 6, 1994, safety-related reactor head vent valve 2RC40 failed to operate (stroke open) during testing while Unit No. 2 was in cold shutdown. Subsequently, the valve was returned to normal service on July 10, 1994, without any review or assessment in accordance with established procedures; that is, the Licensee failed to process this occurrence in accordance with the applicable "Work Control Process" procedure. Consequently, this failure of a safety-related component was never documented and formally assessed relative to preventive maintenance, operability, actions to prevent recurrence, or generic implications.
4. An oil sample laboratory report, dated August 4, 1994, recommended resampling and changing the oil on the No. 21 high-head safety injection pump based upon a ten-fold increase in wear particle concentration. An oil analysis, dated November 28, 1994, identified high wear particle concentration in the No. 22 high-head safety injection pump speed increaser oil. In both these cases, the system engineer, though aware of the findings of the lab reports, did not initiate any follow-up evaluation or corrective measure, nor establish a bases for operability or reliability in view of the apparent degraded condition of the equipment. The degraded nature of the equipment was not entered into the Equipment Malfunction Identification System (EMIS) until March 20, 1995.

5. A lab report, dated October 6, 1994, recommended resampling the No. 23 Auxiliary Feedwater (AFW) turbine lube oil due to a detectable amount of water contamination and an increase in wear particle concentration. However, the degraded nature of the equipment was not entered into the EMIS until March 27, 1995, and the system engineer did not initiate review, and evaluation, or establish any basis for equipment operability or reliability.
6. LER 95-05 identified seven instances, between May 8, 1990 and January 14, 1995, of pressurizer safety valves (PSVs) being beyond the 1% tolerance required by TS 4.0.5 for Unit 1. Four instances were identified between November 14, 1994, and January 14, 1995, which involved 2 of the 3 installed PSVs. In all instances, the vendor notified the appropriate system engineer by telephone and written follow-up reports. However, the responsible system engineer never initiated an Incident Report. Consequently, root cause, operability, and reportability actions were not accomplished.
7. On March 6, 1995, May 3, 1995, and May 8, 1995, the Salem Unit 1 staff failed to determine the cause, correct, or prevent recurrence of failure of the Containment 100 foot elevation personnel airlock to pass its local leak rate test.
8. From February 29, 1992 until June 7, 1995, Salem Unit 1 staff failed to correctly determine the cause or take action to preclude recurrence of failures of instrument lines connected to the jacket water cooling system for the No. 1B and No. 1C emergency diesel generators.
9. From July 11, 1992 until June 10, 1995, Salem staff failed to determine the cause, evaluate the potential safety consequences, and establish corrective action for an abnormal condition affecting the No. 21 Residual Heat Removal discharge manual isolation valve (21RH10) associated with impact noise from the interior of the valve. (05013)

This is a Severity Level III violation. (Supplement I)
Civil Penalty - \$100,000

- II. 10 CFR Part 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings", requires 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 and drawings. Instructions, procedures, or drawings shall include appropriate quantitative or qualitative acceptance criteria for determining that important activities have been satisfactorily accomplished.

Contrary to the above, following a modification in May 1993, that installed a drain system for the Salem Unit 2 pressurizer code safety loop seals, the Licensee did not ensure that an activity affecting quality was satisfactorily accomplished in that the procedure that directed the installation of the modification to the pressurizer code safety loop seals drains did not adequately ensure that the drain valves were properly positioned prior to plant startup after the modification. Specifically, valve 2PR66, a valve in a common drain line for the 2PR3, 2PR4, and 2PR5, pressurizer safety valves, was left closed throughout the operating cycle between May 1993 and October 1994. (06013)

This is a Severity Level III Violation. (Supplement I)
Civil Penalty - \$100,000

Pursuant to the provisions of 10 CFR 2.201, Public Service Electric and Gas 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 Penalties (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 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 penalties 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 penalties 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 penalties will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalties, 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 penalties should not be imposed. In addition to protesting the civil penalties in whole or in part, such answer may request remission or mitigation of the penalties.

In requesting mitigation of the proposed penalties, 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 civil penalties.

Upon failure to pay any civil penalties due which subsequently have been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalties, 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 penalties, and Answer to a Notice of Violation) should be addressed to: Mr. 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 I, and a copy to the NRC Resident inspector at the facility that is the subject of this Notice.

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 Rockville, Maryland
this 16th day of October 1995



EA 95-70

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

July 5, 1995

Mr. Donald A. Reid
Vice President, Operations
Vermont Yankee Nuclear Power Corporation
RD 5, Box 169
Ferry Road
Brattleboro, Vermont 05301

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY
- \$50,000 (NRC Inspection Report No. 95-03)

Dear Mr. Reid:

This letter refers to the NRC inspection conducted on February 21 through March 10, 1995, at the Vermont Yankee Nuclear Power Station, in Vernon, Vermont, and continued in the Region I office until April 25, 1995. The inspection was conducted to perform an evaluation of your motor-operated valve (MOV) program, procedures, and test results. On April 25, 1995, the NRC notified you of apparent violations involving the potential pressure locking of Core Spray System injection MOVs. The inspection report was sent to you on May 4, 1995. A predecisional enforcement conference was conducted in the Region I office on May 26, 1995.

Based on the information developed during the inspection and the information that you provided during the conference, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty and the circumstances surrounding it are described in detail in the subject inspection report. The violation involves the failure to identify promptly and correct a significant condition adverse to quality that existed at the facility as required by 10 CFR Part 50, Appendix B, Criterion XVI.

This violation is of concern because degradation of the Core Spray System valves could have rendered them unable to fulfill their safety function of creating a flow path for the core spray pumps to inject water into the reactor vessel following a loss of coolant accident (LOCA). As noted in the inspection report, and at the enforcement conference, you contended that your subsequent calculations demonstrated that the MOVs had adequate margin to overcome the pressure locking forces. However, your subsequent testing demonstrated that the required thrust values were higher than those predicted by your previous calculations. Further, your operability conclusion relied on the supposition that voltage would be degraded, but would remain above the minimum value in the Vermont Yankee licensing basis under accident conditions. The NRC believes the use of that higher voltage value for operability determinations to be non-conservative and therefore, not appropriate.

You had opportunities to identify and correct this condition in March 1994, when, during the review of then draft Supplement 6 to Generic Letter 89-10, you identified that the core spray injection valves were susceptible to pressure locking due to the rapid depressurization of the reactor vessel during a LOCA. Although you issued memoranda on March 7, 1994, and March 11, 1994, stating that an analysis should be performed to determine whether the motor operators were capable of opening the valves against pressure locking forces, subsequently you did not perform an engineering analysis of motor/actuator capability until after the NRC identified the omission during the 1995 inspection.

The NRC also is concerned that your failure to identify promptly and correct adverse conditions at your facility has been a recurring problem at Vermont Yankee. In fact, in the two months prior to your March 1994 memoranda noting the need for the analysis, the NRC had expressed concern on at least two occasions, regarding Vermont Yankee's failure to identify promptly and correct conditions adverse to quality at the facility. For example, on January 21, 1994, the NRC issued a \$187,500 civil penalty to you for numerous violations at the facility (EAs 93-243 and 93-279), including a violation of Appendix B, Criterion XVI. The letter transmitting that action noted that the penalty was being issued to ensure timely identification and correction of conditions adverse to quality at the facility, as well as to direct your attention to the NRC concern that these prior violations reflected a lack of appreciation of the need to maintain high levels of margin to safety in plant operation. Furthermore, in a letter, dated February 28, 1994, transmitting the latest SALP report, the NRC noted that "continued management attention is needed to resolve concerns over the effectiveness of the Vermont Yankee corrective action processes and resolution of longstanding deficiencies."

At the enforcement conference on May 26, 1995, you acknowledged that you did not assess operability quantitatively in this matter when the valves were first noted to be susceptible; did not address the pressure locking concern appropriately; and provided insufficient management oversight to this matter. Since the safety consequences of a LOCA could be increased if the Core Spray System does not function as intended, this violation has been categorized in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) (60 FR 34381, June 30, 1995) at Severity Level III.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III violation. Because your facility has been the subject of escalated enforcement within the last 2 years (In addition to the enforcement action discussed above, a \$50,000 civil penalty was issued on August 2, 1993 (EA 93-112)), the NRC considered whether credit was merited for *Identification* and *Corrective Action* in accordance with Section VI.B.2 of the Enforcement Policy. With regard to *Identification*, although you identified in March 1994 the need for an analysis, NRC identified that the analysis had not been performed; therefore, credit for this factor is not warranted. Credit was warranted for your prompt and comprehensive *Corrective Action* following NRC notification. Corrective actions included (1) modification of the actual valves by drilling the hole through one side of the disc to provide for pressure locking relief; (2) formation of a Program Oversight Group for the

Generic Letter 89-10 program; (3) initiation of monthly meetings between plant and engineering management, along with key project managers, to stay abreast of key issues and assure appropriate action is being taken; (4) planned revision to the Basis for Maintaining Operability (BMO) process to reinforce the need for sound justification when using engineering judgement to justify operability, using margins when evaluating operability, and utilizing industry information; and (5) planned evaluation of methods of using "in-house" technical expertise to enhance the review process.

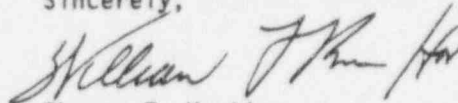
Therefore, to emphasize the importance of prompt identification and correction of conditions adverse to quality, and in recognition of your previous escalated enforcement actions, I have been authorized, after consultation with the Director, Office of Enforcement, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the base amount of \$50,000 for the Severity Level III 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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The responses directed by this letter and the 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, Pub. L. No. 96.511.

Sincerely,



Thomas T. Martin
Regional Administrator

Docket No. 50-271
License No. DPR-28

Enclosure: Notice of Violation and Proposed Imposition of Civil Penalty

ENCLOSURE

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Vermont Yankee Nuclear Power Corporation
Vermont Yankee

Docket No. 50-271
License No. DPR-28
EA 95-070

During an NRC inspection conducted on February 21 through April 25, 1995, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 60 FR 34381, June 30, 1995, 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 Part 50, Appendix B, Criterion XVI, Corrective Action, requires that measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action is taken to preclude repetition.

Contrary to the above,

1. From March 1994 until March 6, 1995, a significant condition adverse to quality existed at the facility but was not promptly corrected, namely, a lack of an analysis as to whether the Core Spray injection valves (motor operated valves V14-11A, V14-11B, V14-12A, and V14-12B) were susceptible to pressure locking such that the valves would not open if called upon to open in the event of a loss of coolant accident. Specifically, although in memoranda, dated March 7 and March 11, 1994, the licensee identified the susceptibility of the injection valves to pressure locking due to leakage past the check valve, and stated that analysis should be performed to determine the capability of the valves to open against pressure locking forces, analytical calculations to verify operability of the injection valves were not performed until March 6, 1995.
2. A significant condition adverse to quality was identified at the facility in April and May 1994 but was not promptly corrected, namely, operability determinations performed to support switching the normal positions of the injection valves by shutting valve V14-11A and opening valve V14-12A identified the susceptibility of valve V14-11A to pressure locking, but no analytical calculations to verify the operability of valve V14-11A were performed until March 6, 1995. (01013)

This is a Severity Level III violation (Supplement 1).
Civil Penalty - \$50,000

Pursuant to the provisions of 10 CFR 2.201, Vermont Yankee Nuclear Power Corporation (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 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.

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 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. 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: James Lieberman, 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, Vermont Yankee Station.

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 King of Prussia, Pennsylvania
this 5th day of July 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

August 17, 1995

EA 95-096

Washington Public Power Supply System
ATTN: J. V. Parrish, Vice President
Nuclear Operations
3000 George Washington Way
P.O. Box 968, MD 1023
Richland, Washington 99352

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY -
\$50,000

Dear Mr. Parrish:

This refers to: 1) a special inspection conducted March 6 through June 1, 1995, which reviewed several apparent failures to follow plant procedures at the Washington Nuclear Project-2 (WNP-2) facility, as documented in Inspection Report 50-397/95-07 issued June 2, 1995; and 2) an Augmented Inspection Team inspection conducted April 24 through May 25, 1995, which reviewed an April 9, 1995, event involving the improper manipulation of a valve in the reactor water cleanup system, as documented in Inspection Report 50-397/95-13 issued on June 12, 1995. The latter event also was the subject of investigation 4-95-018 conducted by the NRC's Office of Investigations (OI) and completed on May 16, 1995. On July 28, 1995, you and other Washington Public Power Supply System (Supply System) representatives attended a closed, predecisional enforcement conference in the NRC's Arlington, Texas, office to discuss apparent violations associated with the inspections and investigation.

Based on the information developed during the inspections and investigation, and the information that you provided during the conference, the NRC has determined that violations of NRC requirements occurred. These violations are cited in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty; the circumstances surrounding them are described in detail in the subject inspection reports. We note that one apparent violation, involving corrective actions related to a half-scam signal, is not being cited based on additional information you provided at the conference. While we do not intend to describe each of the remaining violations listed in the enclosed Notice in detail, it is important to note that these violations involve human performance problems at WNP-2 that have been the subject of continuing NRC and Supply System concerns. The violations include: 1) a departure from procedural requirements by a control room supervisor who displayed, at the very least, a careless disregard for a procedural prohibition; 2) a failure to assure that a lock-seal was in place on a valve required to be locked in a throttled position; 3) failures to follow procedural clearance order requirements designed to assure the safety of personnel and equipment; 4) a procedural implementation error which resulted in a turbine and reactor trip; and 5) failures to assure the operability of all equipment required during plant operations or mode changes.

Most of these violations occurred during a relatively short period of time, in February 1995. In the aggregate, the NRC views these violations as an indication that the Supply System's previous efforts to improve human performance and correct historical problems with respect to procedural compliance and attention to detail have not been fully successful. Previous problems in this area include: 1) a November 1993 problem concerning a failure to follow procedures related to operating the residual heat removal system in the spent fuel pool cooling mode during power operation; 2) a series of May 1994 events that included numerous personnel errors and resulted in foreign material dropping in the reactor vessel, improper verification of load lifts and rigging design during a moisture separator disassembly, and refueling mast damage; and 3) several 1994 control room emergency filtration system problems that were primarily caused by workers failing to exhibit questioning attitudes and other weak personnel performance issues. While the individual violations addressed in the instant action did not result in any significant safety consequences, it is the continuation of violations of this type that is of most concern to the NRC because continuing performance at this level has the potential to lead to incidents of greater safety significance. Taken together, and in light of the previous problems described above, these violations collectively represent potentially significant lack of attention or carelessness toward licensed responsibilities and, therefore, these violations are classified in the aggregate as a Severity Level III problem in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy, 60 FR 34381, June 30, 1995).

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III problem. Because your facility has been the subject of escalated enforcement actions within the last 2 years¹, the NRC considered whether credit was warranted for *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. Although some of the individual violations were identified by NRC inspectors, the NRC's review of the *Identification* factor concluded that the Supply System had independently identified and was dealing with the primary problem requiring corrective action, i.e., continuing human performance problems. With regard to the *Corrective Action* factor, the NRC concluded that the Supply System had promptly corrected each of the individual violations, notwithstanding NRC involvement in some cases, and that the Supply System now appears to be taking a comprehensive approach toward corrective actions aimed at the continuing human performance problems. However, given the Supply System's history of failures to effectively address human performance problems, it remains to be determined whether the corrective actions being implemented here will be effective.

¹ A \$50,000 civil penalty was issued on May 18, 1995 (EA 95-036), based on an inspection that ended on February 15, 1995, and a \$75,000 civil penalty was issued on November 10, 1993 (EA 93-191), based on an inspection that ended August 2, 1993.

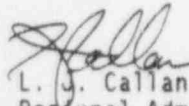
Notwithstanding the NRC's review of the *Identification and Corrective Action* factors, in light of the longstanding human performance problems with procedural compliance and attention to detail, and the thus far ineffective licensee action to correct those problems, the NRC is exercising discretion under section VII.A (1) of the Enforcement Policy to propose a civil penalty in this case. To emphasize the importance of, and need for, effective and lasting correction of human performance problems, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the base amount of \$50,000 for this Severity Level III problem. This proposed civil penalty was limited to the base amount in recognition of the fact that you have proposed comprehensive corrective actions.

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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The responses directed by this letter and the 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, Pub. L. No. 96.511.

Sincerely,



L. J. Callan
Regional Administrator

Docket: 50-397
License: NPF-21

Enclosure: Notice of Violation and
Proposed Imposition of Civil Penalty

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Washington Public Power Supply System
Washington Nuclear Project-2

Docket: 50-397
License: NPF-21
EA 95-096

During NRC inspections conducted March 6 through June 1, 1995, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 60 FR 34381, June 30, 1995, 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 6.8.1 states written procedures shall be established, implemented, and maintained covering, in part, the applicable procedures recommended in Appendix A of Regulatory Guide 1.33, Revision 2, February 1978.

Regulatory Guide 1.33, Appendix A, Item 4.c, recommends procedures for the operation of the reactor cleanup system.

WNP-2 Procedure 2.2.3, "Reactor Water Cleanup System," Revision 20, states in Section 4.7 that "RWCU-V-31, Orifice Bypass valve, shall not be open with Reactor pressure GT [greater than] 125 psig, to prevent over pressurization of the RWCU blowdown piping." This same prohibition is contained in a caution box in Section 5.7, just prior to Step 10.

Contrary to the above, on April 9, 1995, with the reactor coolant system pressure at approximately 215 psig, the Control Room Supervisor opened Valve RWCU-V-31, a bypass valve around the reactor water cleanup system letdown line flow restricting orifice, and allowed it to remain partially open for approximately 2 hours. The Control Room Supervisor did not take action to correct this situation despite other control room personnel questioning the appropriateness of his actions and despite his acknowledgement that he reviewed the applicable procedure after these questions were raised. (01013)

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

Regulatory Guide 1.33, Appendix A, Item 4.q, recommends procedures for the operation of the service water system.

Procedure 2.4.5, Revision 26, "Standby Service Water System," attachment 6.1, requires the position of SW-V-128A to be "Throttled per PPM [Plant Procedures Manual] 7.4.7.1.1.1." Procedure 7.4.7.1.1.1, Revision 18, "Standby Service Water Loop A Valve Position Verification,

"paragraph 7.2, step 7, requires personnel to: "Verify the following valves are sealed in their throttled positions following final flow adjustment... SW-V-128A."

Contrary to the above, on February 7, 1995, Valve SW-V-128A was not lock-sealed in its throttled position following final flow adjustment. (01023)

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

Regulatory Guide 1.33, Appendix A, Item 1.c, recommends procedures for equipment control (e.g., locking and tagging).

Plant Procedures Manual Procedure 1.3.8, "Danger Tag Clearance Order," implements the requirements for locking and tagging.

- (1) Section 3.1.11 of Procedure 1.3.8 discusses requirements for independent verification of component status and requires the first operator to verify or position the component as required by the clearance order and the second operator to verify the "as left" status of the component.

Contrary to the above, on February 8, 1995, the resident inspector found that the control room switch for CAC-FCV-4A was in the AUTO position, but was danger tagged under Clearance Order 95-02-0005 to be in the OFF position. The switch had been positioned by a control room operator and verified by an equipment operator. (01033)

- (2) Step 6.11.2 of Procedure 1.3.8 states that the shift manager ensures the clearance order provides the safe conditions necessary for the protection of personnel and ensures the clearance order is adequate for the tasks and hazards involved.

Contrary to the above, on February 14, 1995, the shift manager designee (the control room supervisor) authorized Clearance Order 95-02-0075 for electricians to replace relay CVB-RLY-V/1EF/R3 using Work Order SV62 01, without ensuring that the clearance order removed power from the relay. (01043)

- (3) Step 6.12.2.c of Procedure 1.3.8 states, that if the names or labels on the clearance order form do not match the equipment field labels, the operator resolves the difference with the shift manager before hanging the tag.

Contrary to the above, on February 14, 1995, operators could not match the equipment field labels with the fuse name on Clearance Order 95-02-0076 for E-FUSE-VB2-TBB1F31 and did not resolve the

difference with the shift manager prior to pulling Fuse E-FUSE-VB2-TBB1F3-1. (01053)

- D. 10 CFR Part 50, Appendix B, Criterion V, requires, in part, that activities affecting quality be prescribed by documented instructions, procedures, and drawings, of a type appropriate to the circumstances, and shall be accomplished in accordance with the instructions, procedures, or drawings.

Contrary to the above, on February 18, 1995, operators failed to follow the instructions in Plant Procedures Manual 2.5.7, "Main Turbine Functional Test," Revision 23. Specifically, operators performing monthly turbine valve surveillance testing manipulated the wrong lever, resulting in a turbine trip and reactor scram. (01063)

- E. Technical Specification 3.0.4 states, that entry into an OPERATIONAL CONDITION or other specified condition shall not be made unless the conditions for the limiting condition for operation are met without reliance on provisions contained in the ACTION requirements.

- (1) Technical Specification 3.6.1.4 requires two independent MSIV leakage control subsystems be operable in Operational Conditions 1, 2, and 3.

Contrary to the above, on February 21, 1995, operators entered Operational Conditions 2 and 3 with one of the two independent MSIV leakage control subsystems inoperable. (01073)

- (2) Technical Specification 3.6.4.1 requires that all nine pairs of suppression chamber - drywell vacuum breakers be closed in Operational Conditions 1, 2, and 3.

Contrary to the above, on February 22, 1995, operators entered Operational Condition 1 with a suppression chamber - drywell vacuum breakers open which rendered a pair of suppression chamber - drywell vacuum breakers inoperable. (01083)

- F. Technical Specification 3/4.3.1 requires that for the intermediate range monitors, two of four instrument channels in each trip system be operable when the plant is in MODE 3 or 4. The Technical Specification requires three of the four instrument channels in each trip system be operable when the plant is in MODE 2 or 5. If these conditions cannot be met, the Technical Specifications require the inoperable channel(s) and or trip system be placed in tripped condition within 12 hours.

Contrary to the above, on February 22, 1995, the licensee failed to meet the T.S. requirement for entry into the operational condition of Startup/Hot Standby because two of four instrument channels in one trip system were inoperable. Specifically, on July 26, 1994, the licensee made a decision not to repair IRM E which had failed a time delay refractometry (TDR) test indicating that the component was inoperable.

The licensee then declared IRM E operable based on engineering judgement following a reactor scram on February 18, 1995, without performing an additional TDR to verify operability. On February 22, 1995, during reactor startup, IRM E was again declared inoperable due to failing to indicate properly on increasing power and since another IRM in the same trip system was already inoperable, three out of four of the instrument channels within the trip system were no longer operable. (01093)

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

Pursuant to the provisions of 10 CFR 2.201, the Washington Public Power Supply System (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 violation(s) 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: (name of current Director, OE) , 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 Resident Inspector at the WNP-2 facility.

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 17th day of August 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

September 7, 1995

EA 95-109

Washington Public Power Supply System
ATTN: J. V. Parrish, Vice President
Nuclear Operations
3000 George Washington Way
P.O. Box 968, MD 1023
Richland, Washington 99352

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY -
\$50,000 (NRC Inspection Report 50-397/95-16)

Dear Mr. Parrish:

This refers to the May 22-25, 1995 inspection of the radiation protection program at the Washington Nuclear Project-2 (WNP-2) facility. An inspection report issued on June 13, 1995, described two apparent violations associated with a May 14, 1995 event and indicated that the NRC was considering escalated enforcement action. The Washington Public Power Supply System (Supply System) declined the opportunity to discuss these apparent violations in a predecisional enforcement conference and elected instead to respond in writing to the inspection report, which the Supply System did on July 20, 1995. We appreciate the factual corrections that were provided in Appendix C to your letter and have considered those corrections in the development of this action.

Based on the information developed during the inspection and our consideration of the information provided in response to the inspection report, the NRC has determined that violations of NRC requirements occurred, as described in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty. The circumstances surrounding the event that led to the identification of the violations were described in detail in the subject inspection report and in your July 20 response. The violations are associated with the removal and transfer of spent Reactor Water Cleanup System filters that had radiation levels as high as 80 rem/hour on contact, and include: 1) a failure to follow WNP-2's radiation work permit (RWP) procedures to assure adequate planning and that workers involved in the task were fully informed of the actual radiological conditions and potential hazards; and 2) a failure to assure continuous health physics coverage during the task. Poor planning contributed to the occurrence of a mishap while workers were transporting the spent filters through a personnel airlock, causing the drum containing the bagged filters to overturn and posing the potential for significant exposures to the involved workers. The mishap occurred at the very time that health physics coverage had been temporarily discontinued.

In a root cause analysis report dated June 22, 1995, the Supply System identified inadequate task planning as the primary root cause and a failure to identify special circumstances associated with the task as a secondary root

cause. The Supply System identified several contributing causes, including: 1) inadequate verbal communications; 2) inadequate coordination between departments; 3) inadequate supervisory oversight of the task; 4) a failure to follow health physics requirements during the task, e.g., continuing the task despite electronic dosimeter alarms; 5) a failure to adequately evaluate the transfer path when a change in the planned storage location of the filters occurred; 6) an inadequate pre-job briefing; and 7) the omission of relevant radiological information from the RWP.

In its July 20 letter, the Supply System agreed that the violations described in the NRC's inspection report had occurred, but stated, "While these failures are of concern to Supply System management, given the mitigating circumstances, they did not represent an opportunity for a significant unplanned exposure." The Supply System noted that the involved workers acted properly and in accordance with their training by promptly removing themselves from the airlock until health physics coverage could be reestablished, and that the violations had minimal actual safety or health significance with regard to the involved workers.

While agreeing that the violations did not result in significant exposures to the involved workers, the NRC disagrees with the Supply System's view regarding the potential for significant unplanned exposures and, furthermore, believes that the collective significance of the violations is cause for significant regulatory concern. First, with respect to the potential exposures, the NRC bases its view on the fact that the individuals involved in executing this task failed repeatedly to follow procedural guidance and sound radiation protection practices, as evidenced by their continuing the task despite higher than expected radiation levels and their electronic dosimeters alarming. Furthermore, the workers who were transporting the drum through the airlock did make an attempt to right the overturned drum before exiting the area. With dose rates as high as 80 rem/hour on contact on one of the bags containing the filters, this incident could easily have resulted in far more significant exposures. Secondly, with respect to the collective significance of the violations, the NRC concludes that the violations represent a breakdown in the Supply System's implementation of its RWP system in that numerous procedural requirements and good radiation protection practices were not followed. Therefore, these violations are classified in the aggregate as a Severity Level III problem in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) (NUREG 1600 and 60 FR 34381, June 30, 1995).

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III problem. Because your facility has been the subject of an escalated enforcement action within the last 2 years¹, the NRC considered whether credit was warranted for *Identification and Corrective Action* in accordance with the civil penalty

¹ A \$50,000 civil penalty was issued on May 18, 1995 (EA 95-036), based on an inspection that started on February 15, 1995.

assessment process in Section VI.B.2 of the Enforcement Policy. With regard to identification, the May 14 event itself resulted in the identification of the violations; consequently, the prior opportunities to have identified this matter and prevented the violation need to be considered. As noted above, there were information and warnings available during the evolution that should have caused the involved personnel to take steps to prevent the event and the violations from either occurring or continuing. As the Supply System pointed out in its July 20 letter, the lead health physics technician should have stopped the job when it was recognized that dose rates were substantially higher than estimated. In view of all this, credit for prompt identification is not warranted.

With regard to corrective action, the Supply System described in more detail in its July 20 letter the several immediate corrective actions that assured the safe completion of the task. These immediate corrective actions included: 1) stopping the drum transfer evolution and conducting more extensive training prior to completing the transfer; 2) limiting the number of approved drafters of RWPs in order to improve the quality and consistency of RWPs; and 3) emphasizing to the radiation protection staff the importance of health physics technicians tracking job status against anticipated exposure. The Supply System's longer term corrective actions included: 1) revising the station procedures to reflect program changes resulting from invoking the immediate corrective actions; 2) revising the standards for adding tasks to existing RWPs; 3) developing enhanced ALARA pre-job briefing training for health physics staff; 4) developing a high radiation material transfer instruction; 5) revising health physics technician training tasks for drafting RWPs; 6) revising station procedures that control the use of transfer carts; and 7) including this incident in the events training for licensee laborers, health physics technicians, mechanics, engineering personnel, and individuals qualified as Persons-in-Charge. Based on these actions, we conclude that the Supply System's corrective actions were prompt and comprehensive, and credit for your corrective actions is warranted.

To emphasize the importance of proper planning and execution of tasks where a potential for significant radiation exposure exists and the prompt identification of violations so as to prevent events from occurring, I have been authorized, after consultation with the Director, Office of Enforcement, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the base amount of \$50,000 for this Severity Level III problem. This proposed civil penalty was limited to the base amount in recognition of the Supply System's prompt and comprehensive corrective actions.

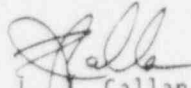
In the Supply System's July 20 letter there were several examples identified where personnel performance of radiation protection activities was inconsistent with management's expectations. These performance issues were found to have contributed to this event. In assessing these performance issues it was noted that management expectations were imparted through the use of "should" statements in the applicable radiation protection program implementing procedures. The NRC is concerned with the use of "should"

statements for activities which can directly affect personnel radiation exposure. It is suggested that the Supply System review procedures associated with this event to ensure that future activities are appropriately controlled.

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, which may incorporate by reference, pertinent information and responses from your July 20, 1995 letter, 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 addition to responding to the Notice, we also request that the Supply System address the practice of using "should" statements to disseminate management expectations for implementing the radiation protection program and in particular those areas involving personnel radiation exposure.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. The responses directed by this letter and the 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, Pub. L. No. 96.511.

Sincerely,



L. J. Callan
Regional Administrator

Docket: 50-397
License: NPF-21

Enclosure: Notice of Violation and
Proposed Imposition of Civil Penalty

cc w/Enclosure:
Washington Public Power Supply System
ATTN: J. H. Swailes, WNP-2 Plant Manager
P.O. Box 968, MD 927M
Richland, Washington 99352-0968

Washington Public Power
Supply System

-5-

Washington Public Power Supply System
ATTN: Chief Counsel
3000 George Washington Way
P.O. Box 968, MD 396
Richland, Washington 99352-0968

Energy Facility Site Evaluation Council
ATTN: Frederick S. Adair, Chairman
P.O. Box 43172
Olympia, Washington 98504-3172

Washington Public Power Supply System
ATTN: D. A. Swank, WNP-2 Licensing Manager
P.O. Box 968 (Mail Drop PE20)
Richland, Washington 99352-0968

Washington Public Power Supply System
ATTN: P. R. Bemis, Director
Regulatory and Industry Affairs
P.O. Box 968 (Mail Drop PE20)
Richland, Washington 99352-0968

Benton County Board of Commissioners
ATTN: Chairman
P.O. Box 190
Prosser, Washington 99350-0190

Winston & Strawn
ATTN: M. H. Philips, Esq.
1400 L Street, N.W.
Washington, D.C. 20005-3502

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Washington Public Power Supply System
Washington Nuclear Project-2

Docket: 50-397
License: NPF-21
EA 95-109

During an NRC inspection conducted May 22-25, 1995, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG 1600; 60 FR 34381, June 30, 1995, 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 Section 6.8.1.a requires that written procedures be established, implemented, and maintained covering the activities recommended in Appendix A of Regulatory Guide 1.33, Revision 2, February 1978. Section 7.e of Regulatory Guide 1.33 addresses Radiation Protection Procedures.
1. Procedure PPM 1.11.8, "Radiation Work Permit," Revision 7, Section 3.1, states: "The Radiation Work Permit (RWP) is the administrative method for controlling work in radiological controlled areas to ensure that occupational exposures are maintained as low as is reasonably achievable (ALARA). The process for initiating and preparing RWP's ensures that jobs are adequately planned and reviewed for ALARA considerations; and that the radiological conditions are evaluated to establish appropriate radiation protection requirements and measures. The RWP serves as the mechanism for insuring that personnel are adequately informed of and protected against the radiological hazards in the work area."

Procedure PPM 1.11.8, "Radiation Work Permit," Revision 7, Section 5.5.1 states: "An RWP issued for entries into High Radiation Areas shall specify the dose rates in the immediate work area"

Contrary to the above, RWP 95000076 02, "RWCU System Chemical Decon," issued for work entries in a High radiation Area on May 14, 1995, did not include accurate work area dose rates for the immediate work area. The RWP identified general area dose rates as 20-500 mrem/hr and contact dose rates of 50 rem/hr. However, actual general area and contact dose rates were 1,600 mrem/hr and 80 rem/hr, respectively. (01013)

 2. Procedure PPM 11.2.7.3, "High and Very High Radiation Area Controls," Revision 10, Section 3.1, states: "A Radiation Work Permit (RWP) must be used for work in High or Very High Radiation Areas except as exempted in PPM 1.11.8."

Radiation Work Permit 95000076 02, which was issued for work in a High Radiation Area, identified a dose rate limit of 50 rem/hr on the waste bag during filter change out for bag removal.

Contrary to the above, work continued on May 14, 1995, in a High Radiation Area where the dose rate was in excess (additional 30 rem/hr) of the 50 rem/hr specified by RWP 95000076 02. The RWP was not revised or the work stopped when the measured dose rate exceeded the 50 rem/hr on the waste bag during the filter change out. (01023)

3. Procedure PPM 11.2.2.5, "ALARA Job Planning and Reviews," Revision 3, Section 6.3.1.b., states, in part, "ALARA prejob briefings are performed to ensure workers understand the radiological conditions, RWP requirements, and work instructions associated with specific tasks and evolutions when: The potential exists for sudden changes in radiological conditions." Section 6.3.3 states, in part, "If an ALARA prejob briefing is required, record prejob briefing discussion topics in HP Logbook text within TES or manually on a Prejob Briefing Record."

Contrary to the above, the records of the ALARA prejob briefing discussion topics, for the ALARA prejob briefing specified by RWP 95000076 02, on May 14, 1995, did not include discussion topics in the HP Logbook text within TES or in a Prejob Briefing Record. Topics that were not recorded involved pertinent instructions to radiation workers. These topics included: actual radiological conditions in the work area, potential for changing radiological conditions, alarm set points for the electronic dosimeters, actions to be taken in the event of a electronic dosimeter alarm, or responses to unexpected radiation levels. (01033)

- B. Technical Specification 6.12.1 requires, in part, that entrance into High Radiation Areas be controlled by requiring issuance of a Radiation Work Permit (RWP). Any individual or group of individuals permitted to enter such areas shall be provided with or accompanied by one or more of the following:
 1. A radiation monitoring device which continuously indicates the radiation dose rate in the area.
 2. A radiation monitoring device which continuously integrates the radiation dose rate in the area and alarms when a preset integrated dose is received. Entry into such areas with this monitoring device may be made after the dose rate levels in the area have been established and personnel have been made knowledgeable of them.

3. A health physics qualified individual (qualified in radiation protection procedures) with a radiation dose rate monitoring device who is responsible for providing positive control over the activities within the area and shall perform periodic radiation surveillance at the frequency specified by the Health Physicist in the RWP.

RWP 95000076 02 dated May 13, 1995, required continuous HP coverage for the reactor water cleanup filter changeout and transport to radioactive waste.

Contrary to the above, during the transport of the reactor water cleanup filter on May 14, 1995, continuous HP coverage was not provided as required by RWP 95000076 02 and individuals entered a High Radiation Area without any of the prescribed monitoring methods. Subsequently, while transporting the barrel containing the spent reactor water cleanup filters to radioactive waste, the barrel tipped in the reactor building personnel airlock resulting in radiation levels of 20 rem/hr at 12 inches and 80 rem/hr on contact. (01043)

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

Pursuant to the provisions of 10 CFR 2.201, the Washington Public Power Supply System (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 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 violation(s) 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: (name of current Director, OE), 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 Resident Inspector at the WNP-2 facility.

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 7th day of September 1995

B. SEVERITY LEVEL I, II, III VIOLATIONS,
NO CIVIL PENALTY



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

November 28, 1995

EA 95-235

Bechtel Construction Company
Chicago Project Office
ATTN: James Reinsch
Vice President
1240 East Diehl Road
Naperville, Illinois 60663

SUBJECT: NOTICE OF VIOLATION
(SECRETARY OF LABOR'S FINAL DECISION AND ORDER, 95-ERA-0011)

Dear Mr. Reinsch:

Mr. David G. Johnson, an employee of Bechtel Construction Company (Bechtel), a contractor at the Zion Nuclear Generating Station, filed an employment discrimination complaint with the U. S. Department of Labor (DOL). Mr. Johnson originally alleged that he was discharged by Bechtel during the 1993-1994 outage at Zion because he raised safety concerns to the Commonwealth Edison Company (ComEd) and the NRC. Mr. Johnson subsequently changed the complaint to Bechtel's refusal to rehire him for the 1994-1995 Zion outage because of the safety concerns he raised during the prior outage.

A hearing on this matter was held before an Administrative Law Judge (ALJ) of the U. S. Department of Labor. In decisions dated March 29 and April 18, 1995, the ALJ concluded that Bechtel did not rehire Mr. Johnson in retaliation for his involvement in protected activities. On May 31, 1995, the Secretary of Labor (SOL) issued a Preliminary Order providing interim relief to Mr. Johnson. On September 11, 1995, a predecisional enforcement conference was held. The SOL issued a Final Decision and Order on September 28, 1995, upholding the ALJ's findings and ordered Bechtel to: (1) pay back wages to Mr. Johnson, (2) not consider Mr. Johnson's involvement in protected activities when deciding whether to rehire him in the future, and (3) pay reasonable costs to Mr. Johnson.

Based on our review of the ALJ and SOL decisions and of information presented at the predecisional enforcement conference, the NRC has determined that a violation of 10 CFR 50.7, "Employee Protection" occurred. This violation is described in the enclosed Notice of Violation (Notice). Specifically, under 10 CFR 50.7, discrimination by a Commission licensee, or its contractors or subcontractors, against an employee for engaging in protected activities is prohibited. Mr. Johnson's activities in raising safety concerns about a policy concerning the use of respirators are considered protected activities under 10 CFR 50.7. The violation is considered an action against an employee by a first line supervisor in violation of 10 CFR 50.7 and is categorized at Severity Level III in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), (60 FR 34381; June 30, 1995).

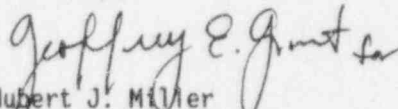
The violation is of concern to the NRC because it represents discrimination against an employee for engaging in protected activities. The NRC is also concerned that this violation could have a chilling effect on other licensee or contractor personnel in that it might deter them from identifying safety concerns.

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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response 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.

The responses directed by this letter and the 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,


Hubert J. Miller
Regional Administrator

Dockets No. 50-295; 50-304
Licenses No. DPR-39; DPR-48

Enclosures:

1. Notice of Violation to
Bechtel Construction
2. Notice of Violation and
Proposed Imposition of
Civil Penalty to ComEd

NOTICE OF VIOLATION

Bechtel Construction Company
Naperville, Illinois

EA 95-235

Based on a Final Decision and Order issued by the Secretary of Labor on September 28, 1995, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600 (60 FR 34381; June 30, 1995), the violation is listed below:

10 CFR 50.7, prohibits discrimination by a Commission licensee or a contractor or subcontractor of a Commission licensee against an employee for engaging in certain protected activities. Discrimination includes discharge and other actions that relate to compensation, terms, conditions or privileges of employment. The protected activities were established in Section 211 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or the Energy Reorganization Act.

Contrary to the above, David G. Johnson, a Bechtel Construction Company laborer, a contractor of the Commonwealth Edison Company's Zion Nuclear Generating Station, was unlawfully discriminated against in that he was not rehired by Bechtel Construction Company for the 1994-1995 outage at the Zion Station because he had engaged in protected activities during the 1993-1994 outage at Zion. The protected activities involved Mr. Johnson's raising safety concerns to the licensee and the NRC about the use of respirators while he was employed by Bechtel Construction during the 1993-1994 outage at the Zion Station. (01013)

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

Pursuant to the provisions of 10 CFR 2.201, Bechtel Construction Company (Bechtel) is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region III, 801 Warrenville Road, Lisle, Illinois, 60532-4351 and a copy to the NRC Resident Inspector at the Zion Station. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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 such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Notice of Violation

- 2 -

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

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 Lisle, Illinois
the 27th day of November 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

January 26, 1994

EA 94-016
EA 94-017

Burns International Security
Service, Inc.
ATTN: Roger Comstock, President
2 Campus Drive
Parsippany, New Jersey 07054

SUBJECT: NOTICE OF VIOLATION; DEMAND FOR INFORMATION
(U. S. Department of Labor Case No. 93-ERA-12)

This refers to the results of a hearing conducted by a U. S. Department of Labor (DOL) Administrative Law Judge (ALJ) into a complaint filed on November 5, 1992, by an individual formerly employed by Burns International Security Service (Burns) under contract to the Prairie Island Nuclear Generating Plant (Prairie Island) (DOL Case No. 93-ERA-12). The former security guard alleged that Burns improperly terminated her employment on September 3, 1992 because she raised questions about certain security practices at Prairie Island.

In a December 4, 1992 letter, the DOL Area Director concluded that Burns would have taken the same unfavorable personnel action regardless of the individual's questions about the security practices. That decision was appealed by the individual and, following a hearing, the DOL ALJ concluded that unlawful employment discrimination had occurred. Specifically, the ALJ found that Burns wrongfully discharged the individual in retaliation for her having engaged in protected activities on several occasions. The ALJ ordered Burns to reinstate the guard with back pay and other compensation.

The NRC has determined that Burns' termination of the guard is a violation of 10 CFR 50.7, "Employee Protection." Specifically, under 10 CFR 50.7, discrimination by a Commission licensee, or its contractor or subcontractor, against an employee for engaging in protected activities is prohibited. The guard's activities, which included raising questions about security practices at an NRC-licensed facility, are considered protected activities under 10 CFR 50.7. A Notice of Violation and Proposed Imposition of Civil Penalty (Notice) has been issued to Northern States Power Company 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. Since the NRC enforcement action in this case is based

Burns International
Security Service

- 2 -

On the Recommended Decision and Order of the DOL ALJ, which is still being reviewed by the Secretary of Labor, you may delay submission of certain portions of the response as described in the enclosed Notice until 30 days after the final decision of the Secretary of Labor.

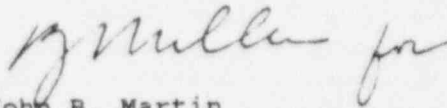
In order for the NRC to determine whether additional enforcement action is necessary, you are requested to respond to the enclosed Demand for Information.

Questions concerning this Demand for Information should be addressed to the Director, Office of Enforcement, who can be reached at (301) 504-2741.

Please promptly provide copies of this letter and the enclosed Notice of Violation and Demand for Information to the individuals who were involved in the incident and inform them that they may respond and that, if they do choose to respond, this response must be provided within 30 days of the date of this letter.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your responses will be placed in the NRC Public Document Room.

Sincerely,



John B. Martin
Regional Administrator

Enclosures:
Notice of Violation
Demand for Information

cc: Northern States Power Company

NOTICE OF VIOLATION

Burns International Security
Service

EA 94-016

Based on a U. S. Department of Labor (DOL) Administrative Law Judge's Recommended Decision and Order in DOL Case 93-ERA-12, dated June 24, 1993, the NRC has determined that a violation of the Energy Reorganization Act of 1974, as amended, and NRC regulations occurred. In accordance with the "Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violation is listed below:

Section 210 (now 211) of the Energy Reorganization Act of 1974, as amended, and 10 CFR 50.7 prohibit discrimination by a Commission licensee, permittee, an applicant for a Commission license or permit, or a contractor or subcontractor of a Commission licensee, permittee, or applicant against an employee for engaging in certain protected activities. Discrimination includes discharge or other actions relating to the compensation, terms, conditions, or privileges of employment. Activities protected by Section 210 of the Energy Reorganization Act of 1974, as amended, (now Section 211) include, but are not limited to, questioning the security practices employed at an NRC licensed facility.

Contrary to the above, Susan Yule, a former employee of Burns International Security Service (Burns) and a former security guard at the Prairie Island Nuclear Generating Station under a contract held by Burns with the Northern States Power Company, was discharged on September 3, 1992, by Burns. A U.S. Department of Labor Administrative Law Judge issued a Recommended Decision and Order in DOL Case 93-ERA-12 on June 24, 1993 which found that Ms. Yule's discharge was an unlawful act of retaliation for engaging in protected activities. The protected activities included: (1) on February 19, 1992, raising a question about the posting of an unarmed guard at a containment entry point; (2) during March and July 1992, reporting possible regulatory violations to NRC inspectors; and (3) on August 10, 1992, reporting that the security badge issue station had been left unattended. (01013)

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

Pursuant to the provisions of 10 CFR 2.201, Burns International Security Service is hereby required to submit a written statement or explanation within 30 days of the final decision of the Secretary of Labor in this case 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. In addition, also pursuant to the provisions of 10 CFR 2.201, Burns International Security Service is required to submit a written statement or explanation within 30 days of the date of this Notice of Violation and should

include for each alleged violation: (1) the corrective steps that have been taken and the results achieved, (2) the corrective steps that will be taken to avoid future violations, and (3) the date when full compliance will be achieved. These replies should each be clearly marked as a "Reply to a Notice of Violation". If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued to show cause why additional enforcement action or 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.

The responses noted above 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 III, and a copy to the NRC Resident Inspector at the Prairie Island facility.

Dated at Lisle, Illinois
this 26 day of January 1994

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
Burns International Security) EA 94-017
Service)
Parsippany, New Jersey)

DEMAND FOR INFORMATION

I

Burns International Security Service (Burns) is a contractor for Northern States Power Company (Licensee) who holds Facility Operating License Nos. DPR-42 and DPR-60, issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 50 on August 9, 1973 and October 29, 1974, respectively. The licenses authorize the operation of Prairie Island Nuclear Generating Plant in accordance with conditions specified therein. The facility is located on the Licensee's site in Welch, Minnesota.

II

On November 5, 1992, Susan Yule, a former security guard of Burns, filed a complaint with the Department of Labor (DOL), alleging that she was discharged on September 3, 1992 for engaging in activities protected under Section 210 of the Energy Reorganization Act (now Section 211). The protected activities included: (1) on February 19, 1992 raising a question about the posting of an unarmed guard at a containment entry point; (2) during March and July 1992, reporting possible regulatory violations to NRC inspectors; and (3) on August 10, 1992

reporting that the security badge issue station had been left unattended.

After a preliminary investigation into the matter, a DOL Area Director issued a decision on December 4, 1992 concluding that Burns would have taken the same unfavorable personnel action regardless of the individual's questions about the security practices. This decision was appealed by Ms. Yule and, following a hearing, a DOL Administrative Law Judge (ALJ) issued a Recommended Decision and Order (DOL Case 93-ERA-012) on June 24, 1993 which found that Ms. Yule's discharge was an unlawful act of retaliation for engaging in protected activities.

While the harassment of, and issuance of disciplinary letters to, Ms. Yule appear to be attributable to several individuals, her discharge was carried out under the authority of upper management in Burns. According to the record established in the DOL ALJ hearing, the Burns Division Support Services Manager proposed the termination and obtained concurrence in the action from the Burns Vice President of Operations for the Utilities Business Unit and the Burns Labor Relations Manager.

Employees of licensees and contractors provide an additional means by which potential safety matters can be brought to NRC's attention. In order to ensure that employees are attentive to safety issues and are willing to report such matters, the

licensees and their contractors must create an environment which encourages a free flow of information. When licensee or contractor employees take actions that discourage such attentiveness and reports, whether such actions involve harassment, intimidation, retaliation, or discrimination such as suspensions or terminations, not only will the individual be silenced, but the entire workforce might be chilled and discouraged from raising safety concerns in the future. When such acts are committed by managers in a position to alter the terms, privileges, or conditions of employment of the individual raising the safety concerns, the chilling effect is especially damaging.

The Burns managers responsible for the decision to terminate Ms. Yule were the Vice President of Operations for the Utilities Business Unit and the Labor Relations Manager who are still employed by Burns International Security Service at the corporate office, and the security lieutenant and the site supervisor. Therefore, further information is needed to determine whether the Commission can have reasonable assurance that, in the future, these and other Burns' employees and managers will carry out licensed activities without discriminating against individuals who raise safety concerns or otherwise participate in activities protected by Section 211 of the Energy Reorganization Act or the Commission's regulations in 10 CFR 50.7.

III

In order to determine whether additional enforcement action is appropriate, including action directed to individuals responsible for discrimination, you are hereby requested, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954 as amended, and the Commission's regulations in 10 CFR 2.204, to provide the following information to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 within 30 days of the date of this Demand for Information, in writing and under oath or affirmation:

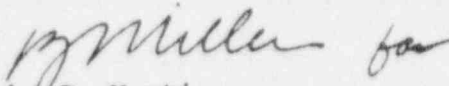
- your basis for concluding that Burns International Security Service managers and supervisors involved in this matter fully understand their responsibilities under NSP's NRC license and NRC's regulations and their obligation to fully comply with NRC regulations and license requirements;
- the steps you have taken to ensure that the Burns International Security Service personnel who were involved in the discriminatory action that is addressed herein will perform their duties in compliance with the Commission's requirements; and
- the steps you have taken to ensure that managers,

supervisors, and employees of Burns International Security Service understand their responsibilities regarding the right of individuals to raise safety or regulatory concerns without fear of retaliation or discrimination.

Copies shall also be sent to the Assistant General Counsel for Hearings and Enforcement at the same address and to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, Illinois 60532-4351.

After reviewing your response, the NRC will determine whether further action is necessary to ensure compliance with regulatory requirements.

FOR THE NUCLEAR REGULATORY COMMISSION


John B. Martin
Regional Administrator

Dated at Lisle, Illinois
this 24 day of January 1994



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

September 11, 1995

EA 94-016 and EA 94-017

Burns International Security
Service, Inc.
ATTN: Roger Comstock
President
2 Campus Drive
Parsippany, New Jersey 07054

SUBJECT: WITHDRAWAL OF NOTICE OF VIOLATION
(U. S. Department of Labor Case No. 93-ERA-12)

Dear Mr. Comstock:

This refers to the Notice of Violation that was issued to Burns International Security (BISSI) on January 26, 1994 (Notice). The Notice was based on the Recommended Decision and Order, dated June 24, 1993, of an U. S. Department of Labor Administrative Law Judge (ALJ). The ALJ found that BISSI, the guard contractor at Northern States Power Company's Prairie Island Nuclear Generating Station, improperly terminated an employee on September 3, 1992, for engaging in activities protected by 10 CFR 50.7, "Employee protection."

In a Final Decision and Order, dated May 24, 1995, the Secretary of Labor found that the former BISSI employee's protected activities were a contributing factor in the discharge decision. However, BISSI proved that it legitimately would have discharged the employee even if she had not raised any concerns about nuclear safety. As a result, the Secretary of Labor overruled the ALJ and dismissed the case. The individual did not appeal the Secretary of Labor's Decision and Order. Therefore, the NRC is withdrawing the Notice of Violation based on the decision of the Secretary of Labor.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be placed in the NRC Public Document Room.

Sincerely,

A handwritten signature in cursive script, appearing to read "H. Miller".

Hubert J. Miller
Regional Administrator

cc: Northern States Power Co.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W., SUITE 2800
ATLANTA, GEORGIA 30323-0199

September 8, 1995

EA 95-166

Carolina Power & Light Company
ATTN: Mr. W. R. Campbell
Vice President
Brunswick Steam Electric Plant
P. O. Box 10429
Southport, NC 28461

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NOS. 50-325/95-13 AND 50-324/95-13 AND
50-325/95-14 AND 50-324/95-14)

Dear Mr. Campbell:

This refers to the inspections conducted between April 29 and August 10, 1995, at the Brunswick facility. The inspections included a review of the circumstances associated with deficiencies identified in design control, implementation of plant modifications, and post-modification testing. The results of these inspections were sent to you by letters dated June 29, July 27, and August 11, 1995. A closed predecisional enforcement conference was conducted in the Region II office on August 28, 1995, to discuss the apparent violations, the root causes, and your corrective actions to preclude recurrence. A list of conference attendees, NRC slides and a copy of your presentation summary are enclosed.

Based on the information developed during the inspections and the information you provided during the conference, the NRC has determined that violations of NRC requirements occurred. These violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection reports. Violation A, described in the enclosed Notice, involved two examples of the failure to confirm the adequacy of a design change to the high pressure coolant injection system (HPCI) by design reviews or by the performance of a suitable post modification testing program. In the first example, the design review for Plant Modification 92-79 did not identify the susceptibility of the HPCI system to a direct current ground. Between May 18, 1995, when HPCI was declared operable following implementation of Modification 92-79, and June 9, 1995, when a ground developed during a routine HPCI surveillance test, the HPCI system was susceptible to a direct current ground which could cause erroneous speed and flow indications resulting in HPCI being inoperable in the automatic mode of operation. Opportunities to prevent the violation were missed on May 11 and May 29, 1995, when isolation and grounding problems were identified. The root causes of this example of Violation A were the failure to include reviews of ground isolation in the design review, failure to recognize isolation of the controller inputs/outputs as an important design characteristic, and failure to fully apply the implications of the information obtained during your May 11 and May 29 reviews of the isolation and grounding problems to the adequacy of the modification to the HPCI system.

In the second example of Violation A and Violation B, additional post-modification testing of the HPCI and reactor core isolation cooling system (RCIC) improperly included tuning of the HPCI and RCIC flow controllers under recirculation conditions which did not account for the different hydrodynamic conditions of vessel injection. Between May 18, 1995, when HPCI and RCIC were declared operable and May 20, 1995, when the flow controllers were reset, the RCIC system was not available in the automatic mode of operation. The fact that system parameters were adjusted to values significantly different from parameters established during the initial system tests without questioning the validity of the new values is of particular concern to the NRC. It was only fortuitous that HPCI was operable during this period of time as the improper adjustments to the HPCI flow controllers fell within acceptable parameters. The root causes of example 2 of Violation A and Violation B were ineffective communication and inadequate interface between the design engineer responsible for the modifications and the system engineer conducting the tests, failure to conduct diverse reviews of the tuning methods used, and failure to question post test data. These inadequacies reflect a failure to exercise broadscope engineering oversight.

The availability of operator action to operate the HPCI and RCIC systems in the manual mode reduced the actual consequence to safety of these violations. However, the flawed modifications degraded the HPCI and RCIC systems during the same time period. Operability of these two systems has been shown through probabilistic risk assessment to be a key contributor to the reduction in accident consequences at the Brunswick plant. The NRC is particularly concerned that your development of these modifications did not take into account that similar modifications to these key systems warranted diverse, rigorous reviews to ensure the adequacy of the modifications and post-modification testing. Therefore, these violations are classified in the aggregate in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), (60 FR 34381; June 30, 1995/NUREG-1600) as a Severity Level III problem.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III problem. Because your facility has not been the subject of escalated enforcement actions within the last two years, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment provision in Section VI.B.2 of the Enforcement Policy. Your immediate corrective actions included returning equipment to operable status and evaluating the impact of the events on equipment operability. At the conference, you stated that your planned long-term corrective actions included training on management expectations regarding the quality of design review and post-modification testing with your design and system engineering staffs and utilizing Engineering Product and Engineering Design Review Teams to review major modifications that impact safety significant systems. You also restated your efforts to strengthen your engineering organizations by integrating design and system engineering, forming design review teams, enhancing engineering skills, and implementing a

"responsible engineer" concept to ensure accountability in the overall design process. Based on these facts, the NRC determined that credit was warranted for the factor of *Corrective Action*.

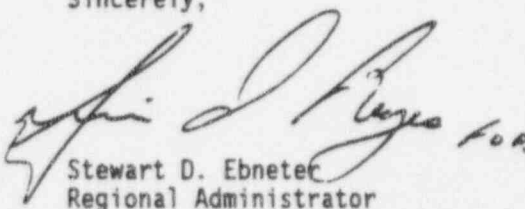
Therefore, to encourage prompt, comprehensive correction of violations and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty.

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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The responses directed by this letter and the 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, Pub. L. No. 96.511.

Sincerely,



Stewart D. Ebnetec
Regional Administrator

Docket No.: 50-325
License No.: DPR-71

Enclosures: 1. Notice of Violation
2. List of Attendees
3. NRC Slides
4. Licensee Presentation Handout

cc w/encls: (See next page)

cc w/encls:

H. W. Habermeyer, Jr.
Vice President
Nuclear Engineering Department
Carolina Power & Light Company
P. O. Box 1551 - Mail OHS7
Raleigh, NC 27602

R. Lopriore
General Plant Manager
Brunswick Steam Electric Plant
P. O. Box 10429
Southport, NC 28461

R. E. Jones
General Counsel
Carolina Power and Light Company
P. O. Box 1551
Raleigh, NC 27602

Dayne H. Brown, Director
Division of Radiation Protection
N. C. Department of Environmental
Commerce & Natural Resources
P. O. Box 27687
Raleigh, NC 27611-7687

Karen E. Long
Assistant Attorney General
State of North Carolina
P. O. Box 629
Raleigh, NC 27602

Robert P. Gruber
Executive Director
Public Staff - NCUC
P. O. Box 29520
Raleigh, NC 27626-0520

Public Service Commission
State of South Carolina
P. O. Box 11649
Columbia, SC 29211

Jerry W. Jones, Chairman
Brunswick County Board of
Commissioners
P. O. Box 249
Bolivia, NC 28422

Dan E. Summers
Emergency Management Coordinator
New Hanover County Department of
Emergency Management
P. O. Box 1525
Wilmington, NC 28402

Norman R. Holden, Mayor
City of Southport
201 East Moore Street
Southport, NC 28461

NOTICE OF VIOLATION

Carolina Power & Light Company
Brunswick Unit 1

Docket No. 50-325
License No. DPR-71
EA 95-166

During NRC inspections conducted between April 29 and August 10, 1995, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (60 FR 34381; June 30, 1995/NUREG-1600), the violations are listed below:

- A. 10 CFR 50, Appendix B, Criterion III, Design Control, requires, in part, that measures shall be established to assure that applicable regulatory requirements and the design basis are correctly translated into specifications and instructions. Criterion III also requires, in part, that design control measures shall provide for verifying or checking the adequacy of design such as by design reviews or by the performance of a suitable testing program.

Contrary to the above, measures were not established to assure that applicable regulatory requirements and the design basis were correctly translated into specifications and instructions for Plant Modification 92-79, High Pressure Coolant Injection/Reactor Core Isolation Cooling Inverter and Flow Controller Replacement, in that:

1. The design review for plant modification 92-79 did not adequately isolate DC power supplying the flow control loop from direct current grounds as evidenced from June 8-10, 1995, when high pressure coolant injection was declared inoperable due to a direct current ground causing erroneous speed and flow indications during a routine operability test.
2. The post-modification testing for plant modification 92-79 did not assure that the flow controller was adjusted for high pressure coolant injection to the vessel. Specifically, on May 18, 1995 tuning of the flow controller was conducted under recirculation conditions and did not account for the different hydrodynamic conditions of vessel injection. (01013)

- B. Technical Specification 6.8.1 states, in part, that written procedures shall be established, implemented, and maintained covering the activities referenced in Appendix A of Regulatory Guide 1.33, November 1972. Regulatory Guide 1.33, November 1992, Appendix A, requires, in part, specific procedures for testing of the Reactor Core Isolation Cooling (RCIC) system.

Modification Administrative Procedure, O-MAP-005, Implementation of Major Modifications, implements Technical Specification 6.8.1 requirements. O-MAP-005, Revision 4, Section 5.5.3.4-a.1, requires that Post-modification Testing shall ensure that modified systems,

Enclosure 1

structures, and components are functional and operate as designed under analyzed conditions.

Contrary to the above, the post-modification testing of Plant Modification 92-79, High Pressure Coolant Injection/Reactor Core Isolation Cooling Inverter and Flow Controller Replacement, which was implemented under Work Request/Job Orders 94-ALXT7 and 94-ALXTF did not ensure that the modified systems, structures, and components were functional and would operate as designed under analyzed plant conditions, as demonstrated by the failure of the RCIC system flow controller to control flow when actuated in the automatic mode of operation on May 19, 1995, following a Unit 1 reactor trip. Flow controller adjustments for RCIC did not account for the different hydrodynamic conditions of vessel injection. (01023)

These violations represent a Severity Level III problem (Supplement I). This violation is applicable to Unit 1 only.

Pursuant to the provisions of 10 CFR 2.201, Carolina Power & Light Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region II, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

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 Atlanta, Georgia
this 8th day of September 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W., SUITE 2900
ATLANTA, GEORGIA 30323-0199

November 20, 1995

EA 95-228

Carolina Power & Light Company
ATTN: Mr. W. R. Campbell
Vice President
Brunswick Steam Electric Plant
Post Office Box 10429
Southport, North Carolina 28461

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NOS. 50-325/95-20 and 50-324/95-20)

Dear Mr. Campbell:

This refers to the inspection conducted on September 2-30, 1995, at the Brunswick facility. The inspection included a review of the circumstances associated with the August 1995 failure of two Residual Heat Removal (RHR) Heat Exchanger Service Water Discharge Valves during testing and associated design control deficiencies. The results of this inspection were discussed with you on October 6 and October 17, 1995, as well as sent to you by letter dated October 18, 1995. Subsequently, you submitted a voluntary Licensee Event Report, No. 1-95-019, on November 10, 1995, detailing additional information regarding failure of the valves during testing and the result of your initial investigation and operability determination. An open predecisional enforcement conference was conducted in the Region II office on November 13, 1995, to discuss the apparent violation, the root causes, and your corrective actions to preclude recurrence of the violation. This conference was open for public observation in accordance with the Commission's trial program for conducting conferences as discussed in the Federal Register, 57 FR 30762, July 10, 1992, and 59 FR 36796, July 19, 1994. A list of conference attendees, NRC slides, and a copy of your presentation materials are enclosed.

Based on the information developed during the inspection and the information you provided during the conference, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. The violation described in the enclosed Notice involved the failure of your design control program to ensure selection of suitable materials for the replacement of the channelstream retainers in three RHR Heat Exchanger Discharge Valves, 1-E11-PDV-F068A (1A), 1-E11-PDV-F068B (1B), and 2-E11-PDV-F068B (2B). Specifically, in June 1993, April 1994, and April 1995, you replaced the original Nickel-Aluminum-Bronze retainers on the 1B, 2B, and 1A RHR Heat Exchanger Flow Discharge Valves with retainers composed of Inconel 625, the same material as the valve plug. As a

result, an unanticipated failure mechanism was introduced which manifested itself during the August 23, 1995, quarterly, full-stroke surveillance test conducted on valve 2B. During that test, as well as an August 25, 1995 test of valve 1A, the two valves failed due to seizing of the valve plugs to their respective retainers, rendering the valves inoperable. Subsequent testing of valve 1B revealed satisfactory performance; however, disassembly of the valve on October 12, 1995, revealed indications of galling on the retainer. Although your investigation determined that the mechanism for the valve failures was binding of the Inconel plug and Inconel retainer due to galling, the root cause of the violation was the failure of your 1992 and 1993 engineering and material equivalency reviews to consider the mechanical interface between the valve plug and the retainer and the potential for galling when like materials, in this case Inconel 625, come into contact. Factors contributing to the inadequate evaluation included an apparent lack of understanding of this metallurgical phenomenon by the design engineers involved, over-reliance on the vendor engineering evaluations, and lack of an interdisciplinary review for the replacement effort.

The actual consequence to safety of the failure to procure and install adequate replacement retainers was limited. The failure mechanism was aggravated during surveillance testing conditions which stroked the valve without a water environment for lubrication and occurred primarily during valve closure. Therefore, the affected valves were considered to have been operable and capable of performing their intended safety function (i.e., suppression pool and shutdown cooling) until their failures during testing on August 23 and 25, 1995. However, past operability of the valves was only able to be concluded after an extensive operability determination. Notwithstanding this fact, the violation is of significant regulatory concern because a fundamental engineering error involving the material equivalency evaluation created significant degradation of these safety related valves. It was fortuitous that your subsequent evaluation determined that the valves would have performed their required safety functions. In addition, although the retainer for the 2A valve had not yet been replaced, the inadequate assessment of using similar material for the retainer and plug could have resulted in a common mode failure mechanism, had your surveillance program not identified the problem. Further, we are particularly concerned that this violation is representative of a recent, adverse trend in engineering performance at Brunswick. A design control violation was issued in September 1995 regarding inadequate design control for modifications associated with the High Pressure Core Injection and Reactor Core Isolation Cooling Systems as well as engineering issues identified as a result of the loss of shutdown cooling in April 1995 while implementing a plant modification to remove the Main Steam Line High Radiation Trip function. NRC expects licensees' design and engineering programs to comprehensively review and design safety related equipment with the needed margin of safety and the necessary conservatism to ensure performance of critical safety functions. Therefore, this violation has been categorized in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, at Severity Level III.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III violation. Because your facility has been the subject of escalated enforcement actions within the last two years¹, the NRC considered whether credit was warranted for *Identification and Corrective Action* in accordance with the civil penalty assessment provision in Section VI.B.2 of the Enforcement Policy. Because you identified the violation as a result of your investigative efforts associated with the initial August 3, 1995, surveillance test failure, NRC determined that credit for the factor of *Identification* was appropriate. Your immediate corrective actions included declaring the failed valves inoperable, replacement of the Inconel retainers on the 1A and 2B valves, and performance of an operability evaluation for the 1B valve.

At the conference, you stated that your additional corrective actions included: 1) an October 12, 1995, modification of the 1B valve to install a hard-faced disc and a refurbished Inconel retainer; 2) conduct of an independent review of the failure mechanism; 3) an engineering stop work order for all products or modifications affecting the configuration of plant systems; 4) conduct of a two-day stand-down session for engineering to emphasize to your staff responsibilities, skills, and methods; 5) institution of a quality affirmation program for each new engineering product; 6) conduct of specific training for engineering personnel on failure modes analysis and vendor interfaces; and 7) review of all engineering product evaluations conducted during the period 1992 through 1994 for risk significant systems including the High Pressure Core Injection System, Reactor Core Isolation Cooling System, Emergency Diesel Generators, Reactor Protection System, Direct Current Power, and the Residual Heat Removal System. At the time of the conference, you stated that the latter evaluation was approximately 40 percent complete with no additional deficiencies identified. Based on these facts, the NRC determined that your actions were timely and comprehensive and that credit was warranted for the factor of *Corrective Action*.

Therefore, to encourage prompt identification and comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty.

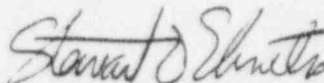
You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this 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.

¹A Severity Level III violation was issued on September 8, 1995 (EA 95-166) for a design control violation identified on August 10, 1995.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The responses directed by this letter and the 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, Pub. L. No. 96.511.

Sincerely,



Stewart D. Ebnetter
Regional Administrator

Docket No. 50-325 and 50-324
License No. DPR-71 and DPR-62

Enclosures: 1. Notice of Violation
2. List of Attendees
3. NRC Slides
4. Licensee Presentation Handout

cc w/encl:

W. Levis, Director
Site Operations
Brunswick Steam Electric Plant
P. O. Box 10429
Southport, NC 28461

R. P. Lopriore
Plant Manager
Brunswick Steam Electric Plant
Carolina Power & Light Company
P. O. Box 10429
Southport, NC 28461

J. Cowan, Manager
Nuclear Services & Environmental
Support Department, MS OHS7
Carolina Power & Light Company
P. O. Box 1551
Raleigh, NC 27602

(cc w/encls cont'd on Page 5)

cc w/encls (cont'd)
R. E. Jones
General Counsel
Carolina Power & Light Company
P. O. Box 1551
Raleigh, NC 27602

Dayne H. Brown, Director
Division of Radiation Protection
N. C. Department of Environmental
Commerce & Natural Resources
P. O. Box 27687
Raleigh, NC 27611-7687

Karen E. Long
Assistant Attorney General
State of North Carolina
P. O. Box 629
Raleigh, NC 27602

Robert P. Gruber
Executive Director
Public Staff - NCUC
P. O. Box 29520
Raleigh, NC 27626-0520

Public Service Commission
State of South Carolina
P. O. Box 11649
Columbia, SC 29211

Jerry W. Jones, Chairman
Brunswick County Board of
Commissioners
P. O. Box 249
Bolvia, NC 28422

Dan E. Summers
Emergency Management Coordinator
New Hanover County Department of
Emergency Management
P. O. Box 1525
Wilmington, NC 28402

Norman R. Holden, Mayor
City of Southport
201 East Moore Street
Southport, NC 28461

NOTICE OF VIOLATION

Carolina Power & Light Company
Brunswick Steam Electric Plant
Units 1 and 2

Docket Nos. 50-325 and 324
License Nos. DPR-71 and DPR-62
EA 95-228

During an NRC inspection conducted on September 2-30, 1995, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 50, Appendix B, Criterion III, Design Control, requires, in part, that measures shall be established for the selection and review for suitability of application of materials that are essential to the safety-related function of the components and shall provide for verifying and checking the adequacy of the design. Design changes shall be subject to design control measures commensurate with the original design.

Contrary to the above, during the period May 1992 through August 31, 1995, the licensee failed to adequately implement measures for the selection and review for suitability of application material for the channelstream retainer replacements for the Residual Heat Removal Heat Exchanger Service Water Discharge Valves, 1-E11-PDV-F068A/B and 2-E11-PDV-F068B. Specifically, the licensee did not consider the effects of mating two Inconel surfaces when it performed the equivalency evaluation for the installation of the Inconel retainers using Engineering Procedure, 0-ENP-03.4, Equivalent Component Evaluation, Revision 0, and documented in Attachment, SEEF No. 93-0091. The failure to perform an adequate evaluation and review resulted in the galling of the plug and retainer in the three valves, two of which seized and failed during surveillance tests conducted on August 23 and 25, 1995. (01013)

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

Pursuant to the provisions of 10 CFR 2.201, Carolina Power & Light Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region II, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be

Enclosure 1

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. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

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 Atlanta, Georgia
this 20th day of November 1995

LIST OF ATTENDEES

Carolina Power & Light Company

- W. Campbell, Vice President, Nuclear Engineering
- H. Habermeyer, Vice President, Nuclear Services and Environmental Support
- R. Lopriore, Manager, Brunswick Engineering Support Services
- G. Hicks, Manager, Regulatory Affairs, Brunswick Nuclear Plant
- J. Lyash, Manager, Operations
- J. Titrington, Superintendent, Mechanical Balance of Plant Systems
- P. Alvaret, CP&L Consultant, Kalsi Engineering Inc.

Nuclear Regulatory Commission

- S. Ebnetter, Regional Administrator, Region II (RII)
- A. Gibson, Director, Division of Reactor Safety (DRS), RII
- E. Merschhoff, Director, Division of Reactor Projects (DRP), RII
- B. Uryc, Director, Enforcement and Investigation Coordination Staff (EICS), RII
- M. Shymlock, Chief, Reactor Projects Branch 4 (RPB4), DRP, RII
- D. Trimble, Project Manager, NRR
- A. Boland, Senior Enforcement Specialist, EICS, RII
- C. Evans, Regional Counsel, RII
- C. Patterson, Senior Resident Inspector, Brunswick, DRP, RII
- G. Wiseman, Project Engineer, RPB4, DRP, RII
- M. Satorius, Enforcement Specialist, Office of Enforcement

Enclosure 2



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

December 11, 1995

EA 95-197

Mr. Michael J. Wallace
Vice President and Chief
Nuclear Officer
Commonwealth Edison Company
Executive Towers West III
1400 Opus Place, Suite 300
Downers Grove, Illinois 60515

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NOS. 50-454/455/95008(DRP))

Dear Mr. Wallace:

This refers to the inspection conducted on August 4 through September 18, 1995, at the Byron Station. The purpose of this inspection was to review the circumstances surrounding your identification on August 18, 1995, that the 1B Hydrogen Monitor was inoperable. The report documenting the inspection was sent to you by letter dated October 23, 1995.

Based on the information developed during the inspection and the information that you provided in a Licensee Event Report dated September 13, 1995, and in your response to the inspection report dated November 22, 1995, the NRC has determined that violations of NRC requirements occurred. The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the inspection report.

On August 16, 1995, while performing a shiftly surveillance on the 1B hydrogen monitor, a Nuclear Station Operator (NSO) received a trouble alarm which cleared within thirty seconds. The NSO initiated a Problem Identification Form and on August 18, 1995, while conducting troubleshooting, Instrument Maintenance technicians found the 1B hydrogen monitor water trap isolated. The drain line, purge air inlet, and water trap drain line were all separated and capped. One section of tubing (air sample inlet solenoid valve to the water trap) had not been installed. After consulting with the vendor, your staff determined that the 1B hydrogen monitor had been inoperable since initial plant construction.

There were a number of root causes for the event. First, the water trap for the 1B hydrogen monitor was not properly connected during construction and preoperational testing did not identify the error. Second, the surveillance program for the hydrogen monitoring system was inadequate in that procedures had not been established for testing the water purge cycle, and operators did not always run the 1B hydrogen monitor for 17 minutes in accordance with the surveillance procedure requirement. Finally, a lack of questioning attitude was evident by the operators' misconception that the hydrogen monitor trouble

alarm was an expected feature of the system rather than an indication of a problem.

We recognize that the loss of the hydrogen monitoring system is addressed in your emergency operating procedures, and the hydrogen recombiners and containment air sample panel provide two alternate methods for obtaining containment hydrogen concentration. Notwithstanding, the violations represent a significant failure to comply with the Action Statement for a Technical Specification Limiting Condition for Operation. Therefore, these violations are classified in the aggregate in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600 (60 FR 34381; June 30, 1995) as a Severity Level III problem.

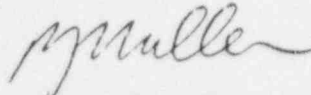
In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III violation. Because your facility has not been the subject of escalated enforcement actions within the last 2 years, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. Credit was warranted for your comprehensive corrective actions which included restoring the 1B hydrogen monitor to its proper configuration; verifying the proper configuration of the 1A, 2A, and 2B hydrogen monitors; revising the hydrogen monitoring system surveillance procedures to require operation of the monitor long enough to allow a complete cycle through purge operation, and verification that the purge portion is capable of performing its intended function; reviewing the annunciator response procedure; reviewing other systems which employ process fluid conditioning features during post-accident conditions to verify that these systems are properly tested; and presenting this event and lessons learned during continuing training to Operations, Maintenance, and System Engineering.

Therefore, to encourage comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed on the docket in Inspection Report Nos. 50-454/455/95008(DRP), LER 95-002, and your response to the inspection report dated November 22, 1995. Therefore, you are not required to respond to this letter unless the description in the docketed materials referenced above does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room (PDR).

Sincerely,



Hubert J. Miller
Regional Administrator

Docket No. 50-454

Docket No. 50-455

Enclosure: Notice of Violation

cc w/encl: K. Graesser
Site Vice President
J. C. Brons, Vice President,
Nuclear Support
K. A. Strahm, Vice President,
PWR Operations
K. Kofron, Station Manager
D. Brindle, Regulatory Assurance
Supervisor
D. Farrar, Nuclear Regulatory
Services Manager
Richard Hubbard
Nathan Schloss, Economist
Office of the Attorney General
State Liaison Officer, Wisconsin
State Liaison Officer
Chairman, Illinois Commerce Commission

NOTICE OF VIOLATION

Commonwealth Edison Company
Byron Station

Docket Nos. 50-454; 50-455
License Nos. NPF-37; NPF-66
EA 95-197

During an NRC inspection conducted on August 4 through September 18, 1995, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600 (60 FR 34381; June 30, 1995), the violations are listed below:

- A. Technical Specification 3.6.4.1 requires that two independent containment hydrogen monitors shall be operable in Modes 1 and 2.

Technical Specification 3.6.4.1.a requires that with one hydrogen monitor inoperable, the Licensee must restore the inoperable monitor to operable status within 30 days or be in Hot Standby within the next 6 hours.

Technical Specification 3.6.4.1.b requires that with both hydrogen monitors inoperable, the Licensee must restore at least one monitor to operable status within 72 hours or be in at least Hot Standby within the next 6 hours.

Contrary to the above:

1. On three occasions (from January 25, 1988, until February 10, 1988; November 24, 1988, until December 19, 1988; and June 26, 1989, until July 18, 1989), while in Mode 1, both Unit 1 hydrogen monitors (trains A and B) were inoperable and action was not taken to restore at least one monitor to operable status within 72 hours or to be in at least Hot Standby within the next 6 hours.
2. From February 14, 1985, until August 21, 1995, while in Modes 1 or 2, the Unit 1 train A hydrogen monitor was inoperable and action was not taken to restore the Unit 1 train A inoperable monitor to operable status within 30 days or be in Hot Standby within the next 6 hours. (01013)

- B. 10 CFR 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," requires 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.

1. Byron Administrative Procedure BAP 300-1, "Conduct of Operations," Step C.2.b.13, requires that all operating department personnel are responsible to believe and respond to instrument indications until the indications are proven to be incorrect.

Contrary to the above, on numerous occasions between February 3, 1993, and August 16, 1995, operating department personnel did not

respond to the hydrogen monitor trouble alarm when received during shiftly surveillances. (01023)

2. Byron Operating Surveillance 1BOS 0.1-1,2,3, "Unit One Mode 1, 2, & 3 Shiftly and Daily Operating Surveillance," Step 11.b, states, in part, "Place the on-off selector switch on the hydrogen monitor panels to the ON position...Allow 17 minutes on Train B before taking readings."

Contrary to the above, from February 3, 1993, until August 16, 1995, operating personnel did not always allow 17 minutes on the Unit 1 Train B hydrogen monitor before taking readings. (01033)

- C. 10 CFR Part 50, Appendix B, Criterion XI, "Test Control," requires, in part, a test program be established to assure that all testing required to demonstrate that structures, systems, and components will perform satisfactorily in service is identified and performed in accordance with written test procedures which incorporate the requirements and acceptance limits contained in applicable design documents.

Contrary to the above, as of August 16, 1995, the Licensee had not established procedures for testing the water purge cycle of the Unit 1 and 2 hydrogen monitors. (01043)

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed on the docket in Inspection Report Nos. 50-454/455/95068(DRP), LER 95-002, and your response to the inspection report dated November 22, 1995. However, you are required to respond to the provisions of 10 CFR 2.201 if the description in the docketed materials referenced above does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region III, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

Dated at Lisle, Illinois
this 11 day of December 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

September 22, 1995

EA 95-118

Commonwealth Edison Company
ATTN: Mr. Michael J. Wallace
Vice President,
Chief Nuclear Officer
1400 Opus Place, Suite 300
Downers Grove, Illinois 60515

Dear Mr. Wallace:

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NOS. 50-295/304/95014(DRP))

This refers to the inspection conducted during the period of June 14-19, 1995, at Zion Nuclear Station. The inspection was conducted to assess the circumstances regarding four requests for Notice of Enforcement Discretion submitted between March 23 and June 13, 1995. During the inspection, violations of NRC requirements were identified. The report documenting this inspection was sent to you by letter dated July 10, 1995. Your staff reported the circumstances surrounding the violations in Licensee Event Reports dated May 22, June 14, and July 11, 1995. An open predecisional enforcement conference was held on July 19, 1995, to discuss the violations, their causes, and your corrective actions. The report documenting the conference was sent to you by letter dated August 1, 1995.

The violations described in the enclosed Notice of Violation (Notice) involve the failure to (1) comply with technical specification surveillance requirements for several engineered safeguards features including auxiliary feedwater, safety injection, containment spray, containment isolation, and steamline isolation systems; (2) obtain Commission approval prior to revising an emergency diesel generator testing procedure; and (3) assure that a condition adverse to quality concerning steam generator tube cracking was promptly identified and corrected.

These violations indicate your staff missed multiple opportunities to recognize the magnitude of the problem and to take prompt, effective corrective action. For example, some of the surveillance requirements incorporated into the technical specifications in 1981 for the auxiliary feedwater system were not properly implemented until April 1995. In the intervening fourteen years, your staff identified in 1985, 1987, 1989, and 1995 that at least portions of the surveillance tests were not being properly performed. For each deficiency, corrective actions were not effective and in some cases, were less conservative than the technical specification requirement. For example, in 1985, when your staff identified that a required logic test was not being performed, your staff inappropriately implemented testing on a refueling outage basis. In 1993, your staff cancelled a modification specifically designed to correct a surveillance frequency problem

which was identified in 1985, and re-identified in 1989 in response to a related NRC finding. Even though your staff on a number of occasions identified the auxiliary feedwater system testing problems, they failed to expand their review to other systems; it was not until April 1995 that your staff identified that a number of other systems were affected by the same errant testing philosophy.

The problems associated with technical specification understanding were not limited to logic type surveillance tests. In 1993, your staff changed the diesel generator testing method to conform with revised NRC guidance; however, your evaluation pursuant to 10 CFR 50.59 did not recognize the need to obtain an amendment to your technical specifications which still required testing to the original methodology. The need to obtain an amendment was not identified until mid 1995.

Finally, during the dual unit outage of 1993/94, which was a refueling outage for Unit 1, your staff allowed steam generator tubes to remain in service with rotating pancake coil confirmed roll transition indications. The approach by your staff to assume the steam generators must be operable since inoperability could not be proven was non-conservative and contrary to industry practice.

While these violations did not result in safety significant consequences, they demonstrate repeated failures to perform effective safety evaluations, understand and comply with the applicable technical specifications, and to ensure internal and external commitments for corrective actions were properly implemented. The violations collectively represent a significant regulatory concern and, therefore, in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) NUREG-1600 (60 FR 34381, June 30, 1995), the violations have been classified in the aggregate as a Severity Level III problem.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III problem. Because your facility has been the subject of escalated enforcement actions within the last 2 years¹, the NRC considered whether credit was warranted for *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. Full credit was warranted for your staff's identification of the problem. We also commend your Technical Specification Improvement Program that ultimately led to the identification and resolution of most of these issues. Credit was also warranted for your comprehensive corrective actions which included senior management reinforcing its expectation for technical specification compliance, strengthening management's oversight of technical specification implementation, and providing procedures, processes and training to increase the rigor of station compliance with the technical specifications.

To encourage prompt identification and comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of

¹ A \$12,500 civil penalty was issued on June 24, 1994 (EA94-079).

Enforcement, not to propose a civil penalty in this case. Notwithstanding, it is evident that resolution of engineering issues need to be accomplished in a more rigorous conservative manner. Consequently, similar violations in the future could result in a civil penalty.

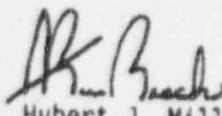
We have noted the large number of requests for enforcement discretion associated with the enclosed violations. In fact, on August 15, 1995, your staff submitted another request for enforcement discretion involving the identification that 23 containment pathways on Unit 1 and 18 containment pathways on Unit 2 have not been tested in accordance with the requirements of 10 CFR Part 50, Appendix J. For an operating plant, enforcement discretion is intended to minimize the potential safety consequences of unnecessary plant transients or to eliminate testing, inspection, or system realignment which is inappropriate for the particular plant conditions. While we recognize that the Technical Specification Improvement Program will continue to identify deficiencies, enforcement discretion is to be exercised only if the NRC staff is clearly satisfied that such action is warranted from a health and safety perspective. We also note that your staff has not always given us prompt notice on the need to seek enforcement discretion. Please note that if you desire the NRC to consider such requests in the future, you must bring these to our attention as soon as possible to provide us sufficient time to perform appropriate evaluations.

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. This response should include a statement as to why you are satisfied that your plant surveillance procedures are in accordance with regulatory requirements. 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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The responses directed by this letter and the 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,


Hubert J. Miller
Regional Administrator

Docket Nos. 50-295; 50-304
License Nos. DPR-39; DPR-48

Enclosure:
Notice of Violation

cc w/enclosure:
R. Tuetken, Site Vice President
J. C. Brons, Vice President,
Nuclear Support
K. A. Strahm, Vice President,
PWR Operations
G. Schwartz, Station Manager
J. Madden, Regulatory Assurance
Supervisor
D. Farrar, Nuclear Regulatory
Services Manager
Richard Hubbard
Nathan Schloss, Economist
Office of the Attorney General
Mayor, City of Zion
State Liaison Officer, Wisconsin
State Liaison Officer
Chairman, Illinois Commerce
Commission

NOTICE OF VIOLATION

Commonwealth Edison Company
Zion Nuclear Station
Units 1 and 2

Docket Nos. 50-295; 50-304
License Nos. DPR-39; DPR-48
EA 95-118

During an NRC inspection conducted from June 14-19, 1995, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600 (60 FR 34381, June 30, 1995), the violations are listed below:

- I. Technical Specification 4.4.2 states that the Instrument Channel Check, Instrument and Control Channel Functional Test and Instrument Channel Calibration frequency requirements for the various safeguards instrumentation and control channels are specified in Table 4.4-1.
 - A. Technical Specification Table 4.4-1, Item V.2, requires monthly actuation channel functional testing for the turbine driven auxiliary feedwater pump steam generator water level low-low actuation channel.

Contrary to the above, monthly actuation channel functional testing for the turbine driven auxiliary feedwater pump steam generator water level low-low actuation channel was not performed from April 1981 until March 22, 1995. (01013)
 - B. Technical Specification Table 4.4-1, Items I.2, II.2, III.2, IV.2, and V.2 require monthly actuation logic channel functional testing of the automatic actuation functions for safety injection, containment spray, containment isolation, steamline isolation and auxiliary feedwater.

Contrary to the above, monthly actuation logic channel function testing for the automatic actuation functions for safety injection, containment spray, containment isolation, steamline isolation and auxiliary feedwater was not performed from March 19, 1992, until April 21, 1995. (01023)
 - C. Technical Specification Table 4.4-1, Item V.2 requires monthly actuation logic channel functional testing for the motor driven auxiliary feedwater pump low-low steam generator actuation channel.

Contrary to the above, monthly actuation logic channel functional testing for the motor driven auxiliary feedwater pump low-low steam generator actuation was not performed from March 1994 for Unit 1 and April 1994 for Unit 2, until April 1995. (01033)
 - D. Technical Specification Table 4.4-1, Item V.2 requires monthly actuation logic channel functional testing for the auxiliary feedwater station blackout automatic function.

Contrary to the above, monthly actuation logic channel functional testing for the auxiliary feedwater station blackout automatic function was not performed from April 1981 until April 21, 1995. (01043)

- E. Technical Specification Table 4.4-1, Item V.2 requires monthly actuation logic channel functional testing for the auxiliary feedwater secondary undervoltage automatic function.

Contrary to the above, monthly actuation logic channel functional testing for the auxiliary feedwater secondary undervoltage automatic function was not performed from March 27, 1986, until April 21, 1995. (01053)

- F. Technical Specification Table 4.4-1, Item V.2 requires monthly actuation logic channel functional testing of the auxiliary feedwater reactor coolant pump (RCP) bus undervoltage actuation channel.

Contrary to the above, monthly actuation logic functional testing of the auxiliary feedwater RCP bus undervoltage actuation channel was not performed from April 1981 until August 1985, and from May 1989 until April 1995. (01063)

- II. 10 CFR 50.59, "Changes, tests and experiments" allows a licensee to make changes in the procedures as described in the safety analysis report without prior Commission approval unless the proposed change involves a change in the technical specifications incorporated in the license.

Zion Station UFSAR, Section 8.3.1.1.5, "Tests and Inspection," states that each diesel generator is tested in accordance with the requirements of Regulatory Guide 1.108, Revision 1, August 1977. Technical Specification 4.15.1.B.3 requires that refueling outage testing be performed in accordance with Regulatory Guide 1.108, Revision 1, August 1977. Regulatory Position C.2.a.(5) of Regulatory Guide 1.108 requires that testing of the diesel generator units, at least once every 18 months, should demonstrate functional capability at full-load temperature conditions by rerunning the test phase outlined in Regulatory Positions C.2.a.(1) and (2) (restart load sequence test) immediately following the 24 hour full-load carrying capability test.

Contrary to the above, on February 15, 1994, without prior Commission approval, the licensee made a change to a procedure described in the safety analysis report that involved a change to the licensee's technical specifications. Specifically, the licensee changed procedure TSS 15.6.43-1, "Endurance Testing of Diesel Generators During Refueling," to make optional the requirement for rerunning the restart load sequence test *immediately* following the 24 hour full-load carrying capability test for the diesel generators. (01073)

- III. 10 CFR Part 50, Appendix B, Criterion XVI states that measures shall be established to assure that conditions adverse to quality are promptly identified and corrected.

Technical Specification 4.3.1.B.4.A.6 requires the repair of a steam generator tube by sleeving or plugging if the tube has an imperfection that is of such a depth that the tube may become unserviceable prior to the next inspection and if the imperfection is $\geq 40\%$ of the nominal tube wall thickness.

Contrary to the above, during the 1993/1994 Unit 1 refueling outage, 154 steam generator tubes were left in service that had imperfections that were confirmed by rotating pancake coil examination, although it was a virtual certainty that some or all of the imperfections were greater than 40% through wall. (01083)

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

Pursuant to the provisions of 10 CFR 2.201, Commonwealth Edison Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region III, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

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 Lisle, Illinois
this 22nd day of September 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

September 18, 1995

EA No. 95-155

Mr. S. E. Quinn
Vice President - Nuclear Power
Consolidated Edison Company of
New York, Inc.
Indian Point 2 Station
Broadway and Bleakley Avenue
Buchanan, New York 10511

SUBJECT: NOTICE OF VIOLATION
(NRC Inspection Report No. 50-247/95-18)

Dear Mr. Quinn:

This letter refers to the NRC inspection conducted on July 10-14, 1995, at the Indian Point 2 facility. During the inspection of your radiation control program, the inspector reviewed the circumstances associated with an event that occurred on July 7, 1995, in which a radwaste worker identified an unsecured door to a locked high radiation area (LHRA). On August 4, 1995, an inspection report was issued related to this event. On August 31, 1995, a Predecisional Enforcement Conference was conducted with you and other members of your staff to discuss the apparent violation, its cause, and your corrective actions.

Based on the information developed during the inspection and our subsequent review of the information provided at the conference, the NRC has determined that a violation of NRC requirements had occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. A nuclear plant operator (NPO) and a radwaste supervisor both failed to utilize the procedural controls for entering and exiting an LHRA. Specifically, the NPO utilized an LHRA key (used for emergency entry only) for a non-emergency entry into the 14-foot elevation Chemical Services Building Drainage Sump Tank Room. The NPO, who entered the room without health physics (HP) authorization, did not possess a dose rate meter during entry. In addition, the NPO failed to secure the LHRA upon exiting the area and the radwaste supervisor, who functioned as a door guard during the entry, failed to follow LHRA guard duties as required. Within two to three hours after the NPO left the LHRA a radwaste worker found the door to be unlocked, and reported the situation to health physics (HP) personnel who re-locked the door.

During the conference you indicated that although there have been a number of prior events involving access to high radiation area (HRA) and LHRAs, they were not similar in every respect (specifically root causes) to the matter involved here and the corrective actions taken for the prior events would not have prevented this most recent event. The NRC, however, is concerned due to the number of previously identified violations at your facility relating to access to high radiation areas and locked high radiation areas. Your previous corrective actions were not sufficient to prevent this recent event because they

focused on engineering controls and were not broad-in-scope. Specifically, corrective actions did not take into consideration key access nor reinforce adherence to required procedures for accessing HRAs and LHRAs. This recent event is of significant regulatory concern because it is indicative of: (1) a potentially significant lack of attention or carelessness toward responsibilities by the NPO and radwaste supervisor; and (2) a general issue regarding worker adherence to HRA and LHRA access procedures. Given this lack of attention, and the recurring nature of the violation, this violation has been categorized at Severity Level III in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), (60 FR 34381; June 30, 1995), NUREG-1600.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III violation. Because your facility has been the subject of escalated enforcement actions within the last two years, (a Severity Level III violation was issued on June 23, 1995), the NRC considered whether credit was warranted for identification and corrective action in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. Your staff identified the unlocked door to the high radiation area and reported it to health physics. In addition, your staff conducted a detailed root cause analysis of this recent event and determined that the NPO and radwaste supervisor made certain assumptions concerning each other's authority and responsibility without conferring with health physics or following required procedures. Based on your action in identifying and evaluating this violation, we have concluded that you should be given credit for identification in this case.

Subsequently, you have taken significant corrective actions, including (1) limiting key control to the health physics staff and establishing a break box/key storage location at the health physics access point; (2) improving health physics standards/procedures by using key-capture locks on controlled areas to restrict access to LHRAs; (3) using alarmed swing gates and self-closing doors; (4) continuing reduction in the number of HRAs/LHRAs on site; (5) enhancing communications through the "Outreach Program" that consists of a review of recent performance, creates an environment where people feel open to communicate, provide suggestions, understand expectations, and identify areas for self improvement and that promotes the principles of Philosophy of Excellence; and (6) conducting training for every employee for one day that will include safety issues and coaching in safety practices. In addition, you have taken disciplinary action against the NPO and radwaste supervisor for the specific performance failure. Based on the totality of these actions, we have concluded that your corrective actions were prompt and comprehensive in this case.

Therefore, to encourage prompt identification and comprehensive correction of violations, I have been authorized after consultation with the Office of Enforcement, not to propose a civil penalty in this case. However, similar significant violations in the future could result in a civil penalty.

Consolidated Edison Company of
New York, Inc.

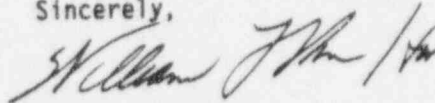
3

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. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The responses directed by this letter and the 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, Pub. L. No. 96.511.

Sincerely,



Thomas T. Martin
Regional Administrator

Docket No. 50-247
License No. DPR-26

Enclosure: Notice of Violation

Consolidated Edison Company of
New York, Inc.

4

cc w/encl:

C. Jackson, Manager, Nuclear Safety and Licensing

B. Brandenburg, Assistant General Counsel

P. Kokolakis, Director, Nuclear Licensing - PWR, NYPA

C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law
Director, Energy & Water Division, Department of Public Service, State of
New York

W. Stein, Secretary - NFSC

F. William Valentino, President, New York State Energy Research and Development
Authority

ENCLOSURE

NOTICE OF VIOLATION

Consolidated Edison Company
Indian Point 2

Docket No. 50-247
License No. DPR-26
EA No. 95-155

During an NRC inspection conducted on July 10-14, 1995, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (60 FR 34381; June 30, 1995), the violation is listed below:

Technical Specification 6.11 specifies that procedures for personnel radiation protection shall be prepared consistent with the requirements of 10 CFR Part 20 and shall be approved, maintained and adhered to for all operations involving personnel radiation exposure.

Procedure OAD-14, Rev. 8, "Key Control", Step 3.1.2., specifies that "All Operations Section personnel requiring entry to LHRA [Locked High Radiation Area] shall contact the HP LHRA Key Custodian except for those personnel listed in step 3.1.1. who may use the LHRA Key for EMERGENCIES ONLY".

Procedure HP-SQ-3.109, Rev. 18, "Control of High Radiation, Locked High Radiation, Special Locked High Radiation and Very High Radiation Areas," Section 5.3. specifies the requirements for locked high radiation areas. Section 5.3.2.a, requires that any individual entering an LHRA shall be provided with or accompanied by either (a) for self-monitoring personnel, a radiation monitoring device that continuously indicates the radiation dose rate in the area; (b) a radiation monitoring device that continuously integrates the radiation dose rate in the area and alarms when a preset integrated dose is received (entry into such area with this monitoring device may be made after the dose rates in the area have been determined and personnel have been made knowledgeable of them); or (c) an individual qualified in radiation protection who possesses dose rate radiation monitoring device. Section 5.3.4.3 requires that prior to exit of the LHRA, an individual from the work party must assure that all members of the work party are out of the area, and after exiting, the door is locked, and a HP technician has been notified. In addition, Attachment 7.1 to Procedure HP-SQ-3.109, Rev. 18, Instruction 1.d, specifies that the individual controlling access to an LHRA shall notify the key custodian or HP key holder promptly upon exiting the area.

Contrary to the above, on July 7, 1995, during an entry into an LHRA, procedures required by Technical Specification 6.11 were not adhered to for certain operations involving personnel radiation exposure, as evidenced by the following examples:

1. a nuclear plant operator (NPO) (a member of the work party and operations section) utilized an LHRA key, which was designated for EMERGENCY USE ONLY as required by Procedure OAD-14, Rev. 18, for a non-emergency entry into the 14-foot elevation Chemical Services Building Drainage Sump Tank Room (an LHRA), without contacting the HP LHRA Key Custodian.
2. the NPO entered the 14-foot elevation Chemical Services Building Drainage Sump Tank Room without a continuously indicating dose rate monitoring device or without being accompanied by an individual qualified in radiation protection; although the individual did possess a continuously integrating dose rate radiation monitoring device, he was not made aware of the dose rates in the area prior to entry.
3. the NPO did not secure the LHRA upon exiting the area, and the radwaste supervisor (also a member of the work party and who functioned as the door guard controlling access for the area) did not ensure the door was locked after exiting and did not notify the Key Custodian or HP key holder upon exiting the area.

This is a Severity Level III Violation and is a repetitive violation (Supplement IV).

Pursuant to the provisions of 10 CFR 2.201, Consolidated Edison Company of New York, Inc. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Enclosure

3

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 the request for withholding the information from the public.

Dated at King of Prussia, Pennsylvania
this 18th day of September 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W., SUITE 2900
ATLANTA, GEORGIA 30323-0199

August 22, 1995

EA 95-156

Duke Power Company
ATTN: Mr. T. C. McMeekin
Vice President
McGuire Site
12700 Hagers Ferry Road
Huntersville, NC 28078-8985

SUBJECT: NOTICE OF VIOLATION
(NRC Inspection Report Nos. 50-369/95-19 and 50-370/95-19)

Dear Mr. McMeekin:

This refers to an inspection conducted by the NRC on July 17-21, 1995, at the McGuire facility. This inspection included a review of the circumstances associated with the 2A and 2B Emergency Diesel Generator (EDG) turbocharger failures which occurred on June 12 and 27, 1995, respectively, including your failure investigation and your design control and procurement processes relative to this equipment. The results of this inspection were sent to you by letter dated August 2, 1995. The NRC was formally notified of the failures on June 28, 1995, when you declared a Notification of Unusual Event and initiated shutdown of McGuire Units 1 and 2 due to all four EDGs being declared inoperable. A predecisional enforcement conference was conducted in the Region II office on August 14, 1995, to discuss the apparent violation, the root cause, and your corrective actions to preclude recurrence. This conference was open for public observation in accordance with the Commission's trial program for conducting conferences as discussed in the Federal Register, 57 FR 30762, July 10, 1992, and 59 FR 36796, July 19, 1994. A report summarizing the conference was sent to you by letter dated August 17, 1995.

Based on the information developed during the inspection and the information that you provided during the conference, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. The violation involves the failure to implement adequate design control measures during modification of the EDG turbochargers. Specifically, when you replaced the turbochargers on all four McGuire EDGs with turbochargers with wall inserts of a different design, you introduced a design deficiency that resulted in the subsequent failure of the 2A and 2B turbochargers during surveillance testing. Although the failure of the turbochargers was attributed to resonance induced fatigue, the root cause was your failure to perform an adequate review and to identify the design deficiency prior to implementation of the turbocharger modification.

The actual safety consequence of the inadequate design review was reduced because the EDGs were not called upon to function during the period in which the design defect existed. However, the NRC is particularly concerned that

your design review process failed to consider the potential for resonance frequency induced stresses which affected all four EDG turbochargers and, therefore, permitted a common mode failure vulnerability to exist. Although you demonstrated that the EDGs were only vulnerable to the failure mechanism during surveillance testing and would have been operable during anticipated accident conditions, the design of the turbochargers was degraded to the extent that a detailed evaluation was required to determine operability. This notwithstanding, although the modification was designed and reviewed by the contractor providing the turbochargers, the licensee bears the ultimate responsibility for ensuring that the design is appropriate for the application in which it will be used. Therefore, this violation has been categorized in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), (60 FR 34381; June 30, 1995/NUREG-1600) at Severity Level III.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III violation. Because your facility has been the subject of escalated enforcement actions within the last two years¹, the NRC considered whether credit was warranted for *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. Regarding the factor of *Identification*, the equipment defect was self-disclosing as a result of the turbocharger failures during Technical Specification required surveillance testing on June 12 and 27, 1995, and your extensive investigation activities following the second failure identified the failure mechanism and its cause. Although the 2A turbocharger failure provided a prior opportunity to identify the 2B failure, the preliminary root cause determination following the 2A failure, although incorrect, was appropriate based on the information available at the time. Therefore, the NRC determined that credit was appropriate for the factor of *Identification*.

Regarding corrective actions, once the failure mechanism and root cause were identified, you took prompt action to, shutdown McGuire Unit 1 and reduce power on Unit 2, re-install the original turbochargers which had a proven performance history and to conduct post-modification EDG operability testing to permit declaration of the EDGs operable. At the conference, you stated that the planned long term corrective actions associated with the design failure included: (1) completion of the final failure analysis and engineering reports by September 1, 1995; (2) enhancement of the nuclear modification program and acceptable substitute program to address rotating equipment changes affecting natural frequency and critical speed by December 1, 1995; (3) development of a more systematic equipment root cause analysis process by December 1, 1995; and (4) conduct of an evaluation of the common mode failure

¹ A \$25,000 civil penalty was issued on January 13, 1994, based on an inspection report dated September 5, 1993 (EA 93-259); a \$75,000 civil penalty was issued on March 16, 1994, based on an inspection report dated January 6, 1994 (EA 93-311); and a \$100,000 civil penalty was issued on May 16, 1994, based on an inspection report dated March 4, 1994 (EA 94-038).

exposure review process for safety significant components by December 31, 1995. Items (3) and (4) are also planned for implementation at the Corporate Office by February 1, 1996. Based on these facts, the NRC determined that credit was warranted for the factor of *Corrective Action*.

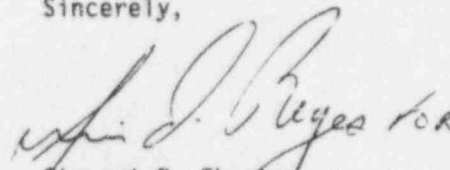
Therefore, to encourage prompt identification and comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty.

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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The responses directed by this letter and the 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, Pub. L. No. 96.511.

Sincerely,



Stewart D. Ebner
Regional Administrator

Docket Nos. 50-369, 50-370
License Nos. NPF-9, NPF-17

Enclosure: Notice of Violation

cc w/encl: (see page 4)

cc w/encl:
James Snyder
Regulatory Compliance
Duke Power Company
12700 Hagers Ferry Road
Huntersville, NC 28078-8985

G. A. Copp
Licensing - EC050
Duke Power Company
P. O. Box 1006
Charlotte, NC 28201-1006

A. V. Carr, Esq.
Duke Power Company
422 South Church Street
Charlotte, NC 28242-0001

Mr. Robert P. Gruber
Executive Director
Public Staff - NCUC
P. O. Box 29520
Raleigh, NC 27626-0520

J. Michael McGarry, III, Esq.
Winston and Strawn
1400 L Street, NW
Washington, D. C. 20005

Dayne H. Brown, Director
Division of Radiation Protection
N. C. Department of Environment,
Health & Natural Resources
P. O. Box 27687
Raleigh, NC 27611-7687

County Manager of Mecklenburg County
720 East Fourth Street
Charlotte, NC 28202

T. Richard Puryear
Nuclear Technical Services Manager
Carolinas District
Westinghouse Electric Corporation
2709 Water Ridge Parkway, Ste. 430
Charlotte, NC 28217

cc: (continued on page 5)

cc w/encl (continued):

Dr. John M. Barry, Director
Mecklenburg County Department
of Environmental Protection
700 North Tryon Street
Charlotte, NC 28203

Karen E. Long
Assistant Attorney General
N. C. Department of Justice
P. O. Box 629
Raleigh, NC 27602

NOTICE OF VIOLATION

Duke Power Company
McGuire Units 1 and 2

Docket Nos. 50-369, 50-370
License Nos. NPF-9, NPF-17
EA 95-156

During an NRC Inspection conducted on July 17-21, 1995, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (60 FR 34381; June 30, 1995/NUREG-1600), the violation is listed below:

10 CFR 50, Appendix B, Criterion III, Design Control, requires, in part, that measures be established for the selection and review of parts for suitability of application that are essential to the safety-related functions of structures, systems, and components.

Duke Power Company Topical Quality Assurance Program, (Duke 1-A), Amendment 19, Section 17.3.2.2, which implements 10 CFR 50, Appendix B, Criterion III, requires the implementation of design control measures commensurate with those applied to the original design of safety-related equipment to assure that the quality of the equipment is not compromised by modifications.

Contrary to the above, design control measures commensurate with those applied to the original design of safety-related equipment were not implemented on the replacement of the Unit 1 and 2 Emergency Diesel Generator (EDG) turbochargers. Specifically, the licensee's design review, documented in Acceptable Substitute Evaluation, SID-2010.02-00-0010, VTR 500-HA Turbocharger, dated February 10, 1993, was inadequate in that it failed to comprehensively review a vendor design change to the jet assist wall insert of the turbocharger. As a result, an unanticipated resonance frequency failure mechanism was introduced and, subsequently, the 2A and 2B turbochargers failed during routine EDG operability surveillance testing on June 12 and 27, 1995. This failure vulnerability applied to all four station EDGs. (01013)

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

Pursuant to the provisions of 10 CFR 2.201, Duke Power Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region II, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

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 Atlanta, Georgia
this 22nd day of August 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV

811 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

July 21, 1995

EA 95-151

EBASCO Services, Inc.
ATTN: Robert S. Hoshino, Jr.
Assistant General Counsel
Two World Trade Center
93rd Floor
New York, NY 10048

SUBJECT: NOTICE OF VIOLATION (89-ERA-023)

Dear Mr. Hoshino:

This is in reference to the Secretary of Labor's (SOL) March 21, 1995, Decision and Order of Remand (Case No. 89-ERA-023) which found that discrimination had occurred. This decision overturned the Administrative Law Judge's (ALJ) recommended decision and remanded the case to the ALJ determine the relief to which the Complainant is entitled. The SOL found that the Complainant was engaged in a protected activity within the scope of the Energy Reorganization Act (ERA) and that discrimination as defined and prohibited by the statute was a factor in the actions which comprised his complaint.

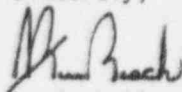
As a result of the NRC staff's review of the SOL's Decision and Order of Remand, an apparent violation of 10 CFR 50.7 was identified. We have reviewed your response dated June 22, 1995 (95-1661) to our letter dated June 12, 1995 (EA 95-071) and concluded that there was sufficient evidence to issue a violation based on the SOL's decision. Therefore, in accordance with the General Statement of Policy and Procedure for NRC Enforcement Actions (60 FR 34381, June 30, 1995), the violation of 10 CFR 50.7 has been classified at Severity Level III. The decision to classify this violation at Severity Level III reflects the significance the NRC places on discrimination against employees for engaging in protected activities. No response to this Notice of Violation is required.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room (PDR). If you do choose to respond, your response 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.

July 21, 1995

Any response to this letter and the 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, Pub. L. No. 96.511.

Sincerely,


for L. J. Callan,
Regional Administrator

Enclosure:
Notice of Violation

cc w/enclosure:
TU Electric
ATTN: Roger D. Walker, Manager of
Regulatory Affairs for Nuclear
Engineering Organization
Energy Plaza
1601 Bryan Street, 12th Floor
Dallas, Texas 75201-3411

Juanita Ellis
President - CASE
1426 South Polk Street
Dallas, Texas 75224

GDS Associates, Inc.
Suite 720
1850 Parkway Place
Marietta, Georgia 30067-8237

TU Electric
Bethesda Licensing
3 Metro Center, Suite 610
Bethesda, Maryland 20814

Jorden, Schulte, and Burchette
ATTN: William A. Burchette, Esq.
Counsel for Tex-La Electric
Cooperative of Texas
1025 Thomas Jefferson St., N.W.
Washington, D.C. 20007

Newman & Holtzinger, P.C.
ATTN: Jack R. Newman, Esq.
1615 L. Street, N.W.
Suite 1000

July 21, 1995

Washington, D.C. 20036

Texas Department of Licensing & Regulation
ATTN: G. R. Bynog, Program Manager/
Chief Inspector
Boiler Division
P.O. Box 12157, Capitol Station
Austin, Texas 78711

Honorable Dale McPherson
County Judge
P.O. Box 851
Glen Rose, Texas 76043

Texas Radiation Control Program Director
1100 West 49th Street
Austin, Texas 78756

Office of the Governor
ATTN: Susan Rieff, Director
Environmental Policy
P.O. Box 12428
Austin, Texas 78711

EBASCO Services, Inc.
ATTN: Assistant General Counsel
Two World Trade Center
93rd Floor
New York, NY 10048

Daniel K. Brown
DOL District Director
Wage and Hour Division
2320 LaBranch Room 2100
Houston, Texas 77004

July 21, 1995

NOTICE OF VIOLATION

EBASCO Services, Inc.
Two World Trade Center
93rd Floor
New York, NY 10048

EA 95-151

The Secretary of Labor's Decision and Order of Remand (89-ERA-023) dated March 21, 1995 identified a violation of NRC requirements. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions, 60 FR 34381, June 30, 1995 the violation is set forth below:

10 CFR 50.7 prohibits discrimination by a contractor or subcontractor for a Commission licensee against an employee for engaging in certain protected activities. Discrimination includes discharge and other actions relating to the compensation, terms, conditions, and privileges of employment. The protected activities are described in Section 210 of the Energy Reorganization Act (ERA) of 1974, as amended (now Section 211), and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or ERA.

Contrary to the above, on or about December 16, 1988, EBASCO Services, Inc., discriminated against Noah Artrip by not recommending Mr. Artrip for employment as set forth in the Secretary of Labor's March 31, 1995 Decision and Order of Remand which concluded, in part, that EBASCO was cognizant of Mr. Artrip's involvement and reputation as a whistleblower and that it failed to place him on a December 16, 1988 list of available and qualified personnel for referral to Texas Utilities. The Secretary determined that this occurred because EBASCO believed that Texas Utilities (licensee) would not be interested in rehiring an individual who had participated in an NRC investigation, caused substantial delay in the licensee's Comanche Peak project and left the company with substantial financial losses. (01013)

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

No response regarding the apparent violation is required. However, should EBASCO choose to submit a written statement or explanation it should be addressed to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region IV. Any reply should be clearly marked as a "Reply to a Notice of Violation" and may reference or include previous docketed correspondence.

Dated at Arlington, Texas,
this ~~xxxxxx~~ day of July 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

July 6, 1995

EA 95-076

Entergy Operations, Inc.
ATTN: J. W. Yelverton, Vice President
Operations, Arkansas Nuclear One
1448 S.R. 333
Russellville, Arkansas 72801-0967

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT 50-313/95-16; 50-368/95-16)

This is in reference to the April 19-20, 1995 special inspection at Arkansas Nuclear One (ANO) to review activities involving an unauthorized individual gaining unescorted access to the plant protected area. You identified this matter on February 21, 1995 and reported it to the NRC. An inspection report describing the results of this inspection was issued on May 12, 1995. An enforcement conference was held on June 15, 1995, in the NRC's Arlington, Texas office attended by you and other Entergy Operations, Inc. (Entergy), representatives.

The violation in the enclosed Notice of Violation (Notice) involved the failure to control access for an unauthorized individual who had been terminated for cause. This individual, upon returning to the site on February 10, 1995, to complete check out activities, gained unescorted access to the protected area. She could have easily gained undetected access into most of the plant's vital areas. Entergy discovered and reported this incident to the NRC in accordance with 10 CFR 73, Appendix G, paragraph I(b), on February 21, 1995, and in Licensee Event Report 95-S01-00, dated March 22, 1995. The details of the incident are contained in the May 12, 1995 inspection report.

At the enforcement conference, Entergy admitted that a terminated contract fire watch employee (an unauthorized individual) gained unescorted access to the plant protected area for approximately 41 minutes. Entergy also provided an overview of two concerns identified in the inspection report cover letter. These concerns involved the availability of security badges for individuals who had been favorably terminated and an apparent failure of the security and quality assurance staffs to review or audit that portion of the ANO security program involving the termination of security badges. Entergy responded that the process for reviewing access needs of individuals on a periodic basis was effective in identifying and removing the access control badges for personnel with favorable terminations. However, Entergy clarified the contract administration procedure to assure that persons without a need for access do not retain active security badges. Entergy provided a review of the past two ANO security program audit results for the access control process. The audit scope had included control of security badges and the audit results supported the conclusion that the February 10 event was an isolated incident.

The NRC considers the failure to revoke unescorted access for an individual who had been terminated under unfavorable conditions to be significant because of the individual's ability to gain undetected (and unauthorized) access to vital plant areas. The significance of this violation is compounded by the fact that in addition to the contract manager failing to follow through and ensure the badge had been removed, at least two other cognizant lower level contract supervisors failed to recognize the significance of requiring the security badge to be promptly removed. Therefore, in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) (60 FR 34381; June 30, 1995), this violation has been classified at Severity Level III.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III violation. Because your facility has been the subject of escalated enforcement within the last 2 years¹, the NRC considered whether credit was merited for *Identification* and *Corrective Action* in accordance with Section VI.B.2 of the Enforcement Policy. With regard to *Identification*, you identified the violation. It was particularly noteworthy that a security supervisor's questioning attitude resulted in the identification and follow through on this event. With regard to *Corrective Action*, credit was warranted for your prompt and comprehensive actions to ensure Entergy and contract personnel responsible for suspension of unescorted access are cognizant of the requirements. The corrective actions completed include: 1) a survey of those individuals responsible for suspending unescorted access to ensure that they were fully cognizant of their responsibilities; 2) training the fire watch supervisors on the procedural requirements for terminating employees; 3) revising the contract administration procedure for terminating unescorted access, and; 4) verifying other unfavorable terminations were conducted correctly. Entergy also will perform by November 6, 1995, a surveillance of favorable and for cause terminations to ensure they are being conducted appropriately. This surveillance should ensure that the corrective actions have been effective.

Therefore, to recognize and encourage prompt identification and prompt and comprehensive correction of violations, I have been authorized after consultation with the Director, Office of Enforcement, not to issue a civil penalty in this case.

In addition, it should be noted that there has been prior escalated action (EA 94-161) at Arkansas associated with access authorization. While corrective action from that action would not have prevented this latest incident from occurring, the NRC is concerned that challenges to the access authorization process have not been met consistently. Therefore, you need to ensure that your access program is effective. Access violations in the future may result in a civil penalty action.

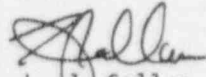
¹ Severity Level III violations were issued on December 14, 1993 (EA 93-278), on March 3, 1994 (EA 94-033), and on September 7, 1994 (EA 94-161).

Entergy Operations, Inc., is required to respond to this letter and should follow the instructions specified in the enclosed Notice in preparing its response. In its response, Entergy should document the specific actions taken and any additional actions planned to prevent recurrence such as, the need for periodic training, audits, and surveys to recognize the turn over of employees and contractors. After reviewing Entergy's response to this Notice, including its 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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary or safeguards information so that it can be placed in the PDR without redaction.

The response directed by this letter and the 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, Pub. L. No. 96-511.

Sincerely,



L. J. Callan
Regional Administrator

Dockets: 50-313; 50-368
Licenses: DPR-51; NPF-6

Enclosure: Notice of Violation

cc w/enclosure:
Entergy Operations, Inc.
ATTN: Harry W. Keiser, Executive
Vice President & Chief Operating Officer
P.O. Box 31995
Jackson, Mississippi 39286-1995

Entergy Operations, Inc.
ATTN: Jerrold G. Dewease, Vice President
Operations Support
P.O. Box 31995
Jackson, Mississippi 39286

Wise, Carter, Child & Caraway
ATTN: Robert B. McGehee, Esq.
P.O. Box 651
Jackson, Mississippi 39205

Honorable C. Doug Lunningham
County Judge of Pope County
Pope County Courthouse
Russellville, Arkansas 72801

Winston & Strawn
ATTN: Nicholas S. Reynolds, Esq.
1400 L Street, N.W.
Washington, D.C. 20005-3502

Arkansas Department of Health
ATTN: Ms. Greta Dicus, Director
Division of Radiation Control and
Emergency Management
4815 West Markham Street
Little Rock, Arkansas 72201-3867

B&W Nuclear Technologies
ATTN: Robert B. Borsum
Licensing Representative
1700 Rockville Pike, Suite 525
Rockville, Maryland 20852

Admiral Kinnaird R. McKee, USN (Ret)
214 South Morris Street
Oxford, Maryland 21654

ABB Combustion Engineering
Nuclear Power
ATTN: Charles B. Brinkman
Manager, Washington
Nuclear Operations
12300 Twinbrook Parkway, Suite 330
Rockville, Maryland 20852

NOTICE OF VIOLATION

Entergy Operations Inc.
Arkansas Nuclear One, Units 1 and 2

Dockets: 50-313; 50-368
Licensee: DPR-51; NPF-6
EA 95-076

During an NRC inspection conducted April 19-20, 1995, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (60 FR 34381, June 30, 1995) the violation is listed below:

10 CFR 73.55(d)(7)(i)(C) requires in part, that in the case of an individual's involuntary termination for cause, the licensee shall revoke the individual's unescorted facility access and retrieve his or her identification badge and other entry devices, as applicable, prior to or simultaneously with notifying this individual of his or her termination.

License Condition 2.c(4) (Unit 1) and License Condition 2.D (Unit 2) of the licensee's facility operating licenses require that the licensee fully implement and maintain in effect all provisions of the Commission-approved Physical Security Plan, including amendments and changes made pursuant to the authority of 10 CFR 50.54(p) and 10 CFR 50.90.

Paragraph 6.8.1(d) of the licensee's facility operating licenses requires that written procedures be established, implemented and maintained covering the security plan implementation.

Paragraph 1.6 of the licensee's Physical Security Plan requires, in part, that access to the protected and vital areas be strictly controlled and that authorization (to the protected and vital areas) be granted to individuals on a need-to-enter basis only.

Arkansas Nuclear One Procedure 1000.019, "Station Security Requirements," Revision 25, Section 6.16.4, dated January 25, 1994, requires that in the case of an individual's involuntary termination for cause, the individual's security badge and keys must be retrieved prior to or simultaneously upon notification of termination.

Contrary to the above, on February 10, 1995 an unauthorized individual who had been terminated for cause on February 4, 1995, and who had not had her unescorted access revoked and her identification badge and other entry devices retrieved, gained unescorted access to the protected area.

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

Pursuant to the provisions of 10 CFR 2.201, Entergy Operations, Inc. (Licensee) is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C., 20555, with a copy to the Regional Administrator, Region IV, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of

Violation" and should include for each alleged violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. The response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an Order or a Demand for Information 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. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Because the 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 it is necessary to include such information, the specific information that is desired not to be placed in the PDR should be clearly indicated, and the legal basis to support the request for withholding the information from the public should be provided.

Dated at Arlington, Texas
this 6th day of July 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8084

JUL 17 1995

EA 95-085

Entergy Operations, Inc.
ATTN: J. W. Yelverton, Vice President
Operations, Arkansas Nuclear One
1448 S.R. 333
Russellville, Arkansas 72801-0967

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NO. 50-313/95-12; 50-368/95-12)

This is in reference to the March 13-14 and April 17-21, 1995 special inspection at Arkansas Nuclear One (ANO). The inspection reviewed the circumstances surrounding the higher than expected radiation dose rates and accumulated exposure received during the installation of the core support assembly (CSA) in the Unit 1 reactor vessel on March 9, 1995. This event was observed by the NRC resident inspector, and a report describing the results of this inspection and the details of this event was issued on May 22, 1995. The apparent violations were the subject of a June 15, 1995 predecisional enforcement conference in the NRC's Arlington, Texas office attended by you and other Entergy Operations, Inc. (Entergy), representatives. A summary of this conference was sent to you by letter dated June 23, 1995.

Based on the information developed during the inspection and the information that you provided during the predecisional enforcement conference, the NRC has determined that violations of NRC requirements occurred. The violations, which are described in the enclosed Notice of Violation (Notice), involve planning and control of activities associated with the movement of the CSA.

In the conference, Entergy acknowledged the significance of the event and that some of the actions taken during the CSA move were inappropriate for the existing situation. Entergy identified several root and contributing causes as being significant to this event. These included: 1) Entergy failed to classify the CSA move as an infrequently performed task (which contributed to management's lack of review and oversight of the activity); 2) the task's critical elements were not recognized or communicated to personnel and were not included in field documentation; 3) control authority and communication structure were not effectively established; 4) contingency actions were not appropriately considered; and 5) task termination criteria, including what constituted termination and how it was to be accomplished, were not adequately developed.

The actual consequences of the event did not result in any personnel exceeding regulatory limits for radiation exposure. However, multiple barriers were violated which created the potential for significant exposures. The lack of management oversight of the contractor's activities, the failure to adequately establish reviews and procedural controls (including the overtime controls) for an infrequently performed evolution, and the lack of coordination between

JUL 17 1995

Entergy Operations, Inc.

- 2 -

contract personnel and the radiation protection technicians collectively represent a breakdown in the control of licensed activities associated with the CSA move. The failure in this case represents a significant regulatory concern and, therefore, in accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," (Enforcement Policy) (60 FR 34381, June 30, 1995) these violations have been classified in the aggregate as a Severity Level III problem.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III problem. Because your facility has been the subject of escalated enforcement action within the last 2 years¹, the NRC considered whether credit was warranted for *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. With regard to *Identification*, while the conditions that resulted in the elevated radiation levels were self disclosing, Entergy's efforts to comprehensively review the event to determine the root causes and associated violations were noteworthy. Credit is, therefore, given to your identification efforts. With regard to *Corrective Action*, credit was warranted for your prompt and comprehensive corrective actions where you appropriately addressed each of the root causes and contributing factors. These actions included: 1) review of the refueling path potential risks and the establishment of management controls; 2) providing training awareness for radiation source potentials, fuel transfer canal water level controls in general, and heavy load requirements; 3) development of comprehensive specific job termination criteria; 4) upgrading ALARA and radiation protection plan information and incorporating it into appropriate documents; 5) development of pre-job briefing guidelines to ensure critical activities and elements are addressed; 6) upgrading of the procedures to ensure infrequently performed tasks and evolutions are appropriately identified, and; 7) broadening of management oversight for contractor interfaces to ensure common interface aspects are considered and addressed.

Therefore, to recognize and encourage prompt identification and comprehensive corrective action in response to violations, I have been authorized after consultation with the Director, Office of Enforcement, not to issue a proposed civil penalty in this case.

The NRC staff had also identified an apparent violation involving the failure to retain documentation used during the performance of preoperational checks on the polar crane. Based, in part, on the information provided during the predecisional enforcement conference, it was determined that this failure constitutes a violation of minor safety significance and is being treated as a Non-Cited Violation, consistent with Section IV of the NRC Enforcement Policy.

Entergy Operations, Inc., is required to respond to this letter and should follow the instructions specified in the enclosed Notice in preparing its

¹ Severity Level III actions were issued on December 13, 1993 (EA 93-278), April 4, 1994 (EA 94-033), September 7, 1994 (EA 94-161), and July 6, 1995 (EA 95-076).

JUL 17 1995

Entergy Operations, Inc.


- 3 -

response. In its response, Entergy should document the specific actions taken and any additional actions planned to prevent recurrence. After reviewing Entergy's response to this Notice, including its 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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary or safeguards information so that it can be placed in the PDR without redaction.

The response directed by this letter and the 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, Pub. L. No. 96-511.

Sincerely,


L. J. Callan
ser Regional Administrator

Docket Nos. 50-313; 50-368
License Nos. DPR-51; NPF-6

Enclosure: Notice of Violation

cc w/enclosure:
Entergy Operations, Inc.
ATTN: Harry W. Keiser, Executive
Vice President & Chief Operating Officer
P.O. Box 31995
Jackson, Mississippi 39286-1995

Entergy Operations, Inc.
ATTN: Jerrold G. Dewease, Vice President
Operations Support
P.O. Box 31995
Jackson, Mississippi 39286

Wise, Carter, Child & Caraway
ATTN: Robert B. McGehee, Esq.
P.O. Box 651
Jackson, Mississippi 39205

cc w/enclosure: (See Next Page)

JUL 17 1995

Entergy Operations, Inc.

- 4 -

cc w/enclosure: (Con't)
Honorable C. Doug Lunningham
County Judge of Pope County
Pope County Courthouse
Russellville, Arkansas 72801

Winston & Strawn
ATTN: Nicholas S. Reynolds, Esq.
1400 L Street, N.W.
Washington, D.C. 20005-3502

Arkansas Department of Health
ATTN: Ms. Greta Dicus, Director
Division of Radiation Control and
Emergency Management
4815 West Markham Street
Little Rock, Arkansas 72201-3867

B&W Nuclear Technologies
ATTN: Robert B. Borsum
Licensing Representative
1700 Rockville Pike, Suite 525
Rockville, Maryland 20852

Admiral Kinnaid R. McKee, USN (Ret)
214 South Morris Street
Oxford, Maryland 21654

ABB Combustion Engineering
Nuclear Power
ATTN: Charles B. Brinkman
Manager, Washington
Nuclear Operations
12300 Twinbrook Parkway, Suite 330
Rockville, Maryland 20852

JUL 17 1995

NOTICE OF VIOLATION

Entergy Operations Inc.
Arkansas Nuclear One, Units 1 and 2

Docket Nos. 50-313; 50-368
License Nos. DPR-51; NPF-6
EA 95-085

During an NRC inspection conducted on March 13-14 and April 17-21, 1995, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," (60 FR 34381, June 30, 1995), the violations are listed below:

- A. Unit 1 Technical Specification 6.10 states that procedures for personnel radiation protection shall be prepared consistent with the requirements of 10 CFR Part 20 and shall be approved, maintained and adhered to for all operations involving personnel radiation protection.
1. Procedure 1012.019, Revision 2, "Radiological Work Permits," Section 6.2.6, requires, in part, that "When the ALARA Category is a Cat II or III, then implement a 1012.019K, 'Pre-job ALARA Work Sheet,' and route to the craft for completion."
- Contrary to the above, prior to the removal and replacement of the Unit 1 core support assembly (CSA), an as-low-as-reasonably-achievable (ALARA) Category II activity performed on March 9, 1995, the licensee did not route a pre-job ALARA work sheet for Radiation Work Permit (RWP) 1995-1093 to the appropriate craft for completion. (01013)
2. Procedure 1012.019, Revision 2, "Radiological Work Permits," Section 6.2.9.B states that, "When a pre-job briefing is indicated, then specify the following items, as applicable to the conditions in step 6.2.8, in the appropriate RWP task: (A) Default alarming dosimeter set points, (B) Criteria for termination of the entry...."
- RWP 1995-1093, developed for the removal and replacement of the Unit 1 CSA, stated that the criteria for termination of an entry were (1) alarming dosimeter dose alarm, (2) individual time based on available dose, and (3) unexpected job difficulties.
- Contrary to the above, on March 9, 1995, during the removal and replacement of the Unit 1 CSA, four individuals involved in this task did not terminate the entry (leave the area) despite dosimeters alarming on accumulated dose and unexpected job difficulties (i.e., radiation doses higher than expected were encountered). It was subsequently determined that the termination criteria in RWP 1995-1093 did not establish specifics, including what constitutes termination and how to accomplish it. (01023)
- B. Unit 1 Technical Specification 6.8.1 requires, in part, that written procedures shall be established, implemented and maintained covering the applicable procedures recommended in Appendix A of Regulatory Guide 1.33, November 1972. Regulatory Guide 1.33, Appendix A, Section A

JUL 17 1995

Notice of Violation

- 2 -

includes administrative procedures for procedural review and approval. Section I includes procedures for performing maintenance that can affect safety-related equipment.

1. Procedure 1000.006, "Procedure Control," requires the originator of a procedure revision to determine if the procedure should be classified as an infrequently performed test or evolution (IPTE) per Procedure 1000.143. Procedure 1000.143, Revision 1, "Control of Infrequently Performed Tests or Evolutions," defines an IPTE as an activity that is infrequently performed and has the potential to significantly degrade nuclear, radiological, or personnel safety and/or equipment/plant reliability. Activities classified as IPTEs require additional controls intended to prevent unanticipated problems from occurring which would result in degradation of any margin of safety.

Contrary to the above, prior to the removal and replacement of the Unit 1 CSA on March 9, 1995, an activity that is infrequently performed and has the potential to significantly degrade radiological safety, this activity was not classified as an IPTE in accordance with the requirements specified in Procedure 1000.143 and additional controls were not established for the installation of the CSA installation. (01033)

2. Procedure 1402.055, Revision 2, "Removal and Replacement of the Core Support Assembly," Step 8.3.8 requires that a complete briefing be held between all personnel involved with the lift of the core support assembly prior to performing the lift.

Contrary to the above, prior to the removal and replacement of the Unit 1 CSA on March 9, 1995, a complete briefing including all personnel involved with the replacement of the CSA was not conducted prior to performing the lift. (01043)

3. Procedure 1402.055, Revision 2, "Removal and Replacement of the Core Support Assembly," Step 8.3.4 requires that the fuel transfer canal be flooded to the normal refueling elevation prior to replacement of the core support assembly. Procedure 1102.015, "Filling and Draining the Fuel Transfer Canal," Revision 15, Step 5.7, states that the fuel transfer canal water level for refueling was between 400.5 feet elevation and 399.0 feet elevation.

- (1) Contrary to the above, on March 9, 1995, the licensee failed to establish the required fuel transfer canal water level prior to moving the core support assembly which resulted in a highly irradiated section of the core support assembly being lifted above the surface of the water and higher than expected dose rates and accumulated doses for personnel involved in the activity. (01053)

JUL 17 1995

Notice of Violation

- 3 -

- (2) Contrary to the above, Procedure 1402.055, Revision 2, "Removal and Replacement of the Core Support Assembly," was inadequate in that it did not incorporate radiation dose reduction provisions to prohibit raising the hold-down bolt area of the CSA above an established normal fuel transfer canal water level. (01063)

- C. Unit 1 Technical Specification 6.2.2.1 requires that administrative controls shall be established to limit the amount of overtime worked by plant staff performing safety-related functions.

Station Directive 2.201, "Overtime," requires that an individual should not be permitted to work more than 16 hours straight, excluding shift turnover time. Requests to deviate from this limitation were required to be approved by the appropriate major department head.

Contrary to the above, on March 9, 1995, personnel directly involved in the replacement of the core support assembly worked between 19 and 20 hours straight without the approval of the Unit 1 Plant Manager, the appropriate major department head. (01073)

These violations represent a Severity Level III problem (Supplement I).

Pursuant to the provisions of 10 CFR 2.201, Entergy Operations, Inc. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C., 20555, with a copy to the Regional Administrator, Region IV, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. The response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an Order or a Demand for Information 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. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Because the response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personnel privacy, proprietary, or safeguards information so that it can be placed in the PDR without

JUL 17 1995

Notice of Violation

- 4 -

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 17th day of July 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

August 17, 1995

EA 95-105

John M. Gallagher
[Home address deleted
from copies pursuant to
10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Gallagher:

This refers to: 1) a special inspection conducted March 6 through June 1, 1995, which reviewed, among other things, an apparent failure to follow plant procedures involving the operation of the reactor water cleanup system at the Washington Nuclear Project-2, as documented in Inspection Report 50-397/95-07 issued June 2, 1995; and 2) an Augmented Inspection Team inspection conducted April 24 through May 25, 1995, which reviewed in detail this same failure, as documented in Inspection Report 50-397/95-13 issued on June 12, 1995. This matter also was the subject of investigation 4-95-018 conducted by the NRC's Office of Investigations (OI) and completed on May 16, 1995. On July 17, 1995, you and your attorney, Christopher J. Mertens, attended a closed, predecisional enforcement conference in Richland, Washington, to discuss your involvement in this matter.

Based on the information developed during the inspections and investigation, and the information that you provided during the conference, the NRC has determined that a violation of NRC requirements occurred. This violation is cited in the enclosed Notice of Violation. The circumstances surrounding this violation have been described in the NRC's inspection reports. After review, the NRC is not characterizing your involvement in this matter as a deliberate decision on your part to violate plant procedures. Nonetheless, the NRC concludes that at the very least you acted with careless disregard toward procedural requirements. This is based on our conclusion that you knew shortly after opening RWCU-V-31 that the appropriateness of this action was in question, and recognized that there was a procedural requirement, yet you failed to assure that you were in fact operating within the confines of the procedure. The procedure that you acknowledge reviewing at the time clearly prohibited the operation of this valve with reactor pressure greater than 125 pounds per square inch, gauge. It is our conclusion that as a control room supervisor with a Senior Reactor Operator (SRO) license, there is no excuse for your not recognizing this procedural prohibition.

As the NRC has acknowledged in its inspection reports, your actions did not place the plant in an unsafe condition. The significance of this violation is based on the fact that you displayed a careless disregard for whether your actions on April 9, 1995, complied with procedural requirements. Therefore,

this violation has been categorized in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy, 60 FR 34381, June 30, 1995) at Severity Level III.

In recognition of your acceptance of responsibility for this violation, your otherwise good past performance with respect to procedural compliance, the relatively low safety significance of the violation, and the disciplinary action already taken against you by your former employer, which has resulted in the termination of your (SRO) license¹, the NRC is proposing no further enforcement action against you and is placing no restriction on your future involvement in NRC-licensed activities. However, you should recognize that should you in the future request an NRC license to operate a reactor you should be prepared to provide the NRC your reasons as to why the NRC should have confidence that you will adhere to all procedural and other requirements.

In view of the actions already taken with regard to your performance, and because you no longer possess a license, you are not required to respond to the Notice at this time unless you contest the violation. Should you contest the violation, a response is required within 30 days of the date of this letter addressing the specific basis for disputing the violation. This response, that is required to be submitted under oath or affirmation in accordance with the authority of Section 182 of the Act, 42 U.S.C. 2232, should be sent to the address indicated in the enclosed Notice of Violation.

In addition, if you were to reapply for an operating license, you will need to satisfy not only the requirements of 10 CFR 55.31, but also those of 10 CFR 2.201, by addressing the reasons for the violation and the actions you have taken to prevent recurrence in order to ensure your ability and willingness to carry out the special trust and confidence placed in you as a licensed operator and to abide by all license requirements and conditions. You are required to provide a response to the NRC regarding this Notice at that time that will include your reasons as to why the NRC should have confidence that you will not engage in willful violations of license requirements in the future. Any similar conduct on your part in the future could result in significant enforcement action against you.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," enforcement actions are placed in the NRC Public Document Room (PDR). A copy of this letter with its enclosure but with your address removed will be placed in the PDR.

¹ In accordance with a request from the Washington Public Power Supply System dated April 20, 1995, License No. SOP-50300-1 was terminated by the NRC, effective April 25, 1995.

John M. Gallagher

3-

The enclosed Notice is not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub.L. No. 96-511.

Sincerely,



L. J. Callan
Regional Administrator

Docket No. 55-9405
License No. SOP 50300-1

Enclosure: Notice of Violation

cc w/Enclosure:
Washington Public Power Supply System
ATTN: J. V. Parrish, Vice President
Nuclear Operations
3000 George Washington Way
P.O. Box 968, MD 1023
Richland, Washington 99352

Energy Facility Site Evaluation Council
ATTN: Frederick S. Adair, Chairman
P.O. Box 43172
Olympia, Washington 98504-3172

NOTICE OF VIOLATION

John M. Gallagher
Washington Nuclear Project-2

Docket No. 55-9405
License No. SOP-50300-1
EA 95-105

During NRC inspections conducted March 6 through June 1, 1995, and an investigation completed on May 16, 1995, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (60 FR 34381; June 30, 1995), the violation is listed below:

License No. SOP-50300-1 stated, in part, "While performing licensed duties, you shall observe the operating procedures and other conditions specified in the facility license which authorizes operation of the facilities."

WNP-2 Procedure 2.2.3, "Reactor Water Cleanup System," Revision 20, states in Section 4.7 that "RWCU-V-31, Orifice Bypass valve, shall not be open with Reactor pressure GT [greater than] 125 psig, to prevent over pressurization of the RWCU blowdown piping." This same prohibition is contained in a caution box in Section 5.7, just prior to Step 10.

Contrary to the above, on April 9, 1995, with the reactor coolant system pressure at approximately 215 psig, John M. Gallagher, the Control Room Supervisor, opened Valve RWCU-V-31, a bypass valve around the reactor water cleanup system letdown line flow restricting orifice, and allowed it to remain partially open for approximately 2 hours. Mr. Gallagher did not take action to correct this situation despite other control room personnel questioning the appropriateness of his actions and despite Mr. Gallagher's acknowledgement that he reviewed the applicable procedure after these questions were raised. (01013)

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

No response is required. However, if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation" and send it to the U.S Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011 and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response shall be submitted under oath or affirmation.

Additionally, if you were to reapply for an operating license, you will need to satisfy the requirements of 10 CFR 2.201 by addressing the reasons for the violation and the actions you have taken to prevent recurrence in order to ensure your ability and willingness to carry out the special trust and confidence placed in you as a licensed operator and to abide by all license requirements and conditions. To satisfy the requirements of 10 CFR 2.201, you are required to provide a response to the NRC regarding this Notice at that time which will include your reasons as to why the NRC should have confidence

that you will not engage in willful violations of license requirements in the future. Such response to the NRC satisfying the requirements of 10 CFR 2.201 should be directed to the addresses specified above.

Because any 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 it is necessary to include such information, it should clearly indicate the specific information that should not be placed in the PDR, and provide the legal basis to support the request for withholding the information from the public.

Dated at Arlington, Texas
this 17th day of August 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

July 12, 1995

EA 95-131

Dennis J. Heath, Jr.
[HOME ADDRESS DELETED
UNDER 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Heath:

The U. S. Nuclear Regulatory Commission (NRC) has received a letter dated June 16, 1995, from Northern States Power Company informing us of your confirmed positive test for alcohol (copy enclosed). We plan to place this letter in your 10 CFR Part 55 docket file.

The purpose of this letter is to make clear to you the consequences of your violation of NRC requirements governing fitness for duty as a licensed operator. Your confirmed positive test is a violation of 10 CFR 55.53(j). The purpose of the Commission's Fitness-for-Duty requirements is to provide reasonable assurance that nuclear power plant personnel work in an environment that is free of drugs and alcohol and the effects of the use of these substances. The use of alcohol, such that the operator exceeds the cutoff limits specified in 10 CFR Part 26, Appendix A, is a serious matter which undermines the special trust and confidence placed in you as a licensed operator. The violation is categorized as a Severity Level III violation in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 60 FR 34381, June 30, 1995, because the use of alcohol as described above, is a significant regulatory concern. This violation is described in the enclosed Notice of Violation. Please note that future similar violations could substantially affect your authorization for unescorted access to a protected area of a licensed facility.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice of Violation (Notice) when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence in order to ensure your ability and willingness to carry out the special trust and confidence placed in you as a licensed operator of a nuclear power facility. After reviewing your response to this Notice, including your proposed corrective actions, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

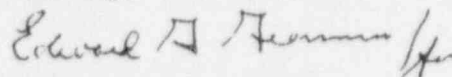
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, enforcement actions are placed in the NRC Public Document Room (PDR). A copy of this letter and the enclosed Notice of Violation with your address removed will be placed in the PDR after 45 days unless you provide a sufficient basis to withdraw this violation. The enclosed letter will not be placed in the PDR.

The response directed by this letter and the 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.

Should you have any questions concerning this action, please contact Mr. Thomas M. Burdick of my staff. Mr. Burdick can be reached at either the address listed above or telephone number (708) 829-9707.

Sincerely,



Hubert J. Miller
Regional Administrator

Docket No.: 55-31755
License No.: OP-30971

Enclosures:

1. Northern States Power Co.
Letter dated 6/16/95
2. Notice of Violation

cc w/enclosure 2:

W. J. Hill, Plant Manager
B. J. Sawatzke, Training Dept.
John W. Ferman, Ph.D.
Nuclear Engineer, MPCA
State Liaison Officer, State of
Minnesota

NOTICE OF VIOLATION

Dennis J. Heath, Jr.
[HOME ADDRESS DELETED
UNDER 10 CFR 2.790]

Docket No. 55-31755
License No. OP-30971
EA 95-i31

As a result of a notification from Northern States Power Company dated June 16, 1995, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 60 FR 34381, June 30, 1995, the violation is listed below:

10 CFR 55.53(j) prohibits the licensee from performing activities authorized by a license issued under 10 CFR Part 55 while under the influence of alcohol. "Under the influence" is defined in 10 CFR 55.53(j) to mean that the "licensee exceeded, as evidenced by a confirmed positive test, the lower of the cutoff levels for drugs or alcohol contained in 10 CFR Part 26, Appendix A, of this chapter, or as established by the facility licensee."

Contrary to the above, the licensee performed licensed duties on May 16, 1995, immediately before the submission of a urine sample which indicated the licensee was under the influence of alcohol.

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

Pursuant to the provisions of 10 CFR 2.201, Dennis J. Heath, Jr. (Licensee) is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region III, 801 Warrenville Road, Lisle, Illinois 60532-4351, and marked "Open by Addressee Only" and a copy to the NRC Resident Inspector at the Monticello Nuclear Generating Plant, with a similar marking within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) 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. Where good cause is shown, consideration will be given to extending the response time. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Dated at Lisle, Illinois
this 12th day of July 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

June 28, 1995

EA 95-080

Hydro Nuclear Services, Inc.
Moorestown, New Jersey

SUBJECT: NOTICE OF VIOLATION
(U.S. Department of Labor Case 89-ERA-022)

Gentlemen:

This refers to the results of an administrative proceeding conducted by the U.S. Department of Labor (DOL) which involved a complaint of employee discrimination filed by an applicant for employment with Hydro Nuclear Services. This complaint was filed under the provisions of Section 210 of the Energy Reorganization Act of 1974, as amended (ERA) (recently changed to Section 211 by the Energy Policy Act of 1992). The DOL proceedings consisted of an investigation, an administrative hearing conducted by a DOL Administrative Law Judge (ALJ) and a final order issued by the Secretary of Labor finding that discrimination occurred in the case. As a result of the DOL proceedings and findings, the Nuclear Regulatory Commission (NRC or Commission) has concluded that a violation of Section 210 and of NRC regulations occurred, specifically a violation of 10 CFR 50.7, which prohibits discrimination against an employee or applicant for employment for engaging in activities protected by the ERA.

The violation described in the enclosed Notice of Violation (Notice) concerns the findings of discrimination made by the Secretary of Labor in DOL Case No. 89-ERA-022, captioned as Shannon T. Doyle v. Hydro Nuclear Services. In this case, the Secretary found that Hydro Nuclear Services "violated the ERA when it refused to hire Complainant because he refused to sign the authorization form unless the release of liability paragraph was deleted." The Secretary required that Hydro Nuclear Services offer employment to Mr. Doyle as well as back pay with interest.

According to the Secretary of Labor, the form, called an Authorization for Release of Information and Records, would have "released [Hydro] and any other employer from whom [Hydro] obtained information about [Doyle] from any claim that the information had been provided or used to deny [Doyle] employment because of protected activities under the ERA." Saying that "employees may reasonably believe that they have no protection under the ERA and will be afraid to speak out about safety problems," the Secretary concluded that Hydro Nuclear discriminated against Mr. Doyle.

The NRC adopts the final Secretary of Labor decision in this case and finds that a violation of 10 CFR 50.7 occurred when Hydro Nuclear Services refused to hire Mr. Doyle after his refusal to sign a waiver form in his application for employment. Under 10 CFR 50.7, discrimination by a Commission licensee or a contractor of a Commission licensee is prohibited. In accordance with the

"General Statement of Policy and Procedure for the NRC Enforcement Actions," (Enforcement Policy), 10 CFR Part 2, Appendix C, the violation has been categorized at Severity Level III.

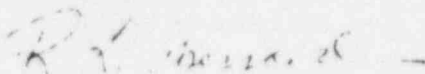
You are requested to respond to this letter and should follow the instructions specified in the enclosed Notice of Violation when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response 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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the 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, Pub. L. No. 96-511.

Should you have any questions concerning this letter, please contact us.

Sincerely,



R. Lee Spessard, Director
Division of Technical Support

Enclosure:
Notice of Violation

cc: Shannon T. Doyle
Indiana and Michigan Electric Company

NOTICE OF VIOLATION

Hydro Nuclear Services
Moorestown, New Jersey

EA 95-080

Based on the results of an investigation and administrative hearings conducted by the U.S. Department of Labor (DOL) related to DOL Case No. 89-ERA-022 that involved employee discrimination, and the resulting order of the Secretary of Labor dated March 30, 1994, the NRC has determined that a violation of its regulations occurred. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), 10 CFR Part 2, Appendix C, the violation is listed below:

Section 210 of the Energy Reorganization Act of 1974, as amended, (ERA) and 10 CFR 50.7 prohibit discrimination by a Commission licensee, permittee, an applicant for a Commission license or permit, or a contractor or subcontractor of a Commission licensee, permittee or applicant against an employee for engaging in certain protected activities. Discrimination includes discharge or other actions relating to the compensation, terms, conditions, or privileges of employment.

Contrary to the above, on October 30, 1988, a technician was offered a job by Hydro Nuclear Services at the D.C. Cook Nuclear Plant. The technician accepted the job and was told to report to work at the D.C. Cook plant on November 9, 1988. During employment screening, the technician refused to sign a form that included a paragraph that would have waived his rights under the ERA. The Secretary of Labor concluded that this constituted discrimination in violation of Section 210 of the ERA and ordered that Hydro Nuclear Services offer Mr. Doyle a comparable position and pay back wages with interest.

Severity Level III violation (Supplement VII)

Pursuant to the provisions of 10 CFR 2.201, Hydro Nuclear Services is hereby requested to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Division of Technical Support, Office of Nuclear Reactor Regulation, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending the response time. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Dated at Rockville, Maryland
this 28 day of June 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

December 8, 1995

EA 95-219

Mr. E. E. Fitzpatrick
Senior Vice President
Nuclear Generation
Indiana Michigan Power Company
1 Riverside Plaza
Columbus, OH 43216

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NOS. 50-315/316/95011(DRS))

Dear Mr. Fitzpatrick:

This refers to the inspection conducted on September 19, 1995, at the Donald C. Cook Nuclear Plant. The purpose of this inspection was to review the circumstances surrounding your identification on August 22, 1995, that a contract employee was inappropriately granted unescorted access prior to completion of all necessary requirements. The report documenting the inspection was sent to you by letter dated October 16, 1995.

Based on the information developed during the inspection and the information that you provided in a Licensee Event Report dated September 21, 1995, and in your response to the inspection report dated November 15, 1995, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the inspection report.

On August 16, 1995, an access control clerk incorrectly documented a negative chemical test result for a contract employee, based on chemical test results for another individual with the same last name. On August 17, 1995, the employee was granted unescorted access to the plant, and on August 19 began work in the plant protected/vital areas. The error was discovered on August 22, 1995, when the Medical Review Officer (MRO) requested assistance from the Access Control Supervisor (ACS) in contacting the employee. The ACS's review of the employee's personnel security file identified that the employee had been inappropriately granted unescorted access. The employee's supervisor was contacted and the employee was escorted from the protected area. The employee's unescorted access was suspended because of the absence of negative chemical test results. On August 23, 1995, the MRO notified licensee management that the employee had a confirmed positive test for a controlled substance.

The root causes of the violation were isolated inattention to detail on the part of the access control clerk, and a weakness in the access authorization program in that written instructions did not require the access control clerk

to check the social security number of individuals being processed for unescorted access.

In this case, the contract employee was a general laborer who had worked in a team with direct supervision, had not worked on safety related equipment, and had not exhibited any adverse character traits or behavior. Notwithstanding, the violation represents a failure to perform an appropriate evaluation which resulted in an individual being inappropriately granted unescorted access. The primary purpose of the access authorization program is to limit unescorted access to vital and protected areas to those individuals who are judged to be trustworthy and reliable. Therefore, this violation has been categorized in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), (60 FR 34381; June 30, 1995) at Severity Level III.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III violation. Because your facility has been the subject of escalated enforcement actions within the last 2 years¹ the NRC considered whether credit was warranted for *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. Credit was warranted for your identification of the violation. Credit was also warranted for your comprehensive corrective actions which included terminating the contract employee's unescorted access; verifying that negative chemical test results were received prior to granting unescorted access for 964 individuals processed during the Unit 1 refueling outage; revising the applicable procedure to require verification that the name, social security number, and dates correctly identify the individual being processed for unescorted access; counseling the access control clerk; and conducting meetings between management and access control personnel to emphasize the necessity of verifying all identifying information for each required element prior to granting access.

Therefore, to encourage prompt identification and comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed on the docket in Inspection Report No. 50-315/316/95011(DRS), LER 95-S-001, and your letter dated November 15, 1995. Therefore, you are not required to respond to this letter unless the description in the docketed materials referenced above does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

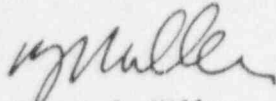
¹ A Severity Level III violation was issued on February 28, 1995 (EA 95-002) for granting unescorted access to an individual whom the licensee later determined should have not been granted such access.

E. Fitzpatrick

3

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room (PDR).

Sincerely,



Hubert J. Miller
Regional Administrator

Docket No. 50-315

Docket No. 50-316

Enclosure: Notice of Violation

cc w/encl: A. A. Blind, Plant Manager
James R. Padgett, Michigan Public
Service Commission
Michigan Department of
Public Health

NOTICE OF VIOLATION

Indiana Michigan Power Company
Donald C. Cook Nuclear Plant

Docket Nos. 50-315; 50-316
License Nos. DPR-58; DPR-74
EA 95-219

During an NRC inspection conducted on September 19, 1995, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600 (60 FR 34381; June 30, 1995), the violation is listed below:

10 CFR 26.24(a)(1) requires that a licensee provide a means to deter and detect substance abuse by implementing chemical testing programs for persons subject to this part. The program shall include testing within 60 days prior to the initial granting of unescorted access to protected areas or assignment to activities within the scope of this part.

10 CFR 73.56(a) requires that the access authorization program be incorporated into the site Physical Security Plan as provided for by 10 CFR 50.54(p)(2).

10 CFR 73.56(b)(3) requires that a licensee base its decision to grant, deny, revoke, or continue an individual's access authorization on review and evaluation of all pertinent information developed.

Amendment No. 27 to License No. DPR-58 and Amendment No. 9 to License No. DPR-74 for the Donald C. Cook Nuclear Plant states, in part, "The licensee shall maintain in effect and fully implement all provisions of the commission approved physical security plan, including amendments and changes made pursuant to the authority of 10 CFR 50.54(p)."

Section 2.1.1 of the licensee's security plan states that "Plant Access Authorization Procedures shall be followed to provide high assurance that individuals granted unescorted access to protected and vital areas are trustworthy and reliable and do not constitute an unreasonable risk to public health and safety, including the potential to commit radiological sabotage."

Paragraph 12.2 of Access Authorization Program Procedure 12 PMP 2060 SEC.010, Revision 16, requires Cook Plant Security to review available data pertaining to the individual and proceed with processing in accordance with access requirements which include fitness for duty testing. Section 12.2.5 of this procedure states that the licensee may grant temporary unescorted access authorization if chemical testing has been performed with no indications of chemical abuse.

Donald C. Cook Access Control Administrative Guideline No. AC-003, Revision 1, Section 4.1.3, states, in part, "Attachment 1 outlines adverse FFD data which, unless refuted, shall result in denial or suspension of unescorted access authorization." Item (1) of Attachment 1 identifies positive results for the presence of alcohol and/or drugs when pre-access testing is conducted as "adverse data" resulting in denial/suspension of unescorted access authorization.

Contrary to the above, on August 16, 1995, the licensee failed to review fitness for duty pre-access test results to ensure that a negative pre-access test result had been received for an individual prior to granting unescorted access to protected/vital areas. On August 17, 1995, the individual was granted unescorted access, and from August 19 through August 22, 1995, the individual worked with unescorted access status in the plant protected/vital areas. The licensee subsequently determined that this individual tested positive for a controlled substance and would have denied access to this individual had this information been evaluated. (01013)

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed on the docket in Inspection Report No. 50-315/316/95011(DRS), LER 95-S-001, and a letter from the Licensee dated November 15, 1995. However, you are required to respond to the provisions of 10 CFR 2.201 if the description in the docketed materials referenced above does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region III, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

Dated at Lisle, Illinois
this 8th day of December 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE SUITE 400
ARLINGTON TEXAS 76011 8064

AUGUST 14, 1995

EA 95-079

Morrison-Knudsen Ferguson
ATTN: Mr. L. E. Pardi
Executive Vice President
Power Division

MK-Ferguson Group
MK Ferguson Plaza
1500 West 3rd Street
Cleveland, Ohio 44113-1406

SUBJECT: NOTICE OF VIOLATION
(NRC Office of Investigations Report 4-93-013R)

Dear Mr. Pardi:

This is in reference to an investigation initiated by NRC's Office of Investigations (OI) in September 1993 and completed in February 1995. The investigation was initiated to determine whether four former Morrison-Knudsen Ferguson (MKF) employees at Public Service Company of Colorado's (PSC's) Fort St. Vrain facility were harassed, intimidated, and ultimately terminated in March 1993 by their supervisors for expressing radiological and other safety concerns. The OI report concluded that the supervisors about whom the allegations were made created a hostile work environment at Fort St. Vrain by threatening and intimidating other employees over such concerns.

The NRC staff also reviewed the report of the independent counsel (Stier, Anderson & Malone) hired by PSC to investigate these same issues. This report concluded, in part, that a significant cross section of the work force at Fort St. Vrain perceived that workers who interfered with production goals by raising radiological and other safety concerns would displease their supervisors and thereby endanger their jobs.

As a result of the NRC staff's review of the OI findings and the findings from the Stier, Anderson & Malone report, an apparent violation of 10 CFR 50.7 was identified. You were informed of the investigation findings in a letter dated May 19, 1995. A closed predecisional enforcement conference was conducted on June 1, 1995 to discuss the apparent violations, their causes, and your corrective actions to preclude recurrence. MKF acknowledged at the enforcement conference that its supervisors at the Fort St. Vrain facility had created an intimidating atmosphere in which production was emphasized over radiological safety and procedural compliance, and that raising such safety concerns could result in retaliation. A summary of this conference was sent to you by letter dated June 15, 1995.

During the predecisional enforcement conference PSC acknowledged that a violation of 10 CFR 50.7 had occurred. In referring to what the workers in

general believed, PSC stated that "[S]ince the perception was there by a majority, it was a reality because the perception was their reality."

The NRC has reviewed the various investigation reports as well as the information presented at the predecisional enforcement conference and has determined that the evidence supports the conclusion that, taken together, the actions of MKF supervisors created a hostile work environment in which employees feared that reporting safety concerns would result in retaliation. MKF's failure to effectively utilize its extensive nuclear experience to ensure that its managers at Fort St. Vrain provided an open atmosphere where safety concerns could be identified without the fear of retaliation is a serious concern. This failure contributed to an overemphasis on production goals at the expense of safety goals. This is a matter of very significant regulatory concern to the NRC.

In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," (60 FR 34381, June 30, 1995) the violation of 10 CFR 50.7 has been classified at Severity Level II due to the extensive effect of the hostile work environment and because so many employees were chilled by it. The NRC recognizes that the investigation conducted by Stier, Anderson and Malone for PSC was extremely thorough, and that it resulted in a number of specific corrective actions that were taken and are being taken in response to the violations. Some of the actions identified included: (1) taking personnel actions against the MKF personnel involved in the discriminatory actions; (2) in depth reviews of their layoff procedures; (3) training for personnel on elements of 10 CFR 50.7; (3) establishing enhanced communications throughout the organization and with PSC and other contract personnel, and; (4) an emphasis on team building.

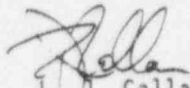
You are required to respond to this letter and should follow the instructions specified in the enclosed Notice of Violation (Notice) when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. In addition, you should include any actions that have been taken or will be taken -- such as the development and implementation of training programs for MKF supervisors and for permanent and temporary employees and the promulgation of a policy statement concerning regulatory compliance, the freedom of employees to raise safety and regulatory concerns and an employee concerns program -- to prevent similar violations from occurring at other NRC licensed facilities where MKF is a contractor or subcontractor. Your response should address the question as to why the NRC should have confidence that MKF will not have similar violations at other NRC licensed facilities where MKF is employed in NRC-licensed activities. 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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response 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.

The responses directed by this letter and the 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, Pub. L. No. 96.511.

Sincerely,



L. D. Callan,
Regional Administrator

Enclosure:
Notice of Violation

cc w/enclosure:
Public Service Company of Colorado
ATTN: M. H. Holmes
Project Assurance Manager
16805 Weld County Road 19-1/2
Platteville, Colorado 80651

GA International Services Corporation
Fort St. Vrain Services
ATTN: David Alberstein, Manager
P.O. Box 85608
San Diego, California 92138

Public Service Company of Colorado
ATTN: D. D. Hock, President and
Chief Executive Officer
P.O. Box 840
Denver, Colorado 80201-0840

Public Service Company of Colorado
ATTN: Patricia T. Smith, Senior Vice
President and General Counsel
P.O. Box 840
Denver, Colorado 80201-0840

Chairman
Board of County Commissioners
of Weld County, Colorado
Greeley, Colorado 80631

Regional Representative
Radiation Programs
Environmental Protection Agency
1 Denver Place
999 18th Street, Suite 1300
Denver, Colorado 80202-2413

Colorado Department of Health
ATTN: Robert M. Quillin, Director
Radiation Control Division
4300 Cherry Drive South
Denver, Colorado 80220-1530

Colorado Public Utilities Commission
ATTN: Ralph Teague, P.E.
1580 Logan Street OL1
Denver, Colorado 80203

Commitment Control Program Coordinator
Public Service Company of Colorado
16805 Weld County Road 19-1/2
Platteville, Colorado 80651

NOTICE OF VIOLATION

Morrison-Knudsen Ferguson
Cleveland, Ohio

EA 95-079

During an NRC investigation initiated in September 1993 and completed in February 1995 (OI 4-93-013R), violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," (60 FR 34381, June 30, 1995) the violations are set forth below:

10 CFR 50.7(a) prohibits discrimination by a Commission licensee or contractor or subcontractor of any licensee against an employee for engaging in certain protected activities. Discrimination includes actions that relate to compensation, terms, conditions or privileges of employment. Protected activities are described in Section 211 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or Energy Reorganization Act.

Contrary to the above, during the timeframe of approximately 1992 through February 1994, individuals employed by Morrison-Knudsen Ferguson and Scientific Ecology Group at Fort St. Vrain were unlawfully discriminated against in that they were subjected to a series of actions which comprised a hostile work environment in retaliation for engaging in protected activities. Specifically, as reflected in the December 1994 investigation report prepared for the licensee by the law firm of Stier, Anderson and Malone and acknowledged by the licensee during the June 1, 1995 enforcement conference, in response to the identification of safety issues or concerns by certain employees, Morrison-Knudsen supervisors exhibited a pattern of intimidating conduct against their workforce and administered their policies in a manner that created an atmosphere in which it was the perception of a significant cross section of the workforce at Fort St. Vrain that production was emphasized over safety and procedural compliance and raising safety concerns could result in retaliation.

This is a Severity Level II violation (Supplement VII).

Pursuant to the provisions of 10 CFR 2.201, Morrison-Knudsen Ferguson is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region IV within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued.

Notice of Violation

- 2 -

Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Dated at Arlington, Texas,
this 14th day of August 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406 1415

July 27, 1995

EA 95-142

Mr. Harry P. Salmon, Jr.
Resident Manager
New York Power Authority
James A. FitzPatrick Nuclear Power Plant
Post Office Box 41
Lycoming, New York 13093

SUBJECT: NOTICE OF VIOLATION
(NRC Inspection Report No. 50-333/95-02)

Dear Mr. Salmon:

This letter refers to the NRC inspection conducted from January 1, 1995, to February 11, 1995, at the James A. FitzPatrick Nuclear Power Plant, Scriba, New York. During the inspection, the inspectors reviewed the circumstances associated with an event which occurred at the facility involving a fire protection supervisor/fire inspector forging the signature of a fire protection system engineer on a Combustion Control Permit (CCP). The CCP was issued to allow the temporary storage of three boxes of HEPA filters in the turbine building.

Creation of the inaccurate record constitutes a violation of NRC requirements set forth in 10 CFR 50.9. Previously, this matter was described as an unresolved item in Section 5.2 of NRC Inspection Report No. 95-02 which was sent to you on March 10, 1995. The NRC recognizes that the safety significance of the specific violation was low, since the action did not result in a challenge to the safe operation of the plant. Nonetheless, the willful creation of an inaccurate record is of concern to the NRC, because the safe operation of nuclear facilities depends on the integrity, as well as the ability, of the individuals who operate, maintain and support them.

The NRC also recognizes that significant corrective actions have been taken, including comprehensive review of all current and previously issued/closed CCPs to identify any further discrepancies; conduct of a formal critique of the unauthorized CCP and related events, which was completed on February 4, 1995; training of Fire Watch Supervisors, Fire Inspectors, and Fire Protection Engineers to reemphasize procedural compliance, proper signature/authorization requirements, attention to detail, and documentation accuracy; providing lessons learned to all site managers and supervisors regarding the results of the above critique; conduct of a performance based surveillance by Quality Assurance of Procedure AP-14.02, Combustibles and Flammable Material Control; requiring all department managers to review a sampling of internal documents to ensure proper signatures are obtained; review and revision of Procedure AP-14-02 to better define/clarify fire protection staff responsibilities; performance of an evaluation of management oversight of the fire protection program; and planned performance of a compliance based audit

of AP-14.02 by July 31, 1995. The NRC further recognizes that senior plant management took strong disciplinary action against the individual, including termination of her employment. Based on the low actual safety significance of the violation, the position of the individual, and your disciplinary and corrective actions, the NRC elected not to pursue an enforcement action directly against the individual involved.

The NRC also considered exercising enforcement discretion and not taking any enforcement action against NYPA in this case because: (1) the violation was identified by your staff and reported to the NRC, even though such reporting was not required; (2) the violation, absent willfulness, would be classified, no higher than at Severity Level IV; (3) you took appropriate corrective actions, including disciplinary action against the individual; and (4) the violation involved the act of an individual without management involvement. Nevertheless, other first line supervisors were slow in pursuing this issue after they first identified it in November 1994 while performing an informal review of the CCP logbook. Senior plant management was not notified of the event until the security manager himself was informed of this event on February 2, 1995, at which time senior station management promptly initiated an investigation, and the NRC was notified. Therefore, I have determined that enforcement discretion is inappropriate in this case, and a Notice of Violation is being issued for this Severity Level IV violation in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy). (60 FR 34381; June 30, 1995).

While discretion to propose civil penalties may be considered for willful violations, I have decided, after consultation with the Director, Office of Enforcement not to issue a civil penalty in this case, in view of senior plant management's investigation, identification, and reporting of the problem, as well as your corrective actions taken.

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. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The responses directed by this letter and the 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, Pub. L. No. 96.511.

Sincerely,



Thomas T. Martin
Regional Administrator

Docket No. 50-333
License No. DPR-59

Enclosure: Notice of Violation

cc w/encl:

- S. Freeman, President
- R. Schoenberger, Chief Operating Officer
- W. Cahill, Jr., Executive Vice President and Chief Nuclear Officer
- W. Josiger, Vice President - Nuclear Operations
- J. Kelly, Vice President - Regulatory Affairs and Special Projects
- T. Dougherty, Vice President - Nuclear Engineering
- R. Deasy, Vice President - Appraisal and Compliance Services
- R. Patch, Director - Quality Assurance
- G. Wilverding, Manager, Nuclear Safety Evaluation
- G. Goldstein, Assistant General Counsel
- C. Faison, Director, Nuclear Licensing
Supervisor, Town of Scriba
- C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law
Director, Energy & Water Division, Department of Public Service, State of
New York
- F. William Valentino, President, New York State Energy Research
and Development Authority

NOTICE OF VIOLATION

New York Power Authority
James A. FitzPatrick

Docket No. 50-333
License No. DPR-59
EA 95-142

As a result of NRC review of the findings of an inspection conducted on January 1 through February 11, 1995, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (60 FR 34381; June 30, 1995), the violation is listed below:

10 CFR 50.9(a) requires, in part, that information required by the Commission's regulations or license conditions to be maintained by the licensee, shall be complete and accurate in all material respects.

Technical Specification (TS) 6.8(a)(3) requires that written procedures and administrative policies shall be established, implemented, and maintained that implement the fire protection program. Administrative Procedure AP-14.02, Combustibles and Flammable Material Control written to comply with TS 6.8(a)(3), provides instructions for the utilization and processing of Combustion Control Permits (CCPs), and requires, in Section 8.1.3, that a file of active CCPs be maintained, and that a file of inactive CCPs also be maintained for one year in the Fire Protection Supervisor's office and then for five years with the Records Management System.

Contrary to the above, on October 18, 1994, information required to be maintained by the licensee, namely CCP No. 94120 (which allowed temporary storage of three boxes of HEPA filters in the turbine building), was inaccurate in that a Fire Protection Supervisor/Fire Inspector forged the signature of a Fire Protection System Engineer on the CCP as authorization for the permit. This record was material, because CCPs constitute the method used by the licensee to demonstrate control of combustibles utilized in the plant as required in the fire protection program mandated by TS 6.8(a)(3).

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

Pursuant to the provisions of 10 CFR 2.201, New York Power Authority is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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. Where good cause is shown, consideration will be given to extending the response time.

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 the request for withholding the information from the public.

Dated at King of Prussia, Pennsylvania
this 27th day of July 1995.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

EA 95-176

October 16, 1995

Mr. W. J. Cahill Jr.
Chief Nuclear Officer
New York Power Authority
123 Main Street
White Plains, New York 10601

SUBJECT: NOTICE OF VIOLATION
(NRC Inspection Report No. 50-286/95-12)

Dear Mr. Cahill:

This letter refers to the NRC inspection conducted from July 11, 1995, to August 7, 1995, at the Indian Point 3 Nuclear Power Plant, Buchanan, New York. During the inspection, the inspectors reviewed the circumstances associated with a violation identified by your staff involving the failure to perform a safety evaluation, pursuant to 10 CFR 50.59, prior to making a change to the facility as described in the Final Safety Analysis Report (FSAR). The specific change involved the operation of the reactor coolant system (RCS) from July 10 through July 12, 1995, with pressure lower than the minimum amount specified in your Final Safety Analysis Report (FSAR).

The violation was discussed with your staff at the inspection exit meeting on August 7, 1995, and also was described in the NRC letter, dated August 23, 1995, transmitting the inspection report. In that letter, we indicated that it may not be necessary to conduct a predecisional enforcement conference in order to enable the NRC to make an enforcement decision in this case. However, before making an enforcement decision, we provided you an opportunity to either (1) respond to the apparent violation addressed in this inspection report within 30 days of the date of that letter, or (2) request a predecisional enforcement conference. You requested a conference which was held with you and members of your staff on October 5, 1995 to discuss the apparent violation, its causes, and your corrective actions.

The violation occurred when you operated at reduced reactor coolant system (RCS) pressure (below 2205 psig) from July 10 to July 12, 1995, in attempting to seat a leaking safety valve. After discussions with operations management, operators invoked portions of alarm response procedure (ARP)-3 to allow them to reduce RCS pressure in an attempt to reseat the leaking safety valve. That procedure, which had been revised on June 20, 1995 to provide specific guidance for such pressure reduction based on a vendor recommendation, allowed the operators to reduce pressure to as low as 1900 psig to stop the leakage. That procedure was inadequate because it permitted the operation of the reactor at a pressure below 2205 psig which was not in accordance with your FSAR; therefore, it placed the reactor in a condition outside the accident analysis and design basis. Prior to reducing the RCS pressure, neither management nor staff ensured that a safety evaluation was performed, as required by 10 CFR 50.59, to provide a basis that the change from the FSAR did not involve an unreviewed safety question. In addition, operators maintained the reduced pressure for more than eight hours, which was contrary to the procedure, without evaluating the impacts of doing so.

The NRC recognizes that a safety evaluation was performed after the violation was identified, which concluded that the safety consequences for the operating condition during the period from July 10-12, 1995, were minimal. Nonetheless, the NRC is concerned with the poor performance by your managers and staff prior to, during, and in immediate response to the event, which occurred less than a month after your startup from the extended shutdown. For example, the revision to ARP-3 did not appropriately consider that its implementation would be contrary to the FSAR. Also, although minimum RCS pressure currently is not provided in your technical specifications, senior management should have recognized, before reducing pressure, that an evaluation should have been conducted to ensure that the change did not involve an unreviewed safety question. In addition, management, the operations staff, and engineering staff should have demonstrated a technically inquisitive attitude and aggressively questioned the appropriateness of this evolution before implementing it. It was not until corporate engineering and the vendor, Westinghouse, were contacted on July 12, 1995, two days after the evolution began, that you learned that operation at reduced RCS pressure, both long-term and short-term, was outside the accident analysis for the plant as stated in the FSAR. Furthermore, after the problem was discovered, the Deficiency Evaluation Report (DER) classified the event at a lower level than it should have been. Therefore, while the actual safety significance of the violation was low, given the regulatory significance of the failures by management and staff, this violation has been categorized at Severity Level III in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, (60 FR 34381; June 30, 1995).

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III violation. Because your facility has been the subject of escalated enforcement actions within the last two years, (a Severity Level III Notice of Violation was issued to you on April 26, 1994 - EAs 93-280 and 93-305), the NRC considered whether credit was warranted for identification and corrective action in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. Credit was warranted because your staff identified the violation and conducted a detailed root cause analysis, and subsequently, you have taken significant corrective actions, as noted in the inspection report and your presentation at the enforcement conference. The corrective actions included (1) counselling of senior managers by the Chief Nuclear Officer regarding conservative plant operation; (2) communicating the initial lessons learned at a department managers' meeting; (3) timely issuance of a standing order regarding operating within normal ranges and seeking formal review if operating outside of normal ranges; (4) training of operations staff regarding lessons learned from this event, as well as enhanced training for licensed operators, site reactor engineers, and managers on certain transient and accident analysis; (5) definition of operating ranges for selected key plant parameters and incorporation into the applicable plant operating procedures; (6) planned review prior to restart from the current forced outage of alarm response procedures, plant operating procedures, and off-normal operating procedures by engineering to assure they do not permit unanalyzed operating conditions; (7) increased oversight of plant operations by the Independent Safety Engineering Group; and (8) reevaluation of the procedure review and approval process to include a more

to assure they do not permit unanalyzed operating conditions; (7) increased oversight of plant operations by the Independent Safety Engineering Group; and (8) reevaluation of the procedure review and approval process to include a more enhanced safety screening practice.

Therefore, to encourage prompt identification and comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty.

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. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The responses directed by this letter and the 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, Pub. L. No. 96.511.

Sincerely,



Thomas T. Martin
Regional Administrator

Docket No. 50-286
License Nos. DPR-64

Enclosure: Notice of Violation

cc w/encl:

R. Schoenberger, President and Chief Operating Officer
L. Hill, Jr., Site Executive Officer
W. Josiger, Vice President - Engineering and Project Management
J. Kelly, Vice President - Regulatory Affairs and Special Projects
T. Dougherty, Vice President - Nuclear Engineering
R. Deasy, Vice President Appraisal and Compliance Services
R. Patch, Director - Quality Assurance
G. Wilverding, Director - Independent Oversight
G. Goldstein, Assistant General Counsel
C. Faison, Director, Nuclear Licensing
A. Donahue, Mayor, Village of Buchanan
C. Jackson, Nuclear Safety and Licensing Manager (Con Ed)
C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law
Chairman, Standing Committee on Energy, NYS Assembly
Chairman, Standing Committee on Environmental Conservation, NYS Assembly
Chairman, Committee on Corporations, Authorities, and Commissions, NYS Assembly
E. Nullet, Executive Chair, Four County Nuclear Safety Committee
R. Pollard, Union of Concerned Scientists
The Honorable Sandra Galef, NYS Assembly
Director, Energy & Water Division, Department of Public Service, State of
New York
A. Song, Assistant Secretary to the Governor
F. Valentino, President, New York State Energy Research and Development Authority

ENCLOSURE

NOTICE OF VIOLATION

New York Power Authority
Indian Point 3 Nuclear Power Plant

Docket No. 50-286
License No. DPR-64
EA 95-176

During an NRC inspection conducted between July 11 and August 7, 1995, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, (60 FR 34381; June 30, 1995), the violation is listed below:

10 CFR Part 50.59(a), Changes, Tests and Experiments, in part, permits licensees to make changes in the facility as described in the safety analysis report without prior Commission approval, unless the proposed change involves a change in the technical specifications incorporated in the license or an unreviewed safety question.

10 CFR Part 50.59(b)(1) requires, in part, that the licensee maintain records of changes in the facility that constitute changes in the facility as described in the Safety Analysis Report (SAR), and the records must include a written safety evaluation which provides the bases for the determination that the change does not involve an unreviewed safety question.

The Final Safety Analysis Report, Chapter 14, evaluates the safety aspects of the plant and demonstrates that the plant can be operated safely and that the exposures from credible accidents do not exceed the guidelines of 10 CFR Part 100. The accident evaluation assumes that the minimum reactor coolant system pressure shall be 2205 psig while the reactor is operating.

Contrary to the above, from July 10, 1995 to July 12, 1995, while the reactor was in an operational mode, the licensee changed the facility as described in the SAR by operating with reactor coolant system pressure below 2205 psig, which is the minimum initial pressure assumed in the FSAR accident analysis. This change was made without prior Commission approval and without performing a written safety evaluation, which provided the basis for the determination that the change does not involve an unreviewed safety question. (IFS Code 01013)

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

Pursuant to the provisions of 10 CFR 2.201, New York Power Authority is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been

Enclosure

taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

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 the request for withholding the information from the public.

Dated at King of Prussia, Pennsylvania
this 16th day of October 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

December 7, 1995

EA 95-177

Mr. Robert E. Busch
President - Energy Resources Group
Northeast Nuclear Energy Company
c/o Mr. Richard M. Kacich
P.O. Box 270
Hartford, Connecticut 06141-0270

SUBJECT: NOTICE OF VIOLATION
(NRC Combined Inspection Report No. 50-245/95-31; 50-336/95-31;
50-423/95-31)

Dear Mr. Busch:

This letter refers to the NRC inspection conducted from July 12, 1995, to August 22, 1995, at the Millstone Station in Waterford, Connecticut. During the inspection, the inspectors reviewed the circumstances associated with violations of NRC requirements identified by your staff involving the degradation of equipment at the Unit 1 facility. In one case, the condition was created as a result of modifications made to the plant in 1976 and 1989 and was not identified by the associated design reviews. In the other case, the conditions existed since the plant became operational in 1968, and were caused by inadequate control of equipment design prior to initial startup. The violations were discussed with your staff at the inspection exit meeting on August 22, 1995, and also were described in the NRC letter, dated September 19, 1995, transmitting the inspection report. On October 10, 1995, a Predecisional Enforcement Conference was conducted with Mr. DeBarba, Mr. Riffer and other members of your staff to discuss the violations, their causes, and your corrective actions.

The violations are described in the enclosed Notice. The first violation involved an existing single failure vulnerability in the loss of normal power logic that would have prevented both emergency power sources from properly starting and sequencing required loads. This constitutes a violation of your technical specification because in the event of a single failure, following a loss of normal power during a Loss of Coolant Accident (LOCA), a loss of both emergency power sources would occur. The violation was caused by your inadequate design reviews of two different modifications installed in 1976 and 1989, which failed to detect the single failure vulnerability. The NRC recognizes that this violation was identified by your staff on June 26, 1995, when they identified that in the event of one of the two normal feeder breakers to the affected busses failing to open, a loss of both emergency generators would occur when the generators were required to mitigate the effects of a design basis accident.

The NRC also recognizes that an evaluation was performed by design engineering after the violation was identified, which concluded that the safety consequences for the failures mentioned above were low because operator action could be taken to maintain or restore at least one emergency bus. Nonetheless, the plant was operated with this single failure vulnerability since 1976. Therefore, the violation has been categorized at Severity Level III in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, (60 FR 34381; June 30, 1995).

The second violation described in the enclosed Notice involved two examples of existing vulnerabilities in the standby gas treatment system (SGTS). In the first example, the system could rupture if a LOCA occurred while venting the drywell, which would result in a complete loss of the SGTS because the drywell isolation valves would not close in time to prevent the pressure wave generated from the LOCA from affecting the integrity of both trains of the system's filters. Second, an existing single failure vulnerability in the SGTS would prevent the system from mitigating the effects of a LOCA. Specifically, during a LOCA, the inability to isolate one train of the SGTS, if it were to fail in conjunction with the inadequate backdraft damper design, would allow a short cycle flow path to be established. This flowpath would prevent establishing or maintaining the reactor building negative pressure, which is required to prevent a post LOCA ground level release.

These two examples constitute a violation of the related technical specification requiring operability of the SGTS. This violation, which also was caused by inadequate control of equipment design prior to initial startup, is also classified at Severity Level III, in accordance with the Enforcement Policy, because under certain circumstances, the SGTS could not mitigate the effects of a LOCA.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III violation. Because the Millstone facilities have been the subject of several escalated enforcement actions within the last two years¹, the NRC considered, for each violation, whether credit was warranted for identification and corrective action in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. You identified the first violation as part of a followup to a long standing commitment to modify the Loss of Normal Power logic to be functionally consistent with General Design Criterion 17. You identified the second violation during your preparation of a technical specification change request. In the circumstances, credit is warranted for identification. Further, you have conducted a root cause analysis and taken appropriate corrective actions, as noted in the inspection report and your presentation at

¹Severity Level III violations were issued on July 13, 1994 (EA 91-127, identified on December 15, 1993) and July 8, 1994 (EA 94-045, identified on May 6, 1994).

the enforcement conference. The corrective actions included but are not limited to: (1) shutting down the plant and installing a seal-in circuit, (2) establishing a Special Review Team to evaluate recent design issues, (3) completion of a safety system functional inspection on the isolation condenser by the second quarter of 1996, (4) completion of an in-depth design review of at least ten previously implemented electrical design changes by the first quarter of 1996, and (5) enhancement of the updated final safety analysis report in connection with an Improved Standard Technical Specification conversion scheduled to begin by the first quarter of 1996. In view of these actions, we believe that credit is warranted for your corrective action. While these actions were comprehensive, during the Predecisional Enforcement Conference, an additional corrective action was discussed for the second violation because this violation might have been identified earlier by routine surveillance activities. Your staff subsequently agreed to perform an evaluation of your surveillance testing procedures to ensure that your surveillance tests produce results for which the tests were intended.

Therefore, to encourage continued prompt identification and comprehensive correction of violations, I have been authorized, in accordance with the enforcement policy and after consultation with the Director, Office of Enforcement, not to propose a civil penalty for either violation. However, you should be aware that I did consider, in accordance with Section VII.A of the enforcement policy, whether to exercise discretion and issue a civil penalty in this case because (1) several violations have been issued to Millstone in the past two years, including six civil penalties; (2) a high number of design issues have been identified over the past two years at Millstone, indicating that although your staff is surfacing old design issues, your actions in the past to identify and correct such issues appeared to lack a systematic approach and did not address potential general weaknesses in your design basis; (3) resolution of certain issues identified in an NRC electrical distribution system functional inspection in 1991 are not yet complete; and (4) with respect to the second violation, it was not identified until after the NRC issued a Notice of Deviation to you in 1994 for not adhering to a commitment made in 1985 to submit a technical specification change request to restrict the operation of the SGTS based on followup of TMI Action Plan Item II.E.4.2. It was during your preparation of the technical specification change request that your staff identified the deficiencies associated with the second violation in the Notice.

Notwithstanding the NRC's decision to not propose a civil penalty for either of the violations, you should be aware that any future failure to aggressively implement a systematic program for searching for old design issues, such that existing problems are not identified, may result in escalated enforcement action and issuance of a civil penalty.

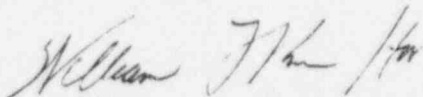
You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. In addition, in your response to this Notice, you also should include a discussion on your progress in evaluating surveillance test procedures and the findings from those evaluations. Your response may reference or include previous docketed correspondence, if the

correspondence adequately addresses the required response. 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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1930, Pub. L. No. 96.511.

Sincerely,



Thomas T. Martin
Regional Administrator

Docket No. 50-245
License No. DPR-21

Enclosure: Notice of Violation

cc w/encl:

W. J. Riffer, Nuclear Unit Director, Unit 1
P. M. Richardson, Nuclear Unit Director, Unit 2
M. H. Brothers, Nuclear Unit Director, Unit 3
L. M. Cuoco, Esquire
F. R. Dacimo, Vice President, Haddam Neck Station
R. M. Kacich, Director, Nuclear Planning, Licensing and Budgeting
J. J. LaPlatney, Haddam Neck Unit Director
D. B. Miller, Senior Vice President, Millstone Station
S. E. Scafe, Vice President, Nuclear Operations Services
W. D. Meinert, Nuclear Engineer
W. Baranowski, Acting Director, Nuclear Quality and Assessment Services
N. Reynolds, Esquire
State of Connecticut SLO Designee

ENCLOSURE

NOTICE OF VIOLATION

Northeast Nuclear Energy Company
Millstone Nuclear Power Station, Unit 1

Docket No. 50-245
License No. DRP-21
EA 95-177

During an NRC inspection conducted between July 12, 1995 and August 22, 1995, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, (60 FR 34381; June 30, 1995), the violations are listed below:

- A. Technical Specification 3.2.B, Emergency Core Cooling Subsystems Actuation, requires that the limiting conditions for operation for the instrumentation which initiates the Emergency Core Cooling System subsystems are given in Table 3.2.2, except as noted in Specification 3.5.F.6.

10 CFR Part 50, Appendix B, Criterion III, "Design Control," requires that measures shall be established to assure that the design bases for safety-related structures, systems and components are correctly translated into specifications, and that design control measures shall provide for verifying or checking the adequacy of design.

The Unit 1 updated final safety analysis report Section 8.3.1.2, "Analysis", which contains the design bases for the safety related structures, systems, and components, states that the on-site AC electrical power sources and the on-site AC electrical system have sufficient independence, redundancy, and testability to perform their safety functions assuming a single failure.

Table 3.2.2, "Instrumentation That Initiates And Controls The Emergency Core Cooling Systems," requires that a minimum of 2 sets of 7 instrument channels per trip system be operable for Loss of Normal Power protective instrumentation to ensure a start of emergency power sources, stripping of the loads from the buses, and receiving a permissive to emergency power sources to close on the buses.

Contrary to the above, following modifications to the Loss of Normal Power logic in 1976, during various times while the reactor was operational, a minimum of 2 sets of 7 instrument channels per trip system were not operable for the Loss of Normal Power protective instrumentation to ensure a start of emergency power sources, stripping of the loads from the buses, and receiving a permissive to emergency power sources to close on the buses. Specifically, the on-site AC electrical power sources did not have sufficient independence,

redundancy, and testability to perform their safety functions assuming a single failure. The failure of an emergency bus normal supply breaker to open would cause the failure of both emergency power sources to automatically supply power to their respective electrical busses. (01013)

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

- B. Technical Specification 3.7.B, Standby Gas Treatment System (SGTS), requires that both circuits of the SGTS and the emergency power sources required for operation of such circuits shall be operable at all times when secondary containment integrity is required.

Contrary to the above, from initial operation in 1968 until June 21, 1995, during times when secondary containment integrity was required, both circuits of the SGTS were inoperable under certain conditions. Specifically,

1. during times when the drywell was being vented through the SGTS, the SGTS was not capable of filtering, treating, and exhausting the reactor building atmosphere to the unit 1 stack during a loss of coolant accident (LOCA) because, during a LOCA, the drywell isolation valves would not close in time to prevent the pressure wave generated from the LOCA from affecting the integrity of both trains of the system's filters.
2. the SGTS could not maintain the required negative pressure within the reactor building during a design basis accident, with a single active failure in one train of the SGTS. Specifically, during a LOCA, the inability to isolate one train of the SGTS if it were to fail in conjunction with the inadequate backdraft damper design would allow a short cycle flow path to be established. This flowpath would prevent establishing or maintaining the reactor building negative pressure, which is required to prevent a post LOCA ground level release. (02013)

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

Pursuant to the provisions of 10 CFR 2.201, Northeast Nuclear Energy Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the

Enclosure

3

date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

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 the request for withholding the information from the public.

Dated at King of Prussia, Pennsylvania
this 7th day of December 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

December 28, 1995

EA 95-204

Mr. E. Watzl, Vice President
Nuclear Generation
Northern States Power Company
414 Nicollet Mall
Minneapolis, MN 55401

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NO. 50-263/95011(DRP))

Dear Mr. Watzl:

This refers to the inspection conducted on October 16 through November 3, 1995, at the Monticello Nuclear Generating Plant. The purpose of this inspection was to review the circumstances surrounding the inoperability of the drywell spray system. The report documenting the inspection was sent to you by letter dated November 22, 1995. An open predecisional enforcement conference was conducted on December 15, 1995.

Based on the information developed during the inspection and the information that you provided during the conference and in a Licensee Event Report dated November 13, 1995, the NRC has determined that violations of NRC requirements occurred. The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the inspection report.

On October 12, 1995, while at 100 percent power, a plant equipment operator found the "B" residual heat removal (RHR) drywell spray manual isolation valve (RHR 74-2) unlocked and closed with a hold card attached to it. Since RHR 74-2 is required to be locked open at power, the "B" drywell spray subsystem was inoperable. The valve had been mispositioned since returning to power from the last refueling outage on October 23, 1994. Additionally, the "A" drywell spray system had been simultaneously inoperable for 56 hours to perform on-line maintenance in early October 1995.

A combination of inattention to detail and procedural weakness resulted in an RHR prestart valve checklist being completed in October 1994 that documented RHR 74-2 as being locked open when, in fact, it was unlocked closed. This error occurred even though operators had completed a walkdown of the system including independent verification. The Shift Manager subsequently exhibited a lack of questioning attitude when confronted with the conflicting information between the prestart valve checklist and Isolation Worksheet for RHR 74-2. As a result, he cleared the safety tags associated with the Isolation Worksheet without directing an independent verification of valve position in accordance with procedural requirements. Excessive Operations workload at the end of the refueling outage may have contributed to this error.

Fortuitously, the events in this case did not involve a system which is relied on in the Monticello design basis accident and transient analyses. Notwithstanding, the violations represent a significant failure to comply with the action statement for a Technical Specification limiting condition for operation where the appropriate action was not taken within the required time. Therefore, these violations have been categorized in the aggregate in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600 as a Severity Level III problem.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III problem. Because your facility has not been the subject of escalated enforcement actions within the last 2 years, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. Credit was warranted for your comprehensive corrective actions. Your immediate corrective actions included removing the hold card from RHR 74-2 on October 12, 1995, and locking the valve open; verifying the proper configuration of all locked valves and ECCS valves outside the inerted drywell; and determining that all critical valves inside the drywell to be in their proper position by indication or correct system operation to date. Long term corrective actions included removing the high radiation exemption for RHR 74-2 on the locked valve checklist; training of all personnel involved in the valve line-up process; evaluating the valve line-up, independent verification, locked valve, and hold and secure card processes for improvements prior to the next refueling outage; evaluating improvements to reduce Operation's workload during the end of refueling outages; and periodically sampling prestart valve checklists by Quality Services.

Therefore, to encourage prompt identification and comprehensive correction of violations, and in the recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty.

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.

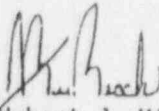
In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

E. Watzl

3

The responses directed by this letter and the 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, Pub. L. No. 96-511.

Sincerely,


Hubert J. Miller
Regional Administrator

Docket No. 50-263

Enclosure: Notice of Violation

cc w/encl: Plant Manager, Monticello
John W. Ferman, Ph.D.,
Nuclear Engineer, MPCA
State Liaison Officer, State
of Minnesota

NOTICE OF VIOLATION

Northern States Power Company
Monticello Nuclear Generating Plant

Docket No. 50-263
License No. DPR-22
EA 95-244

During an NRC inspection conducted on October 16 through November 3, 1995, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

- A. Technical Specification 3.5.C.1 required that both Containment Spray/Cooling Subsystems shall be operable whenever irradiated fuel is in the reactor vessel and the reactor water is greater than 212°F. A Containment Spray/Cooling Subsystem includes the valves necessary for Drywell Spray.

Technical Specification 3.5.C.4 provided that one Containment Spray/Cooling Subsystem may be inoperable for 7 days.

Technical Specification 3.5.C.5 required, in part, that if the requirements of 3.5.C.1 and 4 cannot be met, an orderly shutdown of the reactor will be initiated and the reactor water temperature shall be reduced to less than 212°F within 24 hours.

Contrary to the above:

1. From 9:55 a.m. on October 3, 1995, until 5:53 p.m. on October 5, 1995, while irradiated fuel was in the reactor vessel and the reactor water was greater than 212°F, both Containment Spray/Cooling Subsystems were inoperable, a period greater than 24 hours, and action was not taken to initiate an orderly shutdown of the reactor and to reduce reactor water temperature to less than 212°F within 24 hours.
 2. From October 23, 1994, until December 17, 1994, and from December 21, 1994, until October 12, 1995, the "B" Containment Spray/Cooling Subsystem was inoperable, periods greater than 7 days, and action was not taken to initiate an orderly shutdown of the reactor and to reduce reactor water temperature to less than 212°F within 24 hours. (01013)
- B. 10 CFR 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," requires 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.
1. Residual Heat Removal System Prestart Valve Checklist No. 2154-12, Revision 29, Step 1, required operators to walk down the system and place valves in the proper position required by the valve checklist. Step 3 required operators to perform an independent verification of the checklist and note discrepancies in the

comments section.

Contrary to the above, the Residual Heat Removal System Prestart Valve Checklist completed on October 21, 1994, documented that valve RHR-74-2 was locked open, when in fact, it was unlocked closed, and no discrepancies were noted in the comments section. (01023)

2. Administrative Work Instruction No. 4 AWI-04.04.01, "Equipment Isolation," Revision 8, Step 4.8.12.C.2, required the Shift Supervisor to direct the required independent verification to be performed and documented on the Isolation Worksheet or on Form 3063-1 if permanently clearing safety tags. Step 4.12.6 required an independent verification of positioning and relocking of locked equipment to its operating status.

Contrary to the above, in October 1994, the Shift Manager, while fulfilling the duties of the Shift Supervisor, did not direct an independent verification following a permanent clear of safety tags associated with Isolation Worksheet 94-80312 for normally locked open valve RHR 74-2. (01033)

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

Pursuant to the provisions of 10 CFR 2.201, Northern States Power Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region III, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

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 Lisle, Illinois
this 28th day of December 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

August 17, 1995

EA 95-132

Mr. D. M. Smith
Senior Vice President-Nuclear
PECO Energy
Nuclear Group Headquarters
Correspondence Control Desk
Post Office Box 195
Wayne, Pennsylvania 19087-0195

SUBJECT: NOTICE OF VIOLATION
(NRC Inspection Report No. 50-277/95-11 and 50-278/95-11)

Dear Mr. Smith:

This letter refers to the NRC inspection conducted from April 23, 1995, to June 24, 1995, at the Peach Bottom Atomic Power Station, Delta, Pennsylvania. During the inspection, the inspectors reviewed the circumstances associated with an event which occurred involving the installation and testing of modification P-231 on emergency diesel generators (EDGs) E-2 and E-4 at the Station. Pre-existing drawing errors and insufficient post-modification testing caused both operating reactor units to be placed in a situation where only two EDGs remained able to automatically respond to a loss of offsite power (LOOP) or a design basis accident (DBA LOCA) condition. On August 2, 1995, a Predecisional Enforcement Conference was conducted with you and other members of your staff to discuss the apparent violations, their causes, and your corrective actions.

Based on our subsequent review of the information provided at the conference, we recognize that your staff identified these issues and that you conducted a detailed root cause evaluation and took appropriate corrective actions. However, your normal design and testing process did not uncover the basic error in design modification P-231. This error resulted in the E-2 EDG output breaker not being able to automatically close following a LOOP or design basis loss of coolant accident (DBA LOCA). The E-2 EDG was unable to automatically respond, as required, for 9.5 days, following a 7 day maintenance and modification outage and was thus inoperable for a total of 16.5 days. Technical Specifications allow one EDG to be inoperable for a maximum of 7 days. In addition, while the E-2 EDG was inoperable, the E-4 EDG was removed from service for a maintenance and modification outage, resulting in both EDGs being inoperable for 2.5 days. Technical Specifications require that both units be shut down within 6 hours if two EDGs are inoperable. The inadequate design control and testing that led to the unknown degradation of the E-2 EDG capabilities constitute a violation of NRC requirements set forth in 10 CFR Part 50, Appendix B, Criterion III.

The NRC recognizes that the safety consequence of this event was low because adequate core cooling would have existed following a DBA LOCA (i.e., core spray pumps powered from the operable remaining EDGs), offsite power sources were available while the EDGs were inoperable, and the E-2 diesel output breaker could have been closed manually. Nonetheless, the EDG modification issues are of significant concern to the NRC, because your normal design and testing processes did not uncover a basic error that led to the E-2 EDG being inoperable and led to both the E-2 and E-4 being inoperable simultaneously. This condition could have remained unknown until the EDGs were challenged or until the Unit 3 Fall 1995 post-outage loss of offsite power testing. Therefore, this violation has been categorized at Severity Level III in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), (60 FR 34381; June 30, 1995) and NUREG 1600.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III violation. Because your facility has been the subject of escalated enforcement actions within the last two years, (an \$87,500 civil penalty was issued on November 21, 1994 based on violations identified in an inspection report dated September 14, 1994), the NRC considered whether credit was warranted for identification and corrective action in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. Your staff identified the design error through an outstanding questioning attitude demonstrated by the two instrument and control technicians, who performed the routine relay calibration check and identified the modification error. Your staff conducted a detailed root cause analysis and identified that the installation contractor individuals had identified the initial wiring drawing error, but did not identify this to PECO Energy to ensure that corrective actions were taken. Subsequently, you have taken significant corrective actions, including correcting and testing of wiring on the E-2 and E-4 diesels; confirming that all other modification-related components were functionally tested; suspending installation of all modifications; initiating an event investigation; creating more specific guidance for design, installation and testing of pending modifications; counseling individuals; and taking disciplinary action against supervisors and individuals that ranged from written reprimands to termination of employment. Accordingly, we have determined to give credit for your identification and timely and comprehensive corrective action for this problem.

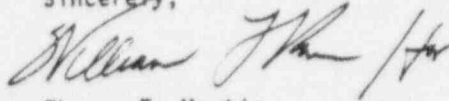
Therefore, to encourage prompt identification and comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty.

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. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The responses directed by this letter and the 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, Pub. L. No. 96.511.

Sincerely,



Thomas T. Martin
Regional Administrator

Docket Nos. 50-277 and 50-278
License Nos. DPR-44 and DRP-56

Enclosure: Notice of Violation

ENCLOSURE

NOTICE OF VIOLATION

PECO Energy
Peach Bottom Atomic Power Station

Docket Nos. 50-277, 50-278
License Nos. DPR-44, DRP-56
EA 95-132

During an NRC inspection conducted on April 23 through June 24, 1995, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (60 FR 34381; June 30, 1995), the violation is listed below:

10 CFR Part 50, Appendix B, Criterion III, Design Control, requires in part, that measures shall be established to assure that applicable regulatory requirements and the design basis, as defined in 10 CFR 50.2 and as specified in the license application, for those structures, systems, and components to which this appendix applies, are correctly translated into specifications, drawings, procedures, and instructions. The design control measures shall provide for verifying or checking the adequacy of design, such as by the performance of design reviews, by the use of alternate or simplified calculational methods, or by the performance of a suitable testing program.

Technical Specification (TS) 3.9.B.3. allows one Emergency Diesel Generator (EDG) to be inoperable for a maximum of 7 days. TS Limiting Conditions for Operation (LCOs) 3.0.C and 3.0.D require that both units be placed in hot shutdown within 6 hours when 2 EDGs are not available in order to demonstrate adequate core cooling following a design basis accident.

Contrary to the above, in June 1995, design controls for modification to two of the EDGs did not assure that the appropriate design basis was appropriately translated into drawings, nor provide for adequate verification and checking of the design, in that (1) there were inaccurate drawings of the diesel control circuit which led to a design that would not perform its function in that the output breakers would not close automatically; (2) design reviews and post installation testing did not identify and correct the design error or fully verify the design adequacy; and (3) modification testing for the E-2 EDG was insufficient in that it did not identify the design error and also led to a loss of a 4kV bus and a small reactor power excursion. As a result of this error, the E-2 EDG was inoperable from June 4, 1995 to June 21, 1995 (16.5 days), and the E-2 EDG and E-4 EDG were both inoperable from June 18, 1995 to June 21, 1995 (2.5 days), which is in excess of TS 3.9.B.3., and TS LCOs 3.0.C and 3.0.D. respectively. (01013)

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

Pursuant to the provisions of 10 CFR 2.201, PECO Energy is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

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 the request for withholding the information from the public.

Dated at King of Prussia, Pennsylvania
this 17th day of August 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555-0001

October 10, 1995

EA 92-233

Mr. William Amt, President
Power Systems Energy Services, Inc.
317 South North Lake Blvd.
Altamonte Springs, Florida 32701

Dear Mr. Amt:

SUBJECT: NOTICE OF VIOLATION (NRC INVESTIGATION 4-93-001R)

This letter addresses an investigation by the NRC Office of Investigations (OI) of the activities of Power Systems Energy Services, Inc. (PSESI), while it was a subsidiary of ABB CE Nuclear Operations. Although PSESI is no longer a subsidiary of ABB CE, PSESI is still conducting background screening for employees in the nuclear industry. A letter is also being sent to ABB CE detailing the results of this investigation.

The OI investigation was conducted to investigate allegations that information was falsified in the conduct of the access screening process with the intention of allowing individuals to gain unescorted access to NRC licensed facilities before all the information required to be included in the background screening report was available. The investigation concluded that, in some cases, screening certification letters were deliberately falsified to expedite granting unescorted access authorization for individuals proposed by PSESI for employment at NRC-licensed activities.

Based on the results of this investigation, the NRC has determined that a violation of 10 CFR 50.5, "Deliberate Misconduct," occurred involving the falsification of screening certification letters. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600 (60 FR 34380, June 30, 1995), this violation has been categorized as a Severity Level II violation because it constitutes a very significant regulatory concern. A Notice of Violation (Notice) is being issued to PSESI at this time to document the findings of the NRC in this matter and assure that PSESI takes lasting corrective actions.

It is important that PSESI be aware of the seriousness with which the NRC views these matters. The public health and safety require that licensee contractors and subcontractors assure compliance with NRC requirements. The actions of PSESI employees caused licensees to be in violation of NRC requirements and undermined the trust that is necessary to maintain a high degree of confidence in the safe operation of NRC-licensed activities. In the future, should there be a recurrence of this conduct on the part of PSESI, you may be subject to further enforcement action, possibly including removal of certain employees and/or the entire organization from activities associated with NRC-licensed activities.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice of Violation when preparing your response. Your response should document the specific actions taken and any additional actions you plan to prevent recurrence. We note that although there is no requirement in most of the contracts between PSESI and the licensees that would require PSESI to notify the licensees when discrepancies are discovered in PSESI's access screening process, at the conclusion of the inspection, PSESI did commit to develop an explicit reporting procedure to ensure that licensees are immediately notified when such discrepancies are discovered in the future. Please provide a copy of this reporting procedure with your responses. 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. We are also sending a copy of this Notice of Violation and inspection report to Octagon, Inc., and ABB CE.

A Notice of Violation is also being issued to a former PSESI manager for his involvement in the falsification of screening certification letters. A copy of this other Notice of Violation is being forwarded to you under a separate cover. The NRC considered taking enforcement action against all individuals involved in the falsification. However, based on the circumstances of the case and after applying current enforcement guidance, we have decided that enforcement action will not be taken against any of the other individuals involved.

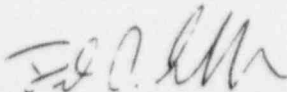
Finally, the OI investigation also addressed the issue of potential discrimination, in violation of the Energy Reorganization Act, Section 210/211, and 10 CFR 50.7, with regard to a former PSESI employee who was involved in attempts to address the screening falsification matters. Although the evidence gathered in the OI investigation did not substantiate that discrimination occurred, a Department of Labor Administrative Law Judge (ALJ) issued a Recommended Decision and Order (RDO) on September 1, 1994 finding discrimination in this case. That RDO is currently pending before the Secretary of Labor. In light of the differing findings on the issue of discrimination, the NRC will defer a judgment on that matter until the Secretary of Labor rules in this case. In the interim, the OI report on the matter will be placed in the NRC Public Document Room (PDR).

In addition, an inspection was conducted by the Office of Nuclear Reactor Regulation (Report No. 9990124/92-01) concerning PSESI's access authorization program. A copy of the report of that inspection is enclosed.

Power Systems Energy Services, Inc. - 3 -

In accordance with 10 CFR 2.790 of the Commission's regulations, a copy of this letter and the enclosures will be placed in the NRC's Public Document Room.

Sincerely,



Frank P. Gillespie, Director
Division of Inspection
and Support Programs
Office of Nuclear Reactor Regulation

Docket No. 99901241

Enclosures: 1. Notice of Violation
 2. Synopsis of OI investigation
 3. Inspection Report 99901241/92-01
 4. Letter to ABB
 5. Letter to Roy Newholm

cc: See next page.

Power Systems Energy Services, Inc. - 4 -

cc:

Mr. Richard S. Siudek, President
ABB CE Nuclear Operations
1000 Prospect Hill Road
P.O. Box 500
Windsor, Connecticut 06095-0500

Mr. Stephen Koinis, President
Octagon, Inc.
3554 Chain Bridge Road
Suite 201
Fairfax, VA 22030

Robert Hegney
Gilman & Marks
2 River View Square
99 East River Drive
East Hartford, CT 06108

NOTICE OF VIOLATION

Power Systems Energy Services, Inc.
Altamonte Springs, Florida

Docket No.: 99901241
EA 92-233

As a result of an investigation by NRC's Office of Investigations (OI No. 4-93-001R), a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (60 FR 34380, June 30, 1995), the violation is set forth below:

10 CFR 73.56 requires each licensee to implement an access authorization program to assure that individuals granted unescorted access to their facilities are trustworthy and reliable and do not constitute an unreasonable risk to the health and safety of the public. Further, the licensee may accept an access authorization program used by its contractors or vendors for their employees provided it meets the requirements of this section.

10 CFR 50.5 prohibits any employee of a contractor of any licensee from knowingly engaging in deliberate misconduct that causes a licensee to be in violation of any rule or regulation.

Contrary to the above, between July 1991 and April 1992, the then manager of Support Services for PSESI engaged in deliberate misconduct that caused a number of licensees to be in violation of NRC requirements. Specifically, he told a security department supervisor that, if an individual was needed on a job and the references, which were needed to meet the requirements of 10 CFR 73.56 regarding access authorization, had not been developed, certification letters were to be issued to the licensee attesting to the completion of all NRC requirements and the missing reference information should be obtained when possible. The manager knew at the time that his instructions did not comply with licensee contract requirements for issuing certification letters. Subsequently, the supervisor followed the manager's instruction and, by doing so, placed a number of licensees in violation of NRC access authorization requirements. (01012)

This is a Severity Level II violation (Supplement VII).

Pursuant to the provisions of 10 CFR 2.201, Power Systems Energy Services, Inc., is hereby required to submit a written statement of explanation of the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Director, Office of Nuclear Reactor Regulation, within 30 days of the date of the letter transmitting this Notice of Violation. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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 additional action as may be proper should not be taken. Where good cause is shown, considerations will be given to extending the response time.

Notice of Violation

- 2 -

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Dated at Rockville, Maryland
this _____ of October, 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

August 14, 1995

EA 95-045

Public Service Company of Colorado
ATTN: A. Clegg Crawford, Vice President
Electric Operations
P.O. Box 840
Denver, Colorado 80201-0840

SUBJECT: NOTICE OF VIOLATION
(NRC Office of Investigations Report 4-93-013R)

Dear Mr. Crawford:

This is in reference to an investigation initiated by NRC's Office of Investigations (OI) in September 1993 and completed in February 1995. The investigation was initiated to determine whether four former Morrison-Knudsen Ferguson (MKF) employees at the Fort St. Vrain facility were harassed, intimidated, and ultimately terminated in March 1993 by their supervisors for expressing radiological and other safety concerns. The OI report concluded that the supervisors about whom the allegations were made created a hostile work environment at Fort St. Vrain by threatening and intimidating other employees.

The NRC staff also reviewed the report of the independent counsel (Stier, Anderson & Malone) hired by Public Service Company of Colorado (PSC) to investigate these same issues. This report concluded, in part, that a significant cross section of the work force at Fort St. Vrain perceived that workers who interfered with production goals by raising radiological and other safety concerns would displease their supervisors and thereby endanger their jobs.

As a result of the NRC staff's review of the OI findings and the findings from the Stier, Anderson & Malone report, an apparent violation of 10 CFR 50.7 was identified. You were informed of the investigation findings in a letter dated May 19, 1995. A closed predecisional enforcement conference was conducted on June 1, 1995 to discuss the apparent violations, their causes, and your corrective actions to preclude recurrence. A summary of this conference was sent to you by letter dated June 15, 1995.

PSC acknowledged at the enforcement conference that a violation of 10 CFR 50.7 had occurred in that an intimidating atmosphere existed in which production was emphasized over radiological safety and procedural compliance, and raising such safety concerns could result in retaliation. PSC explained that although MKF articulated independent reasons for the MKF craft layoff, there was evidence which supported the perception that the expression of such safety concerns by the laborers had some influence on the layoff decision. In referring to what the workers in general believed, you further stated that "[S]ince the perception was there by a majority, it was a reality because the

perception was their reality." During the predecisional enforcement conference you reiterated several times your agreement that there had indeed been a violation of 10 CFR 50.7.

The NRC has reviewed the various investigation reports as well as the information presented at the enforcement conference and has determined that the evidence supports the conclusion that, taken together, the actions of MKF supervisors created a hostile work environment in which employees feared that reporting safety concerns would result in retaliation. This is a matter of very significant regulatory concern to the NRC.

PSC's failure to establish a cohesive team between PSC and its contractors and subcontractors at the beginning of site decommissioning activities, and its apparent failure to provide adequate training to contract employees with regard to 10 CFR 50.7, contributed to an overemphasis on production goals at the expense of safety goals. In addition, the NRC staff found it significant that measures had not been implemented to provide PSC and contract personnel with an employee concerns process to assure that concerns could be readily identified and corrected independent of the normal supervisory chain.

In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," (60 FR 34381, June 30, 1995) this violation has been classified at Severity Level II due to the extensive effect of the hostile work environment. A civil penalty is normally considered for a Severity Level II violation. However, paragraph VII.B.5 of the Enforcement Policy provides that enforcement discretion may be exercised for discrimination cases involving a licensee who, without the need for government intervention, identifies an issue of discrimination and takes prompt, comprehensive, and effective corrective action to address both the particular situation and the overall work environment for raising safety concerns.

In this instance, the NRC found that PSC, upon learning of the potential harassment and intimidation concern in January 1994, initiated an extensive investigation, conducted by Stier, Anderson and Malone for PSC, which was extremely thorough. Based on the results of the investigation, PSC initiated a comprehensive corrective action plan which involved PSC, Westinghouse and MKF executive management personnel and included: (1) taking personnel action against the MKF supervisor most responsible for the discriminatory actions; (2) training personnel on corporate philosophies, the importance of safety, and the elements of 10 CFR 50.7; (3) establishing enhanced communications throughout the organization and with the contract management and craft personnel to promote open discussion of disagreements and achieve timely resolution; (4) emphasizing team building between the contract organizations and PSC; and, (5) establishing an ombudsman (hot line) process to allow confidential identification of concerns. In view of these PSC actions, 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 exercise discretion in accordance with the Enforcement Policy and not to propose a civil penalty in this case. Enforcement discretion is being exercised here to emphasize the value of the licensee's

Public Service Company of
Colorado

- 3 -

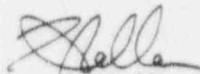
promptly performing an independent investigation and aggressively formulating and implementing comprehensive corrective actions.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice of Violation (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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response 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.

The responses directed by this letter and the 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, Pub. L. No. 96.511.

Sincerely,



L. J. Callan,
Regional Administrator

Docket: 50-267
License: DPR-34

Enclosure: Notice of Violation

cc w/enclosure:
Public Service Company of Colorado
ATTN: M. H. Holmes
Project Assurance Manager
16805 Weld County Road 19-1/2
Platteville, Colorado 80651

GA International Services Corporation
Fort St. Vrain Services
ATTN: David Alberstein, Manager
P.O. Box 85608
San Diego, California 92138

Public Service Company of
Colorado

- 4 -

Public Service Company of Colorado
ATTN: D. D. Hock, President and
Chief Executive Officer
P.O. Box 840
Denver, Colorado 80201-0840

Public Service Company of Colorado
ATTN: Patricia T. Smith, Senior Vice
President and General Counsel
P.O. Box 840
Denver, Colorado 80201-0840

Chairman
Board of County Commissioners
of Weld County, Colorado
Greeley, Colorado 80631

Regional Representative
Radiation Programs
Environmental Protection Agency
1 Denver Place
999 18th Street, Suite 1300
Denver, Colorado 80202-2413

Colorado Department of Health
ATTN: Robert M. Quillin, Director
Radiation Control Division
4300 Cherry Drive South
Denver, Colorado 80220-1530

Colorado Public Utilities Commission
ATTN: Ralph Teague, P.E.
1580 Logan Street 0L1
Denver, Colorado 80203

Commitment Control Program Coordinator
Public Service Company of Colorado
16805 Weld County Road 19-1/2
Platteville, Colorado 80651

NOTICE OF VIOLATION

Public Service Company of Colorado
Fort St. Vrain Nuclear Generating Station

Docket: 50-267
License: DPR-34
EA 95-045

During an NRC investigation initiated in September 1993 and completed in February 1995 (OI 4-93-013R), violations of NRC requirements were identified. In accordance with the General Statement of Policy and Procedures for NRC Enforcement Actions," (60 FR 34381, June 30, 1995) the violations are set forth below:

10 CFR 50.7(a) prohibits discrimination by a Commission licensee or contractor or subcontractor of any licensee against an employee for engaging in certain protected activities. Discrimination includes actions that relate to compensation, terms, conditions or privileges of employment. Protected activities are described in Section 211 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or Energy Reorganization Act.

Contrary to the above, during the timeframe of approximately 1992 through February 1994, individuals employed by Morrison-Knudsen Ferguson and Scientific Ecology Group at Fort St. Vrain were unlawfully discriminated against in that they were subjected to a series of actions which comprised a hostile work environment in retaliation for engaging in protected activities. Specifically, as reflected in the December 1994 investigation report prepared for the licensee by the law firm of Stier, Anderson and Malone and acknowledged by the licensee during the June 1, 1995 enforcement conference, in response to the identification of safety issues or concerns by certain employees, Morrison-Knudsen supervisors exhibited a pattern of intimidating conduct against their workforce and administered their policies in a manner that created an atmosphere in which it was the perception of a significant cross section of the workforce at Fort St. Vrain that production was emphasized over safety and procedural compliance and raising safety concerns could result in retaliation.

This is a Severity Level II violation (Supplement VII).

Pursuant to the provisions of 10 CFR 2.201, Public Service Company of Colorado is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region IV within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued

Notice of Violation

- 2 -

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. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Dated at Arlington, Texas,
this 14th day of August 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE SUITE 400
ARLINGTON, TEXAS 76011 8064

October 30, 1995

EA 95-110
EA 95-185

Public Service Company of Colorado
ATTN: A. Clegg Crawford, Vice President
Electric Operations
P.O. Box 840
Denver, Colorado 80201-0840

SUBJECT: NOTICE OF VIOLATION
(NRC Inspection Report 50-267/94-03 & Office of Investigations
Reports 4-94-010 and 4-95-015)

Dear Mr. Crawford:

This is in reference to: 1) NRC Inspection Report 50-267/94-03, issued on June 15, 1994; 2) the Public Service Company of Colorado's (PSC) investigation of radiation survey documentation irregularities, completed in March 1995 and based on an investigation by the law firm of Stier, Anderson & Malone; 3) the subsequent investigation conducted by the NRC's Office of Investigations (OI), which was completed in May 1995; and 4) the predecisional enforcement conference which was conducted on August 29, 1995, in the NRC's Region IV Arlington, Texas office with representatives of PSC and the Scientific Ecology Group (SEG), a contractor involved in the decommissioning of PSC's Fort St. Vrain Nuclear Generating Station (FSV).

The purpose of the August 29, 1995 predecisional enforcement conference was to discuss apparent violations of NRC requirements that were identified during the various inspections and investigations referenced above. The events leading up to the conference were described in the NRC's August 8, 1995, letter confirming the conference arrangements. Briefly, PSC's and SEG's investigations found, as was subsequently confirmed by OI, that several SEG supervisors and technicians had participated in falsely documenting two categories of radiation survey records associated with the decommissioning project. These included 14 survey records associated with the release of material from the facility in late 1992 and 20 survey records to support work conducted under various radiation work permits at FSV in early 1993. The involved records were created substantially after the surveys were purported to have been performed, but were dated and signed to make it appear they had been prepared at the time the surveys were conducted. Furthermore, the created records contained numerous inaccuracies, such as survey instrument usage and calibration dates, that could not be supported by factual information.

At the enforcement conference, PSC and SEG admitted violating 10 CFR 50.9, "Completeness and Accuracy of Information," which requires such records to be accurate in all material respects, and admitted that one of the records had been deliberately falsified. Based on NRC's review of the investigation reports and the information PSC and SEG provided at the conference, the NRC

does not agree that only one of the survey records was deliberately falsified. The evidence collected by the law firm of Stier, Anderson & Malone, as documented in its December 1994 report, strongly suggests that the involved individuals knew they were creating records that contained false information. In addition to being backdated, many of the involved records included survey results and records of instrument use that had been fabricated and could not be supported by factual information. Thus, we conclude that the involved individuals knew they were submitting inaccurate information of a material nature and that there were multiple instances of deliberate misconduct.

Despite these records being falsified, it appears from the investigations that surveys were actually done to assure that materials were released from the facility according to procedures and that workers were adequately protected from radiation hazards during these work activities. Nonetheless, such widespread falsification of required radiation protection-related records is a significant regulatory concern to the NRC. It is of substantial concern that individuals entrusted with assuring radiation safety would attempt to resolve a concern about missing survey documentation by creating false records and, furthermore, that they would conspire to do so with supervisory involvement.

As discussed in the NRC's recent enforcement action involving a hostile work environment at Fort St. Vrain (EA 95-045, issued August 14, 1995), PSC failed in this case to exercise its oversight responsibility to assure that its decommissioning contractors understood the significance of complying with NRC requirements and the need to avoid emphasizing production goals over meeting such requirements. As PSC itself has recognized, this oversight responsibility is of paramount importance at the beginning of decommissioning activities, when a licensee turns the responsibility for dismantling a facility over to a contract workforce that is largely unfamiliar with the licensee's regulatory requirements and commitments. We are concerned that PSC's lack of effective oversight and active control of its contractors allowed this situation to develop and these violations to occur. These failures represent a significant regulatory concern. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600, (60 FR 34381, June 30, 1995), the violation in the enclosed Notice of Violation (Notice) has been classified as a Severity Level III violation. In determining the severity level, the NRC gave considerable weight to the evidence indicating that surveys were actually performed though the records of these surveys were falsified; otherwise the violations most likely would have been classified at a higher level.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III violation. Because your facility has been the subject of escalated enforcement action within the last 2 years, the NRC considered whether credit was warranted for identification and corrective action, in accordance with the civil penalty assessment process in Section VI.B.2. of the Enforcement Policy. Despite our concerns about

A Severity Level II violation was issued on August 14, 1995, based on a violation of 10 CFR 50.7 that also involved contractor personnel.

PSC's original failure in its oversight responsibilities, the NRC has determined that PSC should be given credit for ultimately identifying and thoroughly investigating these violations, as well as credit for prompt and extensive corrective actions, as described above, fully mitigating the civil penalty. As to corrective action, the NRC acknowledges that PSC and SEG responded promptly and thoroughly when allegations of record irregularities surfaced. Actions taken in response included: a 16-day suspension of decommissioning work to allow time to resolve whether there were other incorrect survey records; retraining of staff prior to resuming decommissioning activities; an extensive investigation into the falsification of records by Stier, Anderson & Malone; disciplinary action against the involved supervisors; retraining and counseling of the involved technicians; an increase in the size of the radiation protection staff at FSV; a review of all material release survey documentation and all 1992 and 1993 radiation protection records; an indepth review of the entire SEG radiation protection program; procedural revisions to enhance understanding of survey-related requirements; enhancements to the radiological occurrence reporting system; other SEG personnel actions to enhance management of FSV radiation protection activities; enhancements to the quality assurance program; and retraining of personnel in the importance of identifying concerns. SEG also said at the conference that it has applied the lessons learned from this incident to other projects where it is involved in providing radiation protection services.

In addition to examining these factors, the NRC considered whether a civil penalty should be assessed based on the willfulness involved in the violations. Despite our concerns about the willfulness involved in creating false survey records, after considering all of the circumstances in this case, the NRC has decided not to exercise its discretion to assess a civil penalty.

Therefore, to encourage prompt identification and comprehensive corrective action for violations, 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, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, the NRC is issuing Notices of Violation or letters to the SEG personnel, both former and current, who were found to have participated in the falsification of the survey documents.

In a related matter, the NRC is exercising discretion and is proposing no sanctions against PSC or SEG for a more recent incident in April 1995 in which it was discovered that an SEG technician had not been performing instrument response checks as required by procedures. This matter, which has been assigned case number EA 95-185, was reviewed by OI (4-95-015) and it was determined that the involved technician deliberately failed to follow procedures. However, because this was an isolated occurrence that was discovered by SEG after concerns about the technician were raised by other employees, because the underlying violation though willful is considered a Severity Level IV violation, and because SEG took prompt and appropriate action in response, the NRC is taking no further action against PSC or SEG, in accordance with Section VII.B.1 of the Enforcement Policy. The NRC is issuing a separate letter to the technician involved in that incident.

Public Service Company
of Colorado

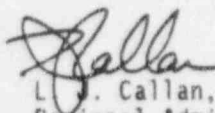
- 4 -

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. You may reference or incorporate previously submitted documentation on your corrective actions in this matter as you deem appropriate. 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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The responses directed by this letter and the 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, Pub. L. No. 96.511.

Sincerely,



L. J. Callan,
Regional Administrator

Docket: 50-267
License: DPR-34

Enclosure: Notice of Violation

cc w/enclosure:
Public Service Company of Colorado
ATTN: M. H. Holmes
Project Assurance Manager
16805 Weld County Road 19-1/2
Platteville, Colorado 80651

GA International Services Corporation
Fort St. Vrain Services
ATTN: David Alberstein, Manager
P.O. Box 85608
San Diego, California 92138

Public Service Company of Colorado
ATTN: D. D. Hock, President and
Chief Executive Officer
P.O. Box 840
Denver, Colorado 80201-0840

Public Service Company
of Colorado

- 5 -

Public Service Company of Colorado
ATTN: Patricia T. Smith, Senior Vice
President and General Counsel
P.O. Box 840
Denver, Colorado 80201-0840

Chairman
Board of County Commissioners
of Weld County, Colorado
Greeley, Colorado 80631

Regional Representative
Radiation Programs
Environmental Protection Agency
1 Denver Place
999 18th Street, Suite 1300
Denver, Colorado 80202-2413

Colorado Department of Health
ATTN: Robert M. Quillin, Director
Radiation Control Division
4300 Cherry Drive South
Denver, Colorado 80220-1530

Colorado Public Utilities Commission
ATTN: Ralph Teague, P.E.
1580 Logan Street OL1
Denver, Colorado 80203

Commitment Control Program Coordinator
Public Service Company of Colorado
16805 Weld County Road 19-1/2
Platteville, Colorado 80651

Scientific Ecology Group, Inc.
ATTN: Mr. Don Neely
Vice President
628 Gallaher Road
Oak Ridge, Tennessee 37763

NOTICE OF VIOLATION

Public Service Company of Colorado
Fort St. Vrain Nuclear Generating Station

Docket: 50-267
License: DPR-34
EA 95-110

During an investigation conducted on behalf of the licensee, and subsequently confirmed by investigations conducted by the NRC's Office of Investigations, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600 (60 FR 34381, June 30, 1995), the violations are set forth below:

10 CFR 50.9 requires, in part, that information required to be maintained by the licensee shall be complete and accurate in all material respects.

Contrary to the above, in February, March, and September 1993, numerous required records of radiation surveys were created which were not complete and accurate in all material respects. Specifically, during February and March, 1993, 14 records which were required to support the release of material from the facility, and 20 records, which were required to support work conducted under various radiation work permits were dated and signed to falsely indicate that they had been created substantially earlier. These records also contained false information regarding survey instrument usage and calibration dates. In September 1993, a survey record supporting release of the hot service facility plug was created to indicate that the survey had been completed when in fact it had not. These records were material to the NRC because they were required to ensure compliance with the regulations in 10 CFR Part 20. (01013)

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

Pursuant to the provisions of 10 CFR 2.201, Public Service Company of Colorado is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region IV, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response, particularly your response with regard to corrective actions called for in items (2) and (3), may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Dated at Arlington, Texas,
this 30th day of October 1995



EA 95-087

UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

July 20, 1995

Mr. Leon R. Eliason
Chief Nuclear Officer and President
Nuclear Business Unit
Public Service Electric and Gas Company
Post Office Box 236
Hancocks Bridge, New Jersey 08038

SUBJECT: NOTICE OF VIOLATION
(NRC Inspection Report No. 95-05)

Dear Mr. Eliason:

This letter refers to the NRC special team inspection conducted on April 6 through April 21, 1995, at the Hope Creek Nuclear Generating Station, Hancocks Bridge, New Jersey, to review the circumstances surrounding, and your actions and evaluations associated with, an unplanned release of radioactive material from the station's south plant vent (SPV) on April 5, 1995. The inspection report was sent to you on May 30, 1995. Based on the inspection, apparent violations of NRC requirements were identified. On June 16, 1995, a pre-decisional enforcement conference was conducted with you and members of your staff to discuss the apparent violations, their causes and your corrective actions. Based on our subsequent review of the information provided at the enforcement conference, the NRC has determined that four violations of NRC requirements occurred. The violations are described in the enclosed Notice.

The radioactive material released through the SPV (which occurred during the early morning hours on April 5, 1995) involved approximately 25 gallons of steam and water (that contained about 85 millicuries of mixed radioactive corrosion products) being discharged from the SPV to the environment. The release was later determined to have originated from the Decontamination Solution Evaporator (DSE), a liquid radwaste system. The release resulted in the contamination of portions of the site, including a number of vehicles on-site. One truck left the site slightly contaminated and was subsequently decontaminated.

The NRC determined that the release occurred because (1) the design of the DSE was inadequate relative to the licensee's use and application of the system, and was not in accordance with your Final Safety Analysis Report, which resulted in the existence of the release pathway through the DSE effluent vent pipe, and (2) the radiation monitoring system was not capable of detecting the effluent releases in the form released from the DSE. In addition, your staff did not fully understand the design basis for this system, and the procedures for operating the system were inadequate, as described in the enclosed Notice.

Furthermore, the NRC also is concerned that after the release occurred, it was not discovered by your staff until approximately 14 hours later on the afternoon of April 5, 1995, even though information was available, via alarming radiation monitors or increased levels, as well as the detection of high levels of radiation in the SPV ductwork, that should have led your staff to recognize the problem sooner. However, poor communications among your staff, inadequate evaluation of information by your staff, and a mistaken belief that contamination found on the turbine building roof was from a pre-existing condition, resulted in the delay in identifying the release and taking appropriate action to prevent further spread of the contamination.

The specific violations are described in the enclosed Notice, and involve: (1) the failure to perform an adequate written safety evaluation to ensure that startup and operation of the DSE in a manner contrary to the FSAR, did not involve an unreviewed safety question; (2) the failure to establish adequate procedures for ensuring proper operation of the DSE, as well as for limiting any releases to the environment; (3) the failure to perform appropriate surveys and evaluations of the effluents released from the DSE to the SPV, and subsequently to the environment, resulting in your staff being unaware for approximately 14 hours that the estimated 85 millicuries of mixed radioactive corrosion products had been released from the DSE; and (4) the failure to inform workers (who had traversed and worked in areas contaminated by the release) until the following day that the areas they had worked in were contaminated.

The NRC recognizes that no releases in excess of regulatory limits occurred, and none of the individuals who left the site on April 5, 1995 was found to be contaminated. Nonetheless, these violations reflect a lack of adequate attention to licensed responsibilities and represent a significant regulatory concern. Therefore, the violations have been categorized in the aggregate as a Severity Level III problem in accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," (Enforcement Policy) (60 FR 34381; June 30, 1995).

In accordance with the Enforcement Policy, a base civil penalty of \$50,000 is considered for a Severity Level III violation or problem. Because your facility has not been the subject of escalated enforcement actions within the last two years, the NRC considered whether credit was warranted for corrective action in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. At the time of the enforcement conference, actions had been taken to correct the violations and preclude recurrence. These actions included, but are not limited to: (1) tagging the DSE out-of-service and committing to not restart it without a detailed system review by PSE&G with an opportunity for prior NRC review, and placing a hold on the restart of other dormant systems pending development of system restart guidelines; (2) conducting a review of the other plant systems connected to ventilation release points using lessons learned from the DSE incident; (3) holding group meetings with engineering personnel to reinforce the need to apply a questioning attitude and perform thorough reviews of systems; (4) enhancing your operations and radiation protection monitoring system alarm response procedures; (5) holding training on communication and plant vent monitoring limitations; and (6) initiating a human error, organization and

management failure mode analysis of the design, safety evaluation, radwaste control room actions, communications, integrated assessment activities, and management oversight. Credit was warranted for these corrective actions. Therefore, to encourage prompt and comprehensive corrective actions and in recognition of the absence of escalated enforcement action within the previous two years, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty for this case.

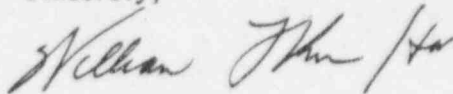
In addition to the violations cited in the enclosed Notice, one other violation was identified during the inspection. This violation involved alarm setpoints which were increased on both the reactor building ventilation exhaust system and radwaste exhaust system without proper review and approval in accordance with your procedures. This violation is being categorized as a non-cited violation, in accordance with Section VII.B of the Enforcement Policy, because this non-wilful violation was identified by your staff, the corrective actions were appropriate, and the violation was not repetitive.

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 future inspections, the NRC will determine whether future NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The responses directed by this letter and the 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, Pub. L. No. 96.511.

Sincerely,



Thomas T. Martin
Regional Administrator

Docket No. 50-354
License No. NPF-57

Enclosure: Notice of Violation

ENCLOSURE

NOTICE OF VIOLATION

Public Service Electric and Gas Company
Hope Creek Nuclear Generating Station

Docket No. 50-354
License No. NPF-57
EA 95-087

During an NRC inspection conducted on April 6 through April 21, 1995, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (60 FR 34381, June 30, 1995), the violations are set forth below:

- A. 10 CFR 50.59(a)(1)(i) states, in part, the holder of a license may make changes to the facility as described in the safety analysis report, without prior Commission approval, unless the proposed change involves an unreviewed safety question.

10 CFR 50.59(b)(1) requires that the licensee maintain records of changes in the facility as described in the safety analysis report, and the records must include a written safety evaluation which provides the bases for the determination that the change does not involve an unreviewed safety question.

Hope Creek Final Safety Analysis Report (FSAR), Section 11.2.1.4, states that the Liquid Waste Management System (LWMS) design meets the requirements of General Design Criteria (GDC) 60 (Control of releases of radioactive material to the environment). Further, FSAR section 11.5.3 states that the requirements of GDC 64 (Monitoring radioactivity releases) are implemented with respect to effluent discharge paths.

10 CFR 50, Appendix A, Criterion 60, states, in part, that the nuclear power unit design shall include means to control suitably the release of radioactive materials in gaseous and liquid effluents.

10 CFR 50, Appendix A, Criterion 64, states, in part, that means shall be provided for monitoring effluent discharge paths.

Contrary to the above, as of April 5, 1995, the written safety evaluations performed to support startup testing of the Decontamination Solution Evaporator (DSE), pursuant to Design Change Packages (DCP) 4EC-3348 Packages 5 and 21, were inadequate in that they failed to identify, or review for acceptability, the facility's nonconformance with FSAR Sections 11.2.1.4 and 11.5.3. Specifically, the written safety evaluations did not provide a basis for determining that the lack of controls or monitoring for a potentially radioactive effluent vent path from the DSE did not constitute an unreviewed safety question. (01013)

- B. Technical Specification 6.8.1 requires, in part, that applicable procedures recommended in Appendix A of Regulatory Guide 1.33, Revision 2, be established, implemented and maintained.

Appendix A of Regulatory Guide 1.33, Revision 2, recommends procedures for limiting release of radioactive materials to the environment, including operation of liquid radioactive waste systems.

Contrary to the above, as of April 5, 1995, the operating procedures for the decontamination solution evaporator, a liquid radwaste system, were inadequate to provide for its proper operation of this liquid radioactive waste system, and to limit release of radioactive material from this system to the environment. The procedures were inadequate in that the operating procedure did not provide instructions for operation of the evaporator in a semi-continuous mode, and alarm response procedures did not provide direction for mitigation of high differential pressure across the evaporator demister. (01023)

- C. 10 CFR 20.1302 (a) requires that the licensee make, or cause to be made, as appropriate, surveys of radiation levels in unrestricted and controlled areas and radioactive materials in effluents released to unrestricted and controlled areas to demonstrate compliance with the dose limits for individual members of the public in 20.1301. The licensee shall show compliance with the annual dose limits of 10 CFR 20.1301 by the methods outlined in 10 CFR 20.1302(b).

Pursuant to 10 CFR 20.1003, survey means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of radioactive material or other sources of radiation.

Contrary to the above, as of April 5, 1995, the licensee's surveys and evaluations of the effluents released from the decontamination solution evaporator (DSE) to the south plant vent, and subsequently to the environment, were inadequate to ensure compliance with the requirements of 10 CFR 20.1302. The surveys and evaluations were inadequate in that the effluent monitoring system was not designed to detect radiological effluent in the form of steam and water that was released from the DSE to the environment via the south plant vent, resulting in the licensee being unaware of a release of an estimated 85 millicuries of radioactive material for approximately 14 hours. (01033)

- D. 10 CFR 19.12 requires, in part, that all individuals working in or frequenting any portion of a restricted area be kept informed of the storage, transfer, or use of radioactive materials or of radiation in such portions of the restricted area and shall be instructed in the health protection problems associated with exposure to such radioactive materials or radiation and shall be instructed in precautions or procedures to minimize exposure. The extent of these instructions shall be commensurate with the potential radiological health protection problems in the restricted area.

Contrary to the above, on April 5, 1995, workers in a restricted area traversed and worked in radioactively contaminated areas immediately adjacent to, and north of, the Hope Creek Turbine building, and the workers were not informed until April 6, 1995, that they had entered such areas. Such instruction to the workers was warranted because (1) the licensee did not know the nature and extent of potential personnel contamination received by the workers; and (2) portal radiation monitors used to monitor personnel exiting the areas could not readily detect the contamination. (01043)

This is a Severity Level III problem. (Supplements I and IV)

Pursuant to the provisions of 10 CFR 2.201, Public Service Electric and Gas Company (Licensee) is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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. Where good cause is shown, consideration will be given to extending the response time. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Because your correspondence 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 King of Prussia, Pennsylvania
this 20th day of July 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

October 30, 1995

EA 95-164
95-185

Scientific Ecology Group, Inc.
ATTN: Mr. Don Meely
Vice President
628 Gallaher Road
Oak Ridge, Tennessee 37763

SUBJECT: NOTICE OF VIOLATION
(NRC Inspection Report 50-267/94-03 & Office of Investigations
Reports 4-94-010 and 4-95-015)

Dear Mr. Neely:

This is in reference to: 1) NRC Inspection Report 50-267/94-03, issued on June 15, 1994; 2) the Public Service Company of Colorado's (PSC) investigation of radiation survey documentation irregularities, completed in March 1995 and based on an investigation by the law firm of Stier, Anderson & Malone; 3) the subsequent investigation conducted by the NRC's Office of Investigations (OI), which was completed in May 1995; and 4) the predecisional enforcement conference which was conducted on August 29, 1995, in the NRC's Region IV Arlington, Texas office with representatives of PSC and the Scientific Ecology Group (SEG), a contractor involved in the decommissioning of PSC's Fort St. Vrain Nuclear Generating Station (FSV).

The purpose of the August 29, 1995 predecisional enforcement conference was to discuss apparent violations of NRC requirements that were identified during the various inspections and investigations referenced above. The events leading up to the conference were described in the NRC's August 8, 1995, letter confirming the conference arrangements. Briefly, PSC's and SEG's investigations found, as was subsequently confirmed by OI, that several SEG supervisors and technicians had participated in falsely documenting two categories of radiation survey records associated with the decommissioning project. These included 14 survey records associated with the release of material from the facility in late 1992 and 20 survey records to support work conducted under various radiation work permits at FSV in early 1993. The involved records were created substantially after the surveys were purported to have been performed, but were dated and signed to make it appear they had been prepared at the time the surveys were conducted. Furthermore, the created records contained numerous inaccuracies, such as survey instrument usage and calibration dates, that could not be supported by factual information.

At the enforcement conference, SEG admitted violating 10 CFR 50.5, "Deliberate Misconduct," saying that one of the records had been deliberately falsified. The evidence collected by the law firm of Stier, Anderson & Malone, as documented in its December 1994 report, strongly suggests that the involved

individuals knew they were creating records that contained false information. In addition to being backdated, many of the involved records included survey results and records of instrument use that had been fabricated and could not be supported by factual information. Based on NRC's review of the investigation reports and the information PSC and SEG provided at the conference, the NRC does not agree that only one of the survey records was deliberately falsified. Thus, we conclude that the involved individuals knew they were submitting inaccurate information of a material nature and that there were multiple instances of deliberate misconduct.

Despite these records being falsified, it appears from the investigations that surveys were actually done to assure that materials were released from the facility according to procedures and that workers were adequately protected from radiation hazards during these work activities. Nonetheless, such widespread falsification of required radiation protection-related records is a significant regulatory concern to the NRC. It is clear that PSC and SEG failed to instill among the SEG radiation protection staff the requisite respect for the importance of performing and documenting radiation surveys, and failed to assure through regular and vigorous oversight activities that surveys were being performed and documented properly. It is of particular concern that individuals entrusted with assuring radiation safety would attempt to resolve a concern about missing survey documentation by creating false records and, furthermore, that they would conspire to do so with supervisory involvement.

These failures represent a significant regulatory concern. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600, (60 FR 34381, June 30, 1995), the violation in the enclosed Notice of Violation (Notice) has been classified as a Severity Level III violation. In determining the severity level, the NRC gave considerable weight to the evidence indicating that surveys were actually performed though the records of these surveys were falsified; otherwise the violations most likely would have been classified at a higher level. Based on PSC's and SEG's ultimate efforts in identifying these violations and taking extensive corrective actions, as discussed above, the NRC is taking no action beyond the issuance of this Notice with respect to your corporation's involvement in this matter.

In a related matter, the NRC is exercising discretion and is proposing no sanctions against PSC or SEG for a more recent incident in April 1995 in which it was discovered that an SEG technician had not been performing instrument response checks as required by procedures. This matter, which has been assigned case number EA 95-185, was reviewed by OI (4-95-015) and it was determined that the involved technician deliberately failed to follow procedures. However, because this was an isolated occurrence that was discovered by SEG after concerns about the technician were raised by other employees, because the underlying violation though willful is considered a Severity Level IV violation, and because SEG took prompt and appropriate action in response, the NRC is taking no further action against PSC or SEG, in accordance with Section VII.B.1 of the Enforcement Policy. The NRC is issuing a separate letter to the technician involved in that incident.

Scientific Ecology Group

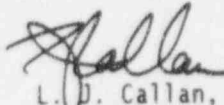
- 3 -

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. You may reference or incorporate previously submitted documentation on your corrective actions in this matter as you deem appropriate. 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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The responses directed by this letter and the 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, Pub. L. No. 96.511.

Sincerely,



L. J. Callan,
Regional Administrator

Enclosure: Notice of Violation

NOTICE OF VIOLATION

Scientific Ecology Group
Oak Ridge, Tennessee

EA 95-164

During an investigation conducted on behalf of the Public Service Company of Colorado, and subsequently confirmed by investigations conducted by the NRC's Office of Investigations, violations of NRC requirements were identified. In accordance with the General Statement of Policy and Procedures for NRC Enforcement Actions," (NUREG-1600 and 60 FR 34381, June 30, 1995) the violations are set forth below:

10 CFR 50.5 states, in part, that any employee of a contractor or subcontractor of any licensee may not "[d]eliberately submit to ... a licensee, or a licensee's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC."

Contrary to the above, in February, March, and September 1993, employees of SEG, a contractor to a licensee (Public Service Company of Colorado), submitted 35 records of radiation surveys to the contractor that the employees knew were inaccurate in some respect material to the NRC. Specifically, during February and March, 1993, survey records which were required to support the release of material from the facility and work conducted under various radiation work permits were dated and signed to falsely indicate that they had been created substantially earlier and contained false information regarding survey instrument usage and calibration dates. In September 1993, a survey record supporting release of the hot service facility plug was created to indicate that the survey had been completed when in fact it had not. These records were material to the NRC because they were required to ensure compliance with the regulations in 10 CFR Part 20. (01013)

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

Pursuant to the provisions of 10 CFR 2.201, Scientific Ecology Group is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region IV, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response, particularly your response with regard to corrective actions called for in items (2) and (3), may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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 such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Notice of Violation

- 2 -

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Dated at Arlington, Texas,
this 30th day of October 1995



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W., SUITE 2900
ATLANTA, GEORGIA 30323-0198

November 22, 1995

EA 95-223

Virginia Electric and Power Company
ATTN: Mr. James P. O'Hanlon
Senior Vice President-Nuclear
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NOS. 50-280/95-20 and 50-281/95-20)

Dear Mr. O'Hanlon:

This refers to the inspection conducted on September 14 through October 4, 1995 at the Surry facility. The inspection included a review of the circumstances associated with the September 13 and 14, 1995, unplanned reduction of Unit 1 reactor vessel water level. The results of this inspection were sent to you by letter dated October 19, 1995. A closed predecisional enforcement conference was conducted in the Region II office on November 6, 1995, to discuss the apparent violations, the root causes, and your corrective actions to preclude recurrence. A list of conference attendees, NRC slides, and a copy of your presentation summary are enclosed.

Based on the information developed during the inspection and the information your staff provided during the conference, the NRC has determined that violations of NRC requirements occurred. These violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection report. The three violations, described in the enclosed Notice, involved: (1) failures of the operating staff to maintain management oversight and control of operating activities; (2) failure of the operating staff to properly confirm and control plant configuration affecting approved maintenance activities; and, (3) failure to follow procedures for the control of pressurizer relief tank (PRT) venting activities. As a result of the deficiencies noted in Violation A, approximately 4,500 gallons of water were inadvertently drained from the reactor vessel.

The root causes of the three violations included deficiencies in operator training, poor control and oversight of plant evolutions being conducted in the control room, weak communication practices and lack of control of field activities by the licensed operations staff. Specifically, weak operator training in the operational characteristics of the reactor vessel water level standpipe indication led to a deficiency in the operators' understanding of its operation. This contributed to failures of the licensed control room staff to recognize that the method of reactor vessel water level indication provided a false level indication when the reactor vessel head vent was isolated to accommodate installation of the reactor cavity seal ring. The licensed operator controlling reactor water level did not maintain a

questioning attitude when he continued with a rate of letdown in excess of makeup over a period of almost five hours due to the false water level indication. Senior reactor operators failed to question and oversee this evolution. Communication deficiencies were a characteristic of all three violations. The violations included the failure to maintain adequate turnover logs of the status of required equipment, poor operating crew turnovers of plant status, and lack of communication among the senior reactor operators and operating shifts. It is also significant that the procedure for venting the PRT was not followed. The NRC is particularly concerned that although the licensed control room operators were aware of the PRT venting evolution, they did not ensure the evolution was conducted using the approved procedure and failed to provide proper oversight.

The violations cited occurred shortly after the reactor was shutdown for refueling. In addition, at the time, reactor vessel water level was below the level of the reactor vessel flange and the reactor coolant loops were isolated; thus, there was a reduced inventory of water available for core cooling. During this period of time, sufficient reactor coolant system water inventory is essential in ensuring adequate decay heat removal. Violation A resulted in a significant unanticipated reduction in a reactor safety margin, i.e., reactor water level. All three violations indicate a lack of proper control of operational activities during a critical time period. While the individual violations were not of significant safety consequence, the NRC is concerned that continuing performance at this level could lead to incidents of greater safety significance. Collectively, these violations are cause for significant regulatory concern and represent a serious lack of attention to licensed responsibilities. Therefore, these violations are classified in the aggregate in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, as a Severity Level III problem.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III problem. Because your facility has not been the subject of escalated enforcement actions within the last two years, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment provision in Section VI.B.2 of the Enforcement Policy. Your corrective actions were comprehensive and included improvements in a broad spectrum of areas as discussed in your handout provided to the NRC at the predecisional enforcement conference (Enclosure 4). These corrective actions included training initiatives, procedure revisions, reinforcement of management expectations for Operations personnel, revisions to your outage plans and strengthening of management oversight of operational activities. The NRC determined that credit was warranted for the factor of *Corrective Action*.

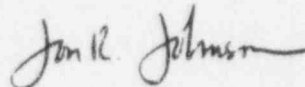
Therefore, to encourage prompt, comprehensive correction of violations and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty.

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 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The responses directed by this letter and the 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, Pub. L. No. 96-511.

Sincerely,



Stewart D. Ebnetter
Regional Administrator

Docket No. 50-280
License No. DPR-32

- Enclosures:
1. Notice of Violation
 2. List of Attendees
 3. NRC Slides
 4. Virginia Power Presentation Summary
 5. Surry Unit 1 CSD and RSD
Critical Parameters, 9/13/95
 6. Surry Unit 1 CSD and RSD
Critical Parameters, 9/14/95

cc w/encls: (See next page)

cc w/encls:

M. L. Bowling, Manager
Nuclear Licensing & Operations
Support
Virginia Electric & Power Company
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060

David A. Christian, Manager
Surry Power Station
Virginia Electric & Power Company
5570 Hog Island Road
Surry, VA 23883

Ray D. Peace, Chairman
Surry County Board of Supervisors
P. O. Box 130
Dendron, VA 23839

Dr. W. T. Lough
Virginia State Corporation
Commission
Division of Energy Regulation
P. O. Box 1197
Richmond, VA 23209

Michael W. Maupin
Hunton and Williams
Riverfront Plaza, East Tower
951 E. Byrd Street
Richmond, VA 23219

Robert B. Strobe, M.D., M.P.H.
State Health Commissioner
Office of the Commissioner
Virginia Department of Health
P. O. Box 2448
Richmond, VA 23218

Attorney General
Supreme Court Building
900 East Main Street
Richmond, VA 23219

NOTICE OF VIOLATION

Virginia Electric and Power Company
Surry Power Station
Unit 1

Docket No. 50-280
License No. DPR-32
EA 95-223

During an NRC inspection conducted on September 14 through October 4, 1995, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

- A. 10 CFR 50, Appendix B, Criterion V, as implemented by the Surry Operational Quality Assurance Program Topical Report (VEP-1-5A), Section 17.2.5, Instructions, Procedures, and Drawings, requires, in part, that activities affecting quality be prescribed by and accomplished in accordance with documented procedures of a type appropriate to the circumstances.

For operational activities affecting quality these requirements are implemented, in part, by Virginia Power Administrative Procedure (VPAP)-1401, Conduct of Operations, Revision (Rev.) 1; Operations Department Administrative Procedure (OPAP)-0005, Shift Relief and Turnover, Rev. 4; and OPAP-0002, Operations Department Procedures, Rev. 3.

VPAP 1401, Section 6.1.12.b.1, requires that the Shift Supervisor and the Unit Senior Reactor Operator maintain, as a matter of highest priority, the broadest perspective of operational conditions affecting the facility.

VPAP 1401, Section 6.1.12.c.2, requires that all shift team members be aware of station status at all times and that supervisory personnel monitor the performance of shift personnel who could affect station safety.

OPAP-0005, Section 6.1.4, requires that the departing shift make checks and remarks on the required shift relief checklist in a way that informs the relieving shift of information including significant or important inoperable equipment including instrumentation. Section 6.1.5 also requires that the departing and relieving personnel discuss important items affecting plant operations.

OPAP-0002, Section 5.3.5, states that the Shift Supervisor and Unit Senior Reactor Operator are responsible for enforcing compliance with procedures as written.

Enclosure 1

Contrary to the above, on September 13, 1995, activities affecting quality were not accomplished in accordance with documented procedures as evidenced by the following examples:

1. The Shift Supervisor and the Unit Senior Reactor Operator failed to maintain a broad perspective of operational conditions affecting the facility, in that, reactor coolant system inventory was reduced by approximately 4,500 gallons over an approximate five hour period without knowledge of the activity and its effect on unit safety.
 2. Not all shift team members were aware of station status, in that, a unit control room operator unknowingly lowered reactor vessel water level when he conducted letdown operations to maintain standpipe level indication. Additionally, shift supervision did not properly monitor the operator performing this evolution which could have affected station safety.
 3. The departing day shift failed to make remarks on the required shift relief checklist to inform the oncoming shift of important inoperable equipment. Specifically, the isolation of the reactor coolant head vent which rendered the only means of reactor vessel level indication inoperable was not recorded on the shift relief checklist. Additionally, members of the departing and relieving shifts failed to discuss this important issue affecting plant operations.
 4. The Shift Supervisor and Unit Senior Reactor Operator failed to enforce compliance with procedure 1-OP-RC-011, Pressurizer Relief Tank Operations, Rev. 1, for venting the Pressurizer Relief Tank as described in Violation C below. (013)
- B. Technical Specification 6.4 requires, in part, that detailed written procedures be provided for corrective maintenance activities which would have an effect on nuclear safety and that they be followed.

VPAP-2002, Work Request and Work Order Task, Rev. 5, partially implements these requirements for maintenance activities.

VPAP-2002, Section 5.7.1, requires that the Shift Supervisor review and approve work orders on permanent plant structures, equipment, and components.

VPAP-2002, Section 5.7.2, requires that the Shift Supervisor align plant systems, as required, to support work order task activities.

VPAP-2002, Section 5.7.4, requires that equipment be prepared for maintenance prior to approval of a work order.

Contrary to the above, on September 13, 1995, the Shift Supervisor who approved Work Order 00316472, Retract/Install Flux Thimbles, failed to

ensure that the appropriate plant system was aligned to support the work order task requirements and failed to ensure that the appropriate equipment was prepared for maintenance prior to approval of the work order. Specifically, the Shift Supervisor failed to ensure that the reactor coolant system was depressurized. (01023)

- C. Technical Specification 6.4 requires, in part, that detailed written procedures be provided for activities which would have an effect on nuclear safety and that they be followed.

Procedure 1-OP-RC-011, Pressurizer Relief Tank Operations, Rev. 1, Section 5.5, establishes the method for venting the pressurizer relief tank to the Vent Vent System. Steps 5.5.4, 5.5.5, and 5.5.6.a require that a Gaseous Group Release Permit be obtained for venting the pressurizer relief tank to the Vent Vent System; a poly hose be connected from valve 1-RC-ICV-5025 to the nearest containment purge exhaust; and, valve 1-RC-HCV-1549, PRT Vent, be closed, respectively.

Contrary to the above, on September 13, 1995, approved detailed written procedures were not followed to perform venting of the Unit 1 pressurizer relief tank as evidenced by the following:

1. No Gaseous Group Release Permit was obtained for venting the pressurizer relief tank to the Vent Vent System.
2. A poly hose was not connected from valve 1-RC-ICV-5025 to the nearest containment purge exhaust.
3. 1-RC-HCV-1549, PRT Vent, was not closed. (01033)

These violations represent a Severity Level III problem (Supplement I). This violation is applicable to Unit 1 only.

Pursuant to the provisions of 10 CFR 2.201, Virginia Electric and Power Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region II, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice of Violation (Notice), within 30 days of the date of the letter transmitting this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

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 Atlanta, Georgia
this *27th* day of November 1995

LIST OF ATTENDEES

NRC Personnel

J. R. Johnson, Acting Deputy Regional Administrator
E. W. Merschoff, Director, Division of Reactor Projects (DRP)
A. F. Gibson, Director, Division of Reactor Safety (DRS)
C. F. Evans, Regional Counsel
B. Uryc, Director, Enforcement and Investigations Coordination Staff (EICS)
W. J. McNulty, Director, Office of Investigations Field Office
J. N. Hannon, Acting Deputy Director, DRP
B. C. Buckley, Senior Licensing Project Manager, Project Directorate II-2,
Office of Nuclear Reactor Regulation
G. A. Belisle, Chief, Reactor Projects Branch 5 (RPB 5), DRP
M. W. Branch, Surry Senior Resident Inspector, RPB 5, DRP
L. W. Garner, Project Engineer, RPB 5, DRP
L. J. Watson, Enforcement Specialist, EICS
D. C. Payne, Operator Licensing Examiner, DRS
M. E. Ernstes, Operator Licensing Examiner, DRS
J. E. Beall, Enforcement Specialist, Office of Enforcement (By Telephone)

Virginia Electric and Power Company

R. F. Saunders, Vice President, Nuclear Operations
M. L. Bowling, Manager, Nuclear Licensing and Operations Support
D. A. Christian, Station Manager, Surry Power Station
J. H. McCarthy, Assistant Station Manager, Operations and Maintenance
B. L. Shriver, Assistant Station Manager, Nuclear Safety and Licensing
R. H. Moore, Shift Supervisor
R. D. Scherer, Reactor Operator

Enclosure 2

C. NON-LICENSED VENDOR (PART 21)
NO CIVIL PENALTY



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555-0001

July 19, 1995

Mr. Michael R. Mitchell, President
Energy Steel & Supply Company
2715 Paldan Drive
Auburn Hills, MI 48057

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Mitchell:

This letter transmits a Notice of Violation based on the results of a U.S. Nuclear Regulatory Commission (NRC) investigation of Energy Steel & Supply Company (ES), Auburn Hills, Michigan, conducted by the NRC Office of Investigations (OI) from approximately November 1989 until August 1992.

On the basis of an OI interview on June 12, 1990, with ES management (President, Vice President and Quality Assurance Manager), the NRC staff advised ES that certificates of conformance (COCs), issued with fasteners supplied to the nuclear industry as safety-related basic components, contained invalid certification statements. The fasteners were supplied by ES as safety-related basic components certified to comply with NRC regulatory requirements when, in fact, the fasteners were commercial-grade because ES had not dedicated them for use as basic components. During this interview, it was confirmed that ES had provided customers with COCs that did not have an adequate basis that the certifications complied with the requirements of the ASTM Standards, 10 CFR Part 21, and Appendix B to 10 CFR Part 50.

ES procured all fasteners between May 1986 and November 1987 from General Fasteners Company (GF), Livonia, Michigan, as safety-related Appendix B items. GF purchased commercial grade fasteners and supplied and certified them to ES as safety-related Appendix B items, even though GF did not perform any commercial grade dedication activities. ES, in turn supplied these fasteners as safety-related without performing any dedication activities. During an audit at GF in November 1987, ES became aware that it had provided COCs for fasteners to nuclear power plants that did not have an adequate basis for the certifications that they complied with the requirements of the licensee's PO, Appendix B to 10 CFR Part 50, and 10 CFR Part 21. However, at that time, in 1987, ES failed to inform its customers that the certifications they provided did not meet the PO requirements, and also failed to perform an evaluation to determine if reportability per 10 CFR Part 21 was required.

The NRC investigation identified a number of POs for fasteners, issued to ES from licensees, which imposed on ES the requirements of 10 CFR Part 50, Appendix B and 10 CFR Part 21. The investigation concluded that ES deliberately supplied those customers with fasteners that included COCs that certified, inaccurately, compliance with the licensees PO requirements. The investigation also determined that in 1987 ES failed to perform the required evaluation of deviations or to inform NRC licensees or purchasers so that they

could perform or cause an evaluation to be performed pursuant to the provisions of 10 CFR Part 21. This failure to comply constitutes a violation of NRC regulatory requirements and, therefore, we are issuing a Notice of Violation (Enclosure 1). The OI investigation of those concerns is described in the enclosed Synopsis taken from OI's Report of Investigation Case No. 4-89-017 (Enclosure 2).

The NRC considers a willful violation to be a significant regulatory concern. Subsequent to the events described above, the NRC issued 10 CFR 50.5 that provides for enforcement actions against any individual who, through deliberate misconduct, places or could have placed an NRC licensee in violation of NRC requirements. You should be aware that, should you engage in deliberate misconduct in the future, you may be subject to individual enforcement action pursuant to 10 CFR 50.5.

In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," (Enforcement Policy) (60 FR 34381, June 30 1995), this violation has been categorized at Severity Level III because ES failed to evaluate its departure from the technical requirements of the licensee POs, such that, if an appropriate evaluation had been made as required, a 10 CFR Part 21 report would have been made.

The NRC considers the safety issues to have been adequately addressed because, on November 14, 1990, ES notified each of its nuclear customers who had purchased safety-related fasteners between June 1986 and November 1987 of a potential fastener concern due to the invalid COCs provided. Therefore, no response to this letter or the enclosed Notice of Violation is required.

In accordance with 10 CFR 2.790(a) of the NRC "Rules of Practice," a copy of this letter and its enclosures will be placed in the NRC Public Document Room.

Should you have any questions concerning this action, we will be pleased to discuss them with you.

Sincerely,

Original signed by:
R. Lee Spessard, Director
Division of Technical Support
Office of Nuclear Reactor Regulation

Docket No. 99901106
EA-93-074

Enclosures: 1. Notice of Violation
2. Synopsis: Report of Investigation Case No. 4-89-017

NOTICE OF VIOLATION

Energy Steel & Supply Company
Auburn Hills, Michigan

Docket No. 99901106
Report No. 90-01
EA-93-074

During an NRC investigation conducted by the NRC Office of Investigations (OI) from approximately November 1989 until August 1992, violations of NRC requirements were identified. In accordance with the "General Statements of Policy and Procedures for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1990), the violation is listed below:

Section 21.21, "Notification of failure to comply or existence of a defect," of 10 CFR Part 21 (in effect at the time of this investigation), Subsection (a)(1) required, in part, that each individual, corporation or other entity subject to the regulations adopt appropriate procedures for either evaluating deviations or informing the licensee or purchaser of the deviation.

Contrary to the above, 18 examples representing 9 licensees were identified in which Energy Steel & Supply Company (ES), an entity subject to 10 CFR Part 21, failed to perform an evaluation of a deviation (i.e., a departure from the technical requirements included in a procurement document), or inform licensees or purchasers so they could cause an evaluation to be performed.

Specifically, between June 1986 and November 1987, ES procured commercial-grade fasteners from the General Fastener Company (GF) of Livonia, Michigan and, without dedicating the commercial-grade fasteners for use as basic components, supplied them to the nuclear industry as safety-related basic components, issuing certificates of conformance to NRC licensees which certified that the fasteners complied with NRC regulatory requirements. (90-01-01)

This is a Severity Level III Violation (Supplement VII).

No response is required. Should you choose to respond, follow the provisions of 10 CFR 2.201 and send your response within 30 days of the date of the letter transmitting this Notice. Clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Rockville, Maryland
this 19th day of July, 1995.

Enclosure 1

SYNOPSIS

This investigation was initiated by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV, after preliminary inquiries by OI and the NRC's Vendor Inspection Branch (VIB) determined there were numerous instances of serious and recurring violations of the NRC rules and regulations by the Energy Steel & Supply Company (ES).

The investigation revealed ES on at least 18 occasions deliberately issued false certificate of conformance (COCs) to its nuclear customers representing commercial-grade fasteners as nuclear-grade safety related fasteners.

Report of Investigation Case No. 4-89-017

Enclosure 2

BIBLIOGRAPHIC DATA SHEET

(See instructions on the reverse)

1. REPORT NUMBER
(Assigned by NRC. Add Vol., Supp., Rev.,
and Addendum Numbers, if any.)

NUREG-0940, PART II
Vol. 14, Nos. 3 & 4

2. TITLE AND SUBTITLE

Enforcement Actions: Significant Actions Resolved
Reactor Licensees
Semiannual Progress Report
July - December 1995

3. DATE REPORT PUBLISHED

MONTH	YEAR
February	1996

4. FIN OR GRANT NUMBER

5. AUTHOR(S)

Office of Enforcement

6. TYPE OF REPORT

Technical

7. PERIOD COVERED (Inclusive Dates)

8. PERFORMING ORGANIZATION -- NAME AND ADDRESS (If NRC, provide Division, Office or Region, U.S. Nuclear Regulatory Commission, and mailing address; if contractor, provide name and mailing address.)

Office of Enforcement
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

9. SPONSORING ORGANIZATION -- NAME AND ADDRESS (If NRC, type "Same as above"; if contractor, provide NRC Division, Office or Region, U.S. Nuclear Regulatory Commission, and mailing address.)

Same as above

10. SUPPLEMENTARY NOTES

11. ABSTRACT (200 words or less)

This compilation summarizes significant enforcement actions that have been resolved during the period (July - December 1995) and includes copies of letters, Notices, and Orders sent by the Nuclear Regulatory Commission to reactor licensees with respect to these enforcement actions. It is anticipated that the information in this publication will be widely disseminated to managers and employees engaged in activities licensed by the NRC, so that actions can be taken to improve safety by avoiding future violations similar to those described in this publication.

12. KEY WORDS/DESCRIPTORS (List words or phrases that will assist researchers in locating the report.)

Technical Specifications, Quality Assurance, Radiation Safety
Program, Safety Evaluation

13. AVAILABILITY STATEMENT

Unlimited

14. SECURITY CLASSIFICATION

(This Page)

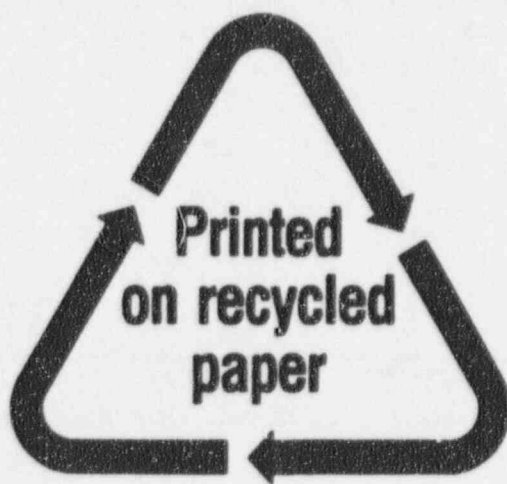
Unclassified

(This Report)

Unclassified

15. NUMBER OF PAGES

16. PRICE



Federal Recycling Program

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

SPECIAL FOURTH-CLASS MAIL
POSTAGE AND FEES PAID
USNRC
PERMIT NO. G-67

10555170531 1 140101010101
US NRC 020101
DIV. OF REG. & PUBLICATIONS SVCS
100 LENOIR AVENUE
WASHINGTON, DC 20555

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001

OFFICIAL BUSINESS
Penalty for unauthorized use, \$300

SPECIAL DELIVERY CLASS PERMIT
POSTAGE WILL BE PAID
BY ADDRESSEE
PERMIT NO. 6157

120555139531 1 IANICJICYIYPI
US NRC-0ADM
DIV FOIA & PUBLICATIONS SVCS
TPS-PDR-MUDEG
2WFN-6E7
WASHINGTON DC 20555