

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTIES

Baltimore Gas and Electric Company
Calvert Cliffs, Units 1 and 2

Docket Nos. 50-317; 50-318
License Nos. DPR-53, DPR-69
EA 88-202

During an NRC inspection conducted between June 27 and July 13, 1988, a review of the circumstances associated with two violations of NRC requirements which were identified by the licensee and reported to the NRC was performed. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Action," 10 CFR Part 2, Appendix C (1988), 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:

- A. Technical Specification Limiting Condition for Operation (LCO) 3.8.1.1.b requires that whenever the reactor is in modes 1, 2, 3 or 4, two separate and independent diesel generators shall be operable, one of which may be a swing diesel generator capable of serving either Unit 1 or Unit 2.

Technical Specification LCO Action Statement 3.8.1.1.b permits one diesel generator to be inoperable for a maximum of 72 hours provided the operability of the remaining A.C. power sources is demonstrated by performing Technical Specification Surveillance Requirement 4.8.1.1.1.a within one hour and at least once per 8 hours thereafter, and Technical Specification Surveillance Requirement 4.8.1.1.2.a.4 within 24 hours.

Contrary to the above, between 11:13 a.m. on June 4, 1988 and 11:09 a.m. on June 6, 1988, while the Unit 2 reactor was in Mode 1 operating at 100% power, Emergency Diesel Generator (EDG) No. 21, one of the two required diesel generators was inoperable, and during that time, Technical Specification Surveillance Requirements 4.8.1.1.1.a and 4.8.1.1.2.a.4 were not performed. The EDG was inoperable during that time period in that its voltage regulator was in the manual mode, and with the voltage regulator in that mode, the EDG would not successfully power essential loads as required during a loss of coolant accident concurrent with a loss of offsite power.

This is a Severity Level III violation (Supplement 1).

Civil Penalty - \$75,000

- B. Technical Specification (TS) LCO 3.3.1.1 requires a minimum of three channels of the Reactor Protective System (RPS) instrumentation to be operable whenever the reactor is operating in Mode 1. With two channels operable TS 3.3.1.1 specifies that operations may continue provided the requirements of Table 3.3-1 Action 2 are met. If less than two channels are operable, TS 3.0.3 requires action to be initiated within one hour to place the unit in at least hot standby within the next 6 hours.

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For channel operability, TS 2.2.1 requires that RPS instrumentation setpoints shall be set consistent with the trip setpoint values contained in TS Table 2.2-1. Table 2.2-1 states that the high power level trip setpoint must be less than or equal to 10% above thermal power, with a minimum setpoint of 30% of rated thermal power and a maximum of 107% of rated thermal power. Table 2.2-1 also states that the axial flux offset trip setpoint must be adjusted to not exceed the limit lines of TS figure 2.2-1.

Contrary to the above, between 10:25 a.m. and 10:00 p.m. on July 4, 1988, while Unit 1 was operated in Mode 1 at power levels up to 44%, all of the high power level and axial flux offset RPS channels were inoperable and the unit was not placed in hot standby as required. The channels were inoperable in that improper adjustments were made to all RPS delta T power indications which caused the setpoint for the above RPS channels to be less conservative than the setpoint values in TS Table 2.2-1.

This is a Severity Level III violation (Supplement 1)

Civil Penalty - \$75,000.

Pursuant to the provisions of 10 CFR 2.201, Baltimore Gas and Electric Company is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that 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 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 penalties by letter to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, or money order payable to the Treasurer of the United States in the cumulative amount of the civil penalties proposed above, 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 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 penalties should not be imposed. In addition to protesting the civil penalties, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalties, the five factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1988), 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 provision 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 responses to the Director, Office of Enforcement, noted above (Reply to a Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406 and a copy to the NRC Resident Inspector, at Calvert Cliffs.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed By
WILLIAM T. RUSSELL
William T. Russell
Regional Administrator

Dated at King of Prussia, Pennsylvania
this 26th day of September 1988