

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

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

Docket Nos. 50-317; 50-318  
License Nos. DPR-53; DPR-69  
EA 89-107

During an NRC inspection conducted between April 17-27, 1989, NRC inspectors reviewed the circumstances associated with two examples of a violation of containment refueling integrity and six examples of plant modifications made without required safety evaluations. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Action," 10 CFR Part 2, Appendix C, 53 Fed. Reg. 40019 (October 13, 1988) (Enforcement Policy), the Nuclear Regulatory Commission proposes to impose 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 Limiting Condition for Operation (LCO) 3.9.4.c requires, in part, that during core alterations, each containment penetration providing direct access from the containment atmosphere to the outside atmosphere shall be either (1) closed by an isolation valve, blind flange or manual valve, or (2) be capable of being closed by an operable automatic containment purge valve. Technical Specification LCO Action Statement 3.9.4 specifies that if the Technical Specification requirements can not be met, all operations involving core alterations shall be suspended.

Contrary to the above, between 2:15 p.m. and 3:50 a.m. on April 17, 1989, and between 4:25 p.m. and 6:35 a.m. on April 19, 1989, core alterations (involving the uncoupling of control element assemblies) were performed in the Unit 2 containment, even though some containment penetrations providing direct access from the containment atmosphere to the outside atmosphere were neither (1) closed by an isolation valve, blind flange or manual valve, nor (2) capable of being closed by an automatic containment purge valve. Specifically, a direct access path existed from the containment atmosphere through the drained service water supply header for the No. 21 Containment Air Cooler (via three automatic vent valves No. 2-SRW-249, 2-SRW-245, and 2-SRW-244) to the outside atmosphere (via either an open valve or an open flange), as set forth below:

1. on April 17, 1989, the direct access path from the service water piping to the outside of containment was via either (a) open control valve (No. 2-CV-1582) and open vent valve (No. 2-SRW-470), or (b) an open flange where butterfly valve 2-SRW-138 had been removed; and
2. on April 19, 1989, the direct access path from the service water header to the outside of containment was via open butterfly valves 2-SRW-138 and 2-SRW-139, and vent valve 2-SRW-470.

- B. 10 CFR 50.59(a)(1) states, in part, that the licensee may make changes to the facility as described in the Final Safety Analysis Report (FSAR) provided the changes do not involve an unreviewed safety question. 10 CFR 50.59(a)(2) states, in part, that a change shall be deemed to involve an unreviewed safety question if the proposed change may increase the probability of an occurrence or the consequences of an accident previously evaluated in the FSAR. 10 CFR 50.59(b)(1) requires, in part, that records of changes be maintained, and must include a written safety evaluation which provides the basis for the determination that the change did not involve an unreviewed safety question.

Technical Specification 6.5.1.6 requires that all proposed changes or modifications to plant systems or equipment that effect nuclear safety shall be reviewed by the Plant Onsite Safety Review Committee (POSRC).

Contrary to the above, between February 24, 1987 and February 18, 1989, six temporary modifications made to plant equipment (involving changes to the facility as described in the FSAR and which affected nuclear safety) were made without a written safety evaluation and without the changes first being reviewed by the POSRC to ensure that the changes did not involve an unreviewed safety question. The specific changes involved:

1. No. 1-87-47, installed May 7, 1987, on the Unit 1 Oxygen Analyzer;
2. No. 1-88-54, installed April 22, 1988, on the Refueling Machine;
3. No. 1-88-145, installed August 2, 1988, on the Unit 1 No. 11B Reactor Coolant Pump low lift pump pressure alarm;
4. No. 2-89-6, installed February 18, 1989, on Unit 2 to encapsulate a steam leak on a feedwater heater valve;
5. No. 2-89-8, installed February 22, 1989, on a Unit 2 secondary steam valve; and
6. No. 1-87-24, installed February 24, 1989, on the Unit 1 Oxygen Analyzer.

Further, one of the changes, No. 1-88-54, involved an unreviewed safety question in that the change allowed a Refueling Machine limit switch to be bypassed which in turn would allow a spent fuel assembly to be lowered onto the upender while the upender was not completely vertical, thereby increasing the probability of a fuel handling accident.

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

Civil Penalty - \$75,000 (assessed equally between the violations).

Pursuant to the provisions of 10 CFR 2.201, Baltimore Gas and Electric Company is hereby required to submit a written statement of 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 was or 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 penalty 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 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, such answer may request remission or mitigation of the penalty.

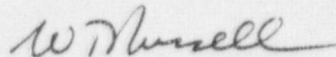
In requesting mitigation of the proposed penalty, the factors addressed in Section V.B of 10 CFR Part 2, Appendix C, 53 Fed. Reg. 40019 (October 13, 1988) (Enforcement Policy) should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or 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 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, a copy to the Regional Administrator, U. S. Nuclear Regulatory Commission, 475 Allendale Road, King of Prussia, PA, 19406 and a copy to the NRC Senior Resident Inspector, Calvert Cliffs.

FOR THE NUCLEAR REGULATORY COMMISSION



William T. Russell  
Regional Administrator

Dated at King of Prussia, Pennsylvania  
this <sup>2</sup>/<sub>2</sub> day of July 1989