

November 14, 1996
EN 96-082

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Carolina Power & Light Company (EA 96-354)
Brunswick Steam Electric Plant
Docket No. 50-325 and 50-324

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$150,000 AND ENFORCEMENT
DISCRETION

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$150,000 will be issued on or about November 19, 1996, to Carolina Power & Light Company. The action is based on an inspection performed at Brunswick Steam Electric Plant concerning: (1) a failure to implement the environmental qualification (EQ) program in accordance with the requirements of 10 CFR 50.49 and (2) a longstanding failure to implement the corrective action program with regard to EQ deficiencies. Two Severity Level III violations are being proposed.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III. The staff considered whether the licensee should be given credit for identifying the violations and for its corrective actions. Because the NRC identified both violations, credit was not warranted for the factor of identification. The licensee's corrective actions were considered prompt and comprehensive for the first violation and credit was given for the factor of corrective action resulting in a civil penalty at the base level of \$50,000 being proposed for this violation. For the second violation, the licensee's current corrective actions were considered prompt and comprehensive, which would normally have resulted in this violation also being assessed a base civil penalty. However, because of the inadequacies identified in the past implementation of the licensee's corrective action program in the area of EQ, the staff decided to exercise enforcement discretion and issue the action with a proposed civil penalty at twice the base amount. This resulted in the civil penalty being assessed at \$50,000 for the first violation and \$100,000 for the second violation. The total civil penalties for this action is \$150,000.

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	November 19, 1996
Telephone Notification of Licensee	November 19, 1996

The State of North Carolina 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