

October 15, 2003

EA-03-153

Mr. L. William Pearce  
Site Vice President  
FirstEnergy Nuclear Operating Company  
Beaver Valley Power Station  
Post Office Box 4  
Shippingport, Pennsylvania 15077

SUBJECT: BEAVER VALLEY POWER STATION UNIT 2 - NRC OFFICE OF  
INVESTIGATIONS CASE NO. 1-2002-047 AND NOTICE OF VIOLATION

Dear Mr. Pearce:

On December 12, 2002, the NRC's Office of Investigations (OI) initiated an investigation at FirstEnergy Nuclear Operating Company's (FENOC's) Beaver Valley Power Station, Unit 2, concerning (1) the failure to have a senior reactor operator (SRO) present in the control room for approximately four minutes on November 21, 2002, while the reactor was in power operations, and (2) the failure by one of the two SROs on duty to take appropriate corrective actions following the event. Based on the evidence developed during this investigation, OI substantiated that an SRO left the Unit 2 control room for approximately four minutes, at a time when he was the only SRO in the control room. This action resulted in a violation of 10 CFR 50.54(m)(2)(iii) and a Beaver Valley administrative requirement to have an SRO in the control room at all times during power operations. Although OI did not substantiate that the SRO deliberately left the control room knowing he would violate the NRC regulation or the Beaver Valley administrative requirement, OI did conclude that the SRO deliberately failed to take appropriate corrective action when he did not write a condition report about the incident on November 21, 2002. The SRO did not submit a condition report until seven days later, when questioned by a fellow SRO. A synopsis of OI Case 1-2002-047 is enclosed.

Regarding the first issue, the NRC did not substantiate that the SRO in question left the control room knowing that this action would violate NRC and licensee requirements. Therefore, even though a violation occurred, the SRO's actions were not considered deliberate. When the SRO left the control room for approximately four minutes with the unit at 100% power and no other SRO in the control room, the SRO caused FENOC to be in violation of 10 CFR 50.54(m)(2)(iii) and Administrative Operating Manual Procedure 1/2OM-48.1.A, "Duties and Responsibilities of the Operations Group," which require an SRO to be present in the control room at all times when the reactor is in operation. This finding is of very low safety significance, and is therefore green, because the violation existed for a very short duration and the SRO was in the control building and could have been readily recalled to the control room within seconds. Therefore, in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, which is available on the NRC's website at <http://www.nrc.gov/what-we-do/regulatory/enforcement.html>, the NRC is treating the violation as a non-cited violation, consistent with Section VI.A of the NRC's Enforcement Policy because compliance was restored, the violation was eventually entered into your corrective action

program, and it was not willful. If you contest this non-cited violation, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN.: Document Control Desk, Washington, D.C. 20555-0001; with copies to the Regional Administrator Region I; the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, D.C. 20555-0001; and the NRC Resident Inspector at the Beaver Valley Power Station.

Regarding the second issue, a second violation occurred when the SRO failed to initiate a condition report in a timely manner for this condition adverse to quality until approximately one week later, after he was questioned by another SRO concerning the incident. Specifically, on November 21, 2002, when the SRO returned to the control room, he was notified by the ROs that no other SRO was in the control room during the four minute interval in question. After that notification, the SRO, along with the two ROs, made some effort to review the Technical Specifications and facility procedures to determine if a violation occurred. Having found none during this review, the SRO did not initiate a condition report at that time. Since the SRO had taken at least these steps, the NRC has decided not to treat this matter as deliberate misconduct. However, with 16 years of experience as an SRO, the SRO in question, after being informed by the ROs that no SRO was in the control room, should have either known that a requirement was violated, which required a timely condition report, or sought advice from others on duty at the time, especially the other SRO. His failure to do so was, at a minimum, in careless disregard of NRC requirements, and therefore, willful within the context of the NRC Enforcement Policy.

This violation was evaluated in accordance with the Enforcement Policy. The failure to initiate a condition report in a timely manner would normally be considered minor in nature and not subject to NRC enforcement action. However, given its willful nature, the violation is classified at Severity Level IV. The circumstances surrounding the violation are described in the enclosed Notice of Violation (Notice). A cited violation is appropriate in this case because it was willful and involved an act of a licensee official (the SRO) as defined in the Enforcement Policy. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response.

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 available electronically for public inspection in the NRC Public Document Room (PDR) or from the Publicly Available Records (PARS) component of the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

***/RA/ James T. Wiggins Acting For***

Hubert J. Miller  
Regional Administrator

Docket No.: 50-412  
License No.: NPF-73

Enclosures: 1) Notice of Violation  
2) Synopsis of NRC Investigation 1-2002-047

Mr. L. William Pierce

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cc w/encls:

J. Lash, Plant General Manager

V. Kaminskas, Director, Nuclear Maintenance

R. Mende, Director, Nuclear Work Management

T. Cosgrove, Director, Nuclear Engineering/Projects

L. Freeland, Manager, Nuclear Regulatory Affairs & Corrective Actions

M. Clancy, Mayor, Shippingport, PA

R. Janati, Chief, Division of Nuclear Safety

Commonwealth of Pennsylvania

State of Ohio

State of West Virginia

Mr. L. William Pierce

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\* Per D. Nelson phone call

Enclosure 1

NOTICE OF VIOLATION

FirstEnergy Nuclear Operating Company (FENOC)  
Beaver Valley Power Station, Unit 2

Docket No.: 50-412  
License No.: NPF-73  
EA-03-153

The NRC's Office of Investigations initiated an investigation on December 12, 2002. As a result of this investigation, 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:

The Beaver Valley Unit 2 Technical Specifications, Section 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, Revision 2, February 1978. Regulatory Guide 1.33, Revision 2 requires administrative procedures for procedure adherence.

Nuclear Operating Administrative Procedure, NOP-LP-2001, "Condition Report Process," Revision 1, requires any individual who identifies a condition, including those adverse to quality, to initiate a condition report by documenting the issue, observation or concern by completing the "Origination" section of the condition report form.

The Beaver Valley Condition Report Reference Guide, Revision 3, which is required by NOP-LP-2001, requires prompt condition reports when expectations regarding materials, parts, components, activities, processes, procedures and documents associated with the design, maintenance or operation of the plant are not met.

Contrary to the above, on November 21, 2002, a condition adverse to quality existed, (no senior reactor operator in the Beaver Valley Unit 2 control room for approximately four minutes), and a prompt condition report was not initiated by any members of the shift crew on duty at the time, until November 28, 2002.

This is a Severity Level IV violation.

Pursuant to the provisions of 10 CFR 2.201, FENOC is hereby required 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 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 - EA-03-153" and should include for the 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.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 15th day of October 2003

## Enclosure 2

### SYNOPSIS

This investigation was initiated by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI), Region I Field Office, on December 12, 2002, to determine the circumstances surrounding the failure to have a senior reactor operator (SRO) present in the control room at all times during power operation and the failure to take appropriate corrective actions. On November 21, 2002, Beaver Valley Power Station, Unit 2, (BV2), operated for approximately four minutes without an SRO in the control room when the unit was in Mode 1 (power operations). Further, corrective actions were allegedly not taken until November 28, 2002.

Based upon the evidence developed during this investigation, OI substantiated that the SRO left the BV2 control room, violating both an NRC requirement and a BV administrative requirement to have an SRO in the control room at all times during power operation. However, OI did not substantiate that the SRO deliberately did so knowing that his/her action would violate the NRC requirement and BV administrative requirement. Further, based upon the evidence, OI concludes that the SRO deliberately failed to take appropriate corrective action when he/she did not write a CR about the incident on November 21, 2002.