

July 29, 1997
EN 97-064

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Illinois Power Company (EA 97-132)
(Clinton Power Station)
Docket No. 50-461

Subject: PROPOSED IMPOSITION OF CIVIL PENALTIES - \$110,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$110,000 will be issued on or about August 1, 1997, to Illinois Power Company. The action is based on a Severity Level III problem involving failure to properly maintain safety-related electrical breakers.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$55,000 is considered for a Severity Level III violation occurring after November 12, 1996. Because Clinton has been the subject of escalated enforcement actions within the last two 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. The NRC determined that credit for identification was not warranted because the issue was identified by the NRC and the licensee had prior opportunities to identify the root causes of the violation and take corrective action. At the predecisional enforcement conference, the licensee described numerous corrective actions directed at restoring the condition of the breakers; however, credit for corrective action was not warranted because the licensee did not look broadly to determine if there was other equipment which had a history of repetitive failures similar to the breaker problems. This resulted in a civil penalty of \$110,000 being proposed.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice	August 1, 1997
Telephone Notification of Licensee	August 1, 1997

The State of Illinois will be notified.

The licensee has thirty days from the date of the Notice in which to respond. Following NRC evaluation of the response, the civil penalty may be remitted, mitigated, or imposed by Order.

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PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION

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