

## NOTICE OF VIOLATION

Duquesne Light Company  
Beaver Valley Power Station 1 & 2

Docket Nos. 50-334, 50-412  
License Nos. DPR-66, NPF-73

During the NRC inspection conducted August 13 - September 28, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (60 FR 34381; June 30, 1995), the violations are listed below:

- A. 10 CFR 73.21 requires that, "Each Licensee...shall ensure that Safeguards Information is protected against unauthorized disclosure."

The Beaver Valley Power Station (BVPS) Physical Security Plan, section 13.7, requires that, "a system shall be established and maintained for the protection of Safeguards Information."

These requirements were implemented by Nuclear Power Division Administrative Procedure (NPDAP) 2.8, "Protection of Safeguards Information." The requirements of NPDAP 2.8 include the following:

- (1) Safeguards Information Custodians are responsible for the protection of Safeguards Information within their department.
- (2) Personnel who handle or use Safeguards Information are responsible for protecting the information as required by 10 CFR 73.21 and this procedure.
- (3) Personnel who possess Safeguards Information shall control the information while it is in use so that only persons who have a need-to-know are permitted access to the information.
- (4) Department Managers shall develop a method to inventory their section's Safeguards Information at a minimum of annually.

Contrary to the above, safeguards information was not adequately protected in accordance with the above procedures as evidenced in the following examples:

- a. On August 28, 1996, a Safeguards Information custodian discovered three missing safeguards drawings during an inventory. Further investigation revealed a total of seven drawings that were unaccounted for.
- b. An annual inventory of the Instrumentation and Controls section Safeguards Information was not conducted in 1995.
- c. On August 30, 1996, the Instrumentation and Controls Section safeguards file lock combination was found to be uncontrolled.

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

- B. 10 CFR 50, Appendix B, Criterion XVIII requires in part that a comprehensive system of planned and periodic audits be performed to verify compliance with all aspects of the quality assurance (QA) program.

10 CFR 50.34(b)(6)(iii) requires in part that the Final Safety Analysis Report describe the managerial and administrative controls to be used to assure safe operation. This shall include discussion of how the applicable requirements of 10 CFR 50, Appendix B will be satisfied.

Technical Specification 6.5.2.8.d requires that audits of facility activities be performed under the cognizance of the offsite review committee (ORC). The audits shall encompass the performance of activities required by the QA program to meet the criteria 10 CFR 50, Appendix B.

BVPS Updated Final Safety Analysis Report (UFSAR) 13.4 states that the onsite safety committee (OSC) reviews various activities that have nuclear safety significance and advises the General Manager, Nuclear Operations, on all matters related to nuclear safety.

The BVPS QA program commits to NRC RG 1.33 and ANSI N18.7 as described in Operations QA procedure OP-1, "Operations Quality Assurance Program", Rev. 6 and the UFSAR.

NRC Regulatory Guide (RG) 1.33, "QA Program Requirements (Operation)," Rev. 2, conditionally endorses American National Standards Institute (ANSI) N18.7/American Nuclear Society (ANS)-3.2 as an acceptable method to comply with 10 CFR 50, Appendix B. Section 4 of ANSI N18.7/ANS-3.2 requires that programs for reviews and for audits of activities affecting safety shall be established, and that such programs for reviews and audits shall, themselves, be periodically reviewed for effectiveness. Audits of selected aspects of operational phase activities shall be performed with a frequency commensurate with their safety significance and in a manner to ensure that an audit of all safety-related functions is complete within a period of two years. Periodic reviews of the audit program shall be performed by an independent body.

10 CFR 50.54(a)(3) requires in part that changes to the QA program description that reduce commitments must be submitted to the NRC and receive NRC approval prior to implementation.

Contrary to the above, the licensee failed to perform required periodic audits of activities performed by the OSC under the cognizance of the ORC since March 1992. Additionally, failure to perform OSC audits constituted a reduction in QA program commitments which was implemented without prior NRC approval.

This is a Severity Level IV violation (Supplement I)

Pursuant to the provisions of 10 CFR 2.201, Duquesne Light Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspectors 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" and should include for each 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.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without reaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at King of Prussia  
this 8th day of November 1996