

March 5, 1997  
EN 97-019

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Dusquesne Light Company (EA 96-462, EA 96-540)  
Beaver Valley Power Station  
Docket Nos. 50-334, 50-412

Subject: PROPOSED IMPOSITION OF CIVIL PENALTIES - \$160,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalties in the amount of \$160,000 will be issued on or about March 10, 1997, to the Dusquesne Light Company. The action is based on (1) a Severity Level III problem related to deficiencies associated with inadequate control of leak sealant repairs on the Unit 2 reactor head vent system (HVS) and (2) a Severity Level III violation related to the licensee's failure to correct an adverse condition to quality at Unit 1 involving the operation of the reactor with two out of three pressurizer power operated relief valve (PORV) block valves shut for 13 years.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 (or \$55,000 for violations that occurred after November 12, 1996) is considered for a Severity Level III problem or violation. Because the facility has been the subject of escalated action within the last 2 years, the staff considered whether credit was warranted for *Identification* and *Corrective Action* for each of the issues. Although the first problem was revealed through an event during post-maintenance testing, credit for *Identification* was not warranted because it is unlikely that the deficiencies would have been identified without NRC questioning and intervention to determine HVS leak integrity. Credit was warranted for *Corrective Action*, thereby resulting in a base civil penalty of \$55,000. However, the staff exercised discretion in accordance with Section VII.A.1 of the Enforcement Policy and increased the penalty to \$110,000 based on the licensee's particularly poor performance in overseeing activities performed by the vendor. Credit was not warranted for *Identification* for the second case because the NRC identified the violation and credit was warranted for the licensee's corrective actions, thereby resulting in a base penalty of \$50,000.

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	March 10, 1997
Telephone Notification of Licensee	March 10, 1997

The Commonwealth of Pennsylvania 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 penalties may be remitted, mitigated, or imposed by Order.

Contacts: R. Pedersen, OE, 415-2742      J. Lieberman, OE, 415-2741

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