

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTIES

Baltimore Gas and Electric Company
Calvert Cliff Nuclear Power Plant,
Units 1 and 2

Docket Nos. 50-317
50-318
License Nos. DPR-53
DPR-69
EA 85-102

During special NRC inspections conducted on June 24-28, 1985 and July 15-18, 1985, violations of NRC requirements were identified, one of which involved the failure to implement and upgrade a post-accident sampling system. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1985), the Nuclear Regulatory Commission proposes to impose civil penalties pursuant to Section 234 of the Atomic Energy Act of 1954, as amended ("Act"), 42 U.S.C. 2282, PL 96-295, and 10 CFR 2.205. The particular violations and associated civil penalties are set forth in Section I below:

I. VIOLATIONS ASSESSED CIVIL PENALTIES

- A. In an "Order Confirming Licensee Commitments on Post TMI Related Issues," dated March 16, 1983, the Nuclear Regulatory Commission ordered the licensee to implement and maintain a post-accident sampling system (PASS), among other specific items, in the manner described in the licensee's submittals noted in Section III of the Order, by dates no later than those specified in the Attachments to the Order. Attachment I of the Order required the installation of an upgraded post-accident sampling capability by June 1, 1983.

Contrary to the above, between June 1, 1983 and February 22, 1985, the upgraded post-accident sampling capability, which is common to both units, although installed, was not functionally implemented nor maintained during this period, in that:

1. the system was never fully tested to verify operability;
2. the accuracy of the in-line analyzers (Boron, ph, dissolved gases and radioisotope) was never demonstrated;
3. valves were not designed for system pressure, often leaked, and at times failed to operate, and in-line analyzers, when operationally tested, were inoperable or provided inaccurate results;

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4. modifications to the initial design of the PASS were not reflected in system emergency operating procedures; and
 5. personnel responsible for operation of the system in accident conditions were not adequately trained.
- B. Technical Specification 3.7.13, "Post-Accident Sampling", was incorporated into licenses for Units 1 and 2 on February 22, 1985, with the issuance of Amendment 99 (Unit 1) and Amendment 81 (Unit 2). The Technical Specification requires the post-accident sampling system to be operable and capable of processing Reactor Coolant System (RCS) samples, from the hot leg and the low pressure safety injection system, and a containment sump sample from the low pressure safety injection system. Further, if the system is not operable, the technical specification requires that within 72 hours, the preplanned alternate method of processing specified samples be initiated, and either: (1) the system is restored to an operable status within 7 days, or (2) a special report to the Commission is submitted outlining the action taken, the cause of inoperability, and plans and schedule for restoring the system to operable status.

Contrary to the above, between March 5, 1985 and June 28, 1985, the post-accident sampling system was inoperable, as reported by the licensee in Special Reports to the Commission dated March 29 and June 6, 1985, but a preplanned alternate method of processing specified samples was not adequately initiated in accordance with the technical specification in that:

1. the alternate method, when tested on three occasions between June 27 and July 18, 1985, did not perform its intended function;
2. no procedure existed for the implementation of the alternate method in the present configuration;
3. personnel were not formally trained in the use of the alternate method; and
4. no evaluation was performed to determine if such operation of the alternate method could be performed within the dose limits of 10 CFR Part 50, Appendix A, General Design Criterion 19.

Collectively, these violations have been categorized as a Severity Level III problem (Supplement I).

Cumulative Civil Penalty - \$50,000 assessed equally between the violations.

II. VIOLATIONS NOT ASSESSED CIVIL PENALTIES

- A. Attachment I of the "Order Confirming Licensee Commitments on Post TMI Related Issues," dated March 16, 1983 indicated that the in-containment radiation level monitoring installation was completed at the time the Order was issued.

Contrary to the above, as of June 26, 1985, although the in-containment high radiation monitors were installed in Unit 1, the installation was inadequate in that protective sleeving, required to assure environmental qualifications of the in-containment electrical penetration-to-cable connectors (two for each monitoring device) had not been installed.

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

- B. Technical Specification Surveillance Requirement 4.3.3.8, "Radio-active Gaseous Effluent Monitoring Instrumentation", requires that the main vent iodine and particulate sampler shall be demonstrated operable by comparing samples independently drawn from the main vent at least once per month.

Contrary to the above, from February 22, 1985 (the date on which this technical specification became effective) to June 28, 1985, samples were not drawn independently from the main vent at least once per month to verify operability of the main vent iodine and particulate sampler.

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

- C. Technical Specification 6.15, "Iodine Monitoring", requires the licensee to implement a program which will ensure the capability to accurately determine the airborne iodine concentration in vital areas under accident conditions. Such a program shall include: training of personnel, procedures for monitoring and provision for maintenance of sampling and analysis equipment. Training Instruction No. 5, "Emergency Response Training Program" defines the program for training personnel with respect to monitoring for radioiodine in accident conditions, and specifies yearly training for the personnel involved in this area.

Contrary to the above, the training program for personnel, as defined by Training Instruction No. 5, was not implemented in that the last training to be performed in this area was conducted in February 1984.

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

Pursuant to the provisions of 10 CFR 2.201, Baltimore Gas and Electric Company is hereby required to submit to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region I, within 30 days of the date of this Notice, a written statement or explanation, including for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation, if admitted, (3) the corrective steps which have been taken and the results achieved, (4) the corrective steps which will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, the Director, Office of Inspection and Enforcement, may issue an order 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, 41 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, Baltimore Gas and Electric Company may pay the civil penalties by letter addressed to the Director, Office of Inspection and Enforcement, with a check, draft, or money order payable to the Treasurer of the United States in the cumulative amount of Fifty Thousand Dollars (\$50,000) or may protest imposition of the civil penalties, in whole or in part, by a written answer addressed to the Director, Office of Inspection and Enforcement. Should Baltimore Gas and Electric Company fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an order imposing the civil penalties proposed above. Should Baltimore Gas and Electric Company elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalties, such answer may: (1) deny the violations listed in this Notice, in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in the Notice, or (4) show other reasons why the penalties should not be imposed. In addition to protesting the civil penalties in whole or in part, such answer may request remission or mitigation of the penalties.

In requesting mitigation of the proposed penalties, the five factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1985) 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. Baltimore Gas and Electric Company's attention is directed to the other provisions of 10 CFR 2.205, regarding the procedures for imposing civil penalties.

Upon failure to pay any civil penalties due, which have been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalties, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to section 234c of the Act, 42 U.S.C. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION

Thomas E. Murley
Regional Administrator

Dated at King of Prussia, Pennsylvania
this day of September 1985