

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Duquesne Light Company  
Beaver Valley Power Station  
Shippingport, Pennsylvania

Docket No. 50-412  
License No. NPR-73  
EA 92-085

During an NRC inspection conducted between March 15, 1992 and April 18, 1992, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, 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 the associated civil penalty are set forth below:

I. VIOLATION ASSESSED A CIVIL PENALTY

10 CFR Part 50, Appendix B, Criterion III (Design Control) requires, in part, that measures be established to assure that regulatory requirements and design bases are correctly translated into design documents. Design control measures shall provide for verifying or checking the adequacy of design. Also, design changes shall be subject to design control measures commensurate with those applied to the original design.

BVPS Unit 2 FSAR, Section 8.3.1.1.8, Automatic Loading and Load Shedding, states in part, that reconnection of EDG loads will commence, sequentially, in specified load blocks described in Table 8.3-3.

Contrary to the above, the licensee failed to establish adequate design control measures for verifying or checking the adequacy of a vendor-recommended change to a component installed under Design Change Package (DCP) 1545 in September 1990. The DCP was initiated to replace the electro-mechanical relays (Nos. 162-EGSAA(B)X1, 762-EGSA(B)A, and 862-EGSA(B)A) in emergency diesel generator (EDG) 2-1 and 2-2 load sequencers with commercial grade solid state relays. To meet the EDG sequencers design bases, the replacement relays had been qualified for the safety-related application through qualification testing in a configuration that applied 24 vdc across the internal timer clock circuit. However, the vendor-recommended change, made prior to completion of the DCP, resulted in the application of excessive voltage (112 to 129 vdc) across the circuit. The effect of this configuration change on the relay function was not reviewed by the licensee to ensure that the regulatory requirements and design bases specified in FSAR Table 8.3.3 for the EDG sequencers were met.

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

Civil Penalty - \$75,000

## II. VIOLATION NOT ASSESSED A CIVIL PENALTY

Technical Specification 3.9.4 requires, that during core alterations, containment penetrations that provide direct access from the containment atmosphere to the outside atmosphere, other than for the containment purge and exhaust valves, be closed by an isolation valve, blind flange, or manual valve.

Contrary to the above, spare containment penetrations 8D and 11E that provide direct access were not closed by a valve or blind flange during core alterations from March 23 to March 27, 1992, and spare containment penetration 11E was not closed by a valve or blind flange during core alterations from April 8 to 9, 1992. Specifically, the spare containment penetrations, which were opened so that temporary cables could be run into the containment building (steam generator eddy current cables were run through penetration 8D, and video cables and a 480V power cable were run through penetration 11E), were not closed by an isolation valve, blind flange, or manual valve but were sealed with fire retardant fiber and tape.

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

Pursuant to the provisions of 10 CFR 2.201, Duquesne Light Company (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or a demand for information may be issued as to why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or may protest imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance

with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations listed in this Notice, in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section V.B of 10 CFR Part 2, Appendix C, should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently 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 penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282(c).

The response noted above (Reply to Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406 and a copy to the Senior Resident Inspector, Beaver Valley Power Station.

Dated at King of Prussia, Pennsylvania  
this 17<sup>th</sup> day of June 1992