



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

December 6, 1984

LJE
TVA
PR

The Honorable Richard L. Ottinger, Chairman
Subcommittee on Energy Conservation and Power
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed for your information is an announcement that the Nuclear Regulatory Commission staff has proposed a \$50,000 civil penalty against Tennessee Valley Authority (TVA) for alleged violations of NRC security requirements at the the Browns Ferry Nuclear Plant.

It is planned to mail this information to the news media, today, December 6, 1984.

Sincerely,

Carlton Kammerer, Director
Office of Congressional Affairs

Enclosure:
As stated

cc: Rep. Carlos Moorhead
IDENTICAL LETTER SENT TO:
Sen. Simpson/cc: Sen. Hart
Rep. Udall/cc: Rep. Lujan
Rep. Markey/cc: Rep. Marlenee
Sen. Denton
Sen. Heflin
Rep. Flipppo

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PDR FOIA
JACOBS85-478 PDR



UNITED STATES NUCLEAR REGULATORY COMMISSION

**Office of Public Affairs
Washington, D.C. 20555**

No. 84-140
Tel. 301/492-7715

FOR IMMEDIATE RELEASE
(Thursday, December 6, 1984)

NRC STAFF PROPOSES TO FINE TVA \$50,000 FOR ALLEGED VIOLATIONS AT BROWNS FERRY

The Nuclear Regulatory Commission staff has proposed a \$50,000 civil penalty against Tennessee Valley Authority (TVA) for alleged violations of NRC security requirements at the Browns Ferry Nuclear Plant near Athens, Alabama.

These violations were found August 20-24 in a routine safeguards inspection, which disclosed that, in two instances, vital plant equipment lacked the level of protection required by the NRC-approved physical security plan for Browns Ferry. In both cases, vital area barriers had not been installed and adequate access control measures had not been maintained. Safeguards regulations prohibit public disclosure of any further details of the equipment involved in this enforcement action.

In his letter informing TVA of the action, James P. O'Reilly, NRC Regional Administrator in Atlanta, said NRC could have increased the proposed penalty as much as 100 percent because of TVA's "prior poor performance" in the safeguards area. But NRC did not take this action, he said, because of improvements TVA is making in the security area at Browns Ferry in accordance with commitments made to NRC earlier this year and confirmed in a formal order in July.

TVA has 30 days to pay the civil penalty or to protest it, in whole or in part.

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

AUG 12 1985

W+E
TVA

The Honorable Jeremiah A. Denton, Jr.
United States Senator
Suite 510
101 Governor's Dr., S.E.
Huntsville, AL 35801

Dear Senator Denton:

Thank you for your letter of July 1, 1985. Your letter requested a response to questions received by you from Mr. Fred E. Wells pertaining to enforcement actions taken by the Nuclear Regulatory Commission against Tennessee Valley Authority. Our reply to Mr. Wells' questions is as follows.

Mr. Wells expresses a concern over the issuance of civil penalties to the Tennessee Valley Authority and the potential that the ratepayer will have to pay these fines. One of the reasons that civil penalties are used in enforcement is to emphasize to licensee managers the importance NRC attaches to the violations for which enforcement sanctions are proposed. The NRC also believes that civil penalties are effective in achieving increased compliance with regulatory requirements. The NRC has no control over the manner in which a civil penalty is funded by the licensee. That is determined by state public utility commissioners. Even though a civil penalty is passed through to the ratepayers or stockholders, the NRC believes that corporate officials will take steps to avoid such penalties and that they therefore have deterrent value. We do believe that enforcement is necessary to ensure the overall safe operation of nuclear facilities.

Mr. Wells asked why the NRC does not punish individuals for violations. He states that individuals are apt to be careless if they know that they will not be held accountable for their acts. The NRC can and does take actions against individuals in appropriate cases, normally those involving some deliberate violation of requirements. However, generally, the NRC holds the facility licensee responsible for ensuring compliance with NRC regulations and license conditions and for the acts of its employees. The NRC encourages the licensee to take an aggressive approach in ensuring the full performance of all employees to make sure the facility is operated in a safe manner.

Please let me know if we can provide any further assistance.

Sincerely,

(Signed) T. A. Bohm

for

William J. Dircks
Executive Director for Operations

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2pp.

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Senator Denton

Distribution

EDO 868

EDO Rdg File

SECY

CA

PDR

JMTaylor, IE

RVollmer, IE

JAAxelrad, IE

GKlingler, IE

JLieberman, ELD

GCunningham, ELD

HDenton, NRR

NGrace, RII

Copy to Senator Denton

United States Senate

Washington, DC 20510

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United States Senate

WASHINGTON, D.C. 20510

1 July 1985

Nuclear Regulatory Commission
Congressional Liaison
Washington, D.C. 20555

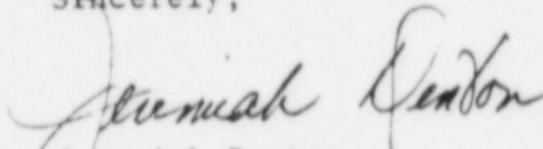
Re: NRC Policy

Dear Director:

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested.

Please try to respond within two (2) weeks. YOUR FINDINGS AND VIEWS, IN DUPLICATE, ALONG WITH RETURN OF THIS MEMO PLUS ENCLOSURE, WILL BE GREATLY APPRECIATED.

Sincerely,


Jeremiah Denton
United States Senator

JD/sd
Enclosure

Please reply to: Suite 510
101 Governor's Dr., S.E.
Huntsville, AL 35801

~~8548244239~~

2pp.

U.S. Senator Jeremiah A. Denton, Jr.

Thank you.

MAR 28 1985

Use

The Honorable Virginia Smith
United States House of Representatives
Washington, D.C. 20515

Dear Congresswoman Smith:

This letter is in reply to your note dated March 4, 1985, requesting information on which to base a reply to the inquiry of Mr. George A. Whitehead. In his letter dated February 22, 1985, Mr. Whitehead questioned the appropriateness of using a civil penalty as an enforcement tool considering the effects a civil penalty may have on the ultimate cost of electricity to the consumer. In addition, Mr. Whitehead questioned the existence of a scientific basis supporting the current industry and NRC standards for protection against radiation.

One of the NRC's motives in using a civil penalty as an enforcement tool is to emphasize to licensee managers the importance we attach to the problem for which enforcement sanctions are proposed. A civil penalty is intended to be remedial rather than punitive. It achieves its remedial purpose by providing licensees with an incentive for future compliance in order to avoid (1) the financial impact, (2) the adverse publicity associated with civil penalties, (3) the creation of a negative reputation within the industry, and (4) the escalating nature of sanctions that may result in further enforcement actions (including license suspension) if the civil penalty is not effective in achieving compliance.

We believe that civil penalties are effective in achieving increased compliance with regulatory requirements. At the same time, we understand Mr. Whitehead's concern about the economic burden a civil penalty may impose on the ratepayers. Whether a civil penalty is passed through to ratepayers or borne by the stockholders of a utility is decided by State Public Utility Commissions. The NRC has no control over this state determination and, since NRC's paramount interest is in ensuring protection of the public health and safety, the NRC does not take this factor into account when assessing a civil penalty. In some states, pass through to the ratepayers is permitted. Mr. Whitehead may wish to contact his State Public Utility Commission for additional information on this subject.

With regard to radiation limitation requirements, Part 20 of Title 10 of the Code of Federal Regulations establishes the standards for protection against radiation hazards arising out of activities under licenses issued by the NRC. The limits in Part 20 are based on radiation protection limits recommended by both national and international radiation protection authorities. These recommendations are based on studies of data from animal and human exposures to radiation.

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In the past, radiation dose limits were based on recommendations of two groups, the International Commission on Radiological Protection (ICRP) and the National Council on Radiation Protection Measurements (NCRP). Both include in their memberships recognized experts in science and medicine.

The ICRP's recommendations on radiation protection have been widely adopted and form the basis for radiation protection practices throughout the world. In the United States, the NCRP, which is federally chartered, provides recommendations for interested industries and Federal and State agencies.

The first recommended radiation exposure limits were offered in 1925, when scientists suggested limiting exposures of radiation workers to 0.5 roentgen per week from x-rays. (A "roentgen" is a unit of measure similar to a rem but used only for x- or gamma radiation.) In 1934 the ICRP recommended a maximum of 1 roentgen per week and the NCRP 0.5 per week, in 1949-50 the two groups recommended 0.3 rem per week, and in 1956-57 they recommended 5 rems per year. This latter recommendation still stands as the basis of today's occupational limit. All of these recommended dose limits were in addition to radiation doses from natural background and medical sources.

In 1959, with atmospheric weapons testing underway and with the growing use of nuclear energy under the Atoms for Peace Program, President Eisenhower established the Federal Radiation Council (FRC) to provide guidance with respect to all radiation matters directly or indirectly affecting health, including guidance for all Federal agencies in the formulation of radiation standards for protection of humans from radiation. When the Environmental Protection Agency (EPA) was formed in 1970, this responsibility was transferred to that agency. In addition, the responsibility for establishing generally applicable environmental radiation standards for uses of man-made radioactive materials regulated under the Atomic Energy Act also was transferred to EPA. The NRC has responsibility for implementing and enforcing these standards.

A principal feature of the FRC guidance was the definition of Radiation Protection Guides and Radiation Concentration Guides which are similar to the previously discussed radiation limits. These guides establish maximum values for annual radiation doses and concentrations of radioactive material in the environment, and the FRC, with the approval of the President, has stated that these limits should not be exceeded without careful consideration of the reasons for doing so. The FRC also provided guidance concerning the surveillance and control actions that should be undertaken if radiation levels in the environment became such that individuals could receive more than a certain fraction of the Radiation Protection Guides.

In addition, the FRC, as well as the NCRP and ICRP, recommended several further limitations, including: (1) that no single source of man-made radiation

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should be allowed to consume the total dose limits and (2) that all exposures to radiation should be kept as far below the recommended limits as is reasonably achievable.

Federal agencies such as the NRC are responsible for ensuring that licensees under their regulatory control keep radiation levels as low as is reasonably achievable and within the limits recommended by FRC and any generally applicable environmental standards established by EPA.

We hope this information will be of assistance to you in responding to Mr. Whitehead. Your March 4, 1985 note and Mr. Whitehead's letter dated February 22, 1985, are enclosed as requested.

Sincerely,

(Signed) T. A. Rehm

William J. Dircks
Executive Director for Operations

Enclosure:
Note dated 3/4/85 and incoming
attached thereto

DW/MARTY/LTR. TO CONGRESSWOMAN SMITH

OFFICE	PPAS:TOSB	PPAS:TOSB	PPAS-D	NRR:DD	NRR:D	EDO	OCA
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NRC PDR w/incoming

EDO # 000431

EDO Reading File

W. Dircks

D. Eisenhower/H. Denton

G. Edison/TOSB Reading File

M. Virgilio

J. Funches

SECY (85-194)

~~OC~~

K. Bowman, P-428 # 000431

R. Minogue

J. Taylor

G. Cunningham

H. 3E OF REPRESENTATIVES, U.S.
WASHINGTON, D.C.

March 4, 1985
Office of Congressional Affairs
Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

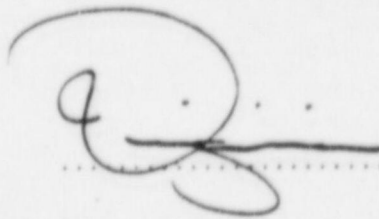
The attached communication is submitted for your consideration, and to ask that the request made therein be complied with, if possible.

If you will advise me of your action in this matter and have the letter returned to me with your reply, I will appreciate it.

Virginia Smith
2202 Rayburn HOB
Washington, D.C.
20515

Attn: Terri

Very truly yours,



M.C.

..... District.

February 22, 1985

Dear Congresswoman Virginia Smith:

IN regards to the enclosed newspaper article, I would like to initiate some consideration toward a change in the means of obtaining compliance with Nuclear Regulatory Commission regulations.

Since it is the users who eventually have to cough up any FINE money charged to obtain compliance, it appears to me that these users who are also taxpayers are NOT guilty of the non-compliance. SOME individual or individuals were derelict in their duties. There should be a suspension from duties, or if what they did endangered human life perhaps a jail sentence, but a fine eventually levied on the users is certainly not just.

In conjunction with NRC and the Nuclear Power Industry, it appears to me from some of the enclosed material and other studies and books. I have read, the radiation limitation requirements of the NRC are not scientifically accurate, and the Nuclear Power Industry is being unduly harrassed and caused to expend enormous amounts of money to meet these requirements.

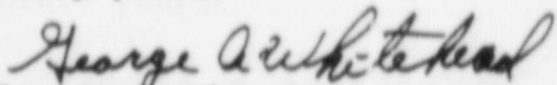
Perhaps a staff member of yours could look into some of the research papers done by Dr. Peter Beckmann and Galen Winsor and you could initiate some action that would correct some of the unnecessary restrictions.

I hope that after Mr. Winsor makes his tour that you and many other Congresspersons will receive a lot of mail on this subject and that we can have a great increase of nuclear power plants in this country; thus reducing the cost of electricity by a considerable sum.

I will be very interested in your reaction on this matter.

Sincerely yours,

1008 E. Phoenix Ave.
Grand Island, Ne. 68801


George A. Whitehead

REMOVE RIDICULOUS REGULATIONS

"Electricity could be available in such copious amounts that it would **not** be economical for utilities to meter it.

"Using the best source of steam, in the most efficient manner, is the challenge to industries concerned with supplying plentiful and cheap quantities of electrical energy. They are going to have to work diligently to get the shackles off Nuclear Steam Supply Systems (NSSS).

"The generation of electricity by NSSS has been constrained by many factors and people. Many of those who impose the restraints have positions within the bureaus and commissions of the Federal Government. These restraints have been imposed unknowingly in some instances, but in others they have been intended to halt the utilization of this safe, efficient and acceptable aid to living.

"The old Atomic Energy Commission, trying to be cautious, built a paper facade that can be blown away—and should be. They established a system of controls that was intended to define rules that took on the force of law when they were only intended to be guides.

"We find ourselves saddled with regulations that equate exposure exceeding five rems per year of whole-body, industrially-incurred exposure to ionizing radiation (a pitifully small amount of heat about equal to a millionth of a calorie) with malfunctions in a nuclear reactor.

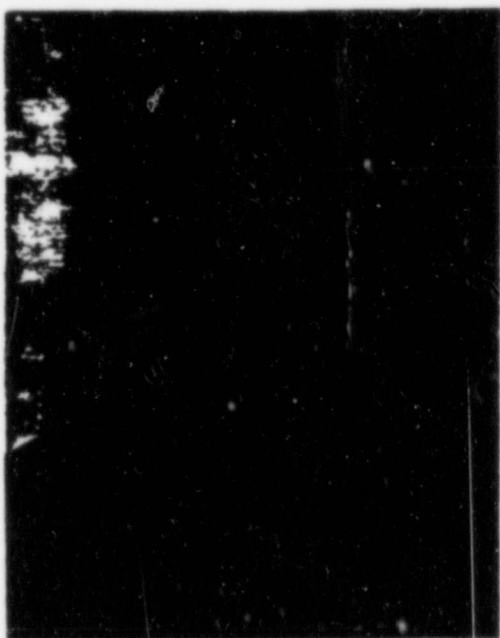
"Another example is a strontium-90 wand, a source of electrons. Commercially available and mildly radioactive, it can be applied to a diseased human eye to heal it; but if picked up by the wrong end, it becomes the cause for a Federal Investigation.

"The Environmental Protection Agency and the Nuclear Regulatory Commission have **set up** limits that are wrong by a factor of a million! Yet they have taken on so much **undue** importance, that when they are exceeded or even approached, the incident **becomes** a focus of attention not merited in relation to health and safety.

"This misplaced emphasis then gives rise to the thought that, if it exceeds a Federally imposed guideline, it must be important and is indeed newsworthy, even though one could absorb a million times that much of that kind of electromagnetic energy without detectable damage to his health."

Galen H. Winsor

TO REDUCE THE HIGH COST OF ENERGY



*"The American people need to know that the cost of electrical energy is **ten times** what it would be if today's scientifically unsound government regulations were removed. These suppressive regulations, that are often based on scientific falsehoods, cost every segment of the United States economy and must be exposed and overturned or poverty will extend throughout the land."*

Hear **GALEN WINSOR** tell why we need **A FREE NUCLEAR ECONOMY**

Galen Winsor is eminently qualified to unveil this technological travesty. Winsor received his degree in chemistry from Brigham Young University in 1951. He is a pioneer in the nuclear industry, starting at the Manhattan project at the Hanford Research Center in Washington and working in various capacities at facilities across the country. Galen is a senior health physicist and specialist in radiation waste handling techniques. During his thirty-three years, he worked in every phase of nuclear waste and commercial utilization cycles. In the fall of 1983, he testified before the Energy and Natural Resources committee of the U.S. Senate. His expose of popular falsehoods that have been spread about nuclear waste disposal is most enlightening and encouraging. He brings a refreshing look at how America could and should benefit from pollution-free nuclear power.

Tuesday, March 12, 1985 - 7:30 p.m.
Midtown Holiday Inn
2503 So. Locust Grand Island, NE

Sponsored By The Local Chapter of
John Birch Society

For Tickets & Information - 384-9531
Tickets \$3.00 Donation

See Other Side

NPPD Faces \$25,000 Fine in Cooper Test

By Rich Laden

World-Herald Staff Writer

The federal Nuclear Regulatory Commission notified the Nebraska Public Power District Wednesday that it faces a \$25,000 fine for violating commission regulations on the testing of a backup power system at the Cooper Nuclear Station near Brownville, Neb.

During a November 1984 inspection, the commission found that NPPD records showed that the utility had failed to conduct surveillance tests for unit batteries in a way that showed the system would operate as required by the commission's technical specifications.

Clyde Wisner, spokesman for the commission's Region IV office in Arlington, Texas, said NPPD records didn't show anything wrong with the unit batteries. However, he said, the records indicated that NPPD didn't establish that the battery system would

operate.

Unit batteries are sets of storage batteries that provide power to vital instrumentation if all other power sources are unavailable, Wisner said.

In a letter to NPPD, Region 4 Administrator Robert D. Martin said, "The failure to demonstrate operability of the battery system which could be needed under certain emergency conditions... brings into question the technical adequacy of the surveillance test program at Cooper Nuclear Station."

After the Nuclear Regulatory Commission met with NPPD management in November, Martin said, he was discouraged by the utility's response to the agency's concerns. He said measures now under way would correct the situation.

NPPD has since conducted unit battery tests according to the commission requirements and has demonstrated that the battery system would function

properly, Wisner said.

However, the commission's policies allow recognition of good performance, which warranted the penalty to be cut in half, he said.

NPPD has 30 days to respond to the proposed penalty.

NPPD can either pay the fine or notify the commission that it disagrees. If NPPD doesn't agree to the fine, the commission either could order the fine be paid, reduce the fine in part or in full, or grant NPPD a hearing to discuss the fine, Wisner said.

NPPD spokesman Ron Bogan said utility officials haven't seen the commission ruling. After they do, he said, they plan to respond within the 30-day period.

This is the second time the commission has imposed a fine on NPPD.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

March 22, 1985

*Miss R. R.
J+E*

The Honorable Edward J. Markey, Chairman
Subcommittee on Energy Conservation and Power
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

In response to your letter of March 8, 1985, I am writing to advise you that the NRC staff is issuing the enclosed Notice of Violation and Proposed Imposition of Civil Penalties to Mississippi Power and Light Company for violations involving material false statements regarding technical specifications at the Grand Gulf nuclear plant.

This enforcement action is taken in connection with violations discussed in SECY-84-419 which was previously provided your staff. Matters discussed in SECY-84-420, also previously provided, are still pending before the Department of Justice.

Sincerely,

Nunzio J. Palladino

Nunzio J. Palladino

Enclosure:
As Stated

cc: Rep. Carlos Moorhead

~~0504100594~~

lp.



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555

MAR 21 1985

Docket No. 50-416
EA 84-75

Mississippi Power and Light Company
ATTN: William Cavanaugh, III
President
P.O. Box 1640
Jackson, MS 39205

Gentlemen:

The Commission has reviewed your submittals with regard to the technical specifications for Grand Gulf Nuclear Station, Unit 1. As you are aware, these submittals contained numerous errors regarding plant-specific design features. The Commission has concluded that the submittals contained several material false statements which are described below.

On December 15, 1980, you submitted a markup of the Standard Technical Specifications for General Electric Boiling Water Reactors (NUREG-0123) which you stated reflected plant-specific design features. This statement was false because, as described in detail in Item A in the enclosed Notice of Violation (NOV), the technical specifications did not reflect plant-specific design features described in the FSAR. This statement was material in that had the NRC known of the errors in the technical specifications, it would not have issued the license without requiring changes to the technical specifications.

The second violation involves a markup of the technical specifications submitted on June 26, 1981. This submittal contained the same errors as were contained in the December 15, 1980 submittal. Additional submittals and changes were transmitted in letters dated December 31, 1981, January 12, February 25, March 23, April 5, 6, 7, and 30, May 26, June 1, 9 (two letters), and 10, 1982. On June 16, 1982, NRC issued a low power (5%) license to MP&L for Grand Gulf Unit 1 with appended technical specifications based upon the licensee's submittals. The errors contained in the December 15, 1980 submittal were reflected in the technical specifications issued with the license. Each of these submittals was a separate opportunity to discover and correct the false submittal of December 15, 1980. Your failure to do so constitutes a material false statement by omission. The statement was false because you failed to correct your initial false submittal and to ensure that the technical specifications ultimately issued with the license reflected plant-specific design features. The statement was material because the NRC would not have issued the license with erroneous technical specifications.

CERTIFIED MAIL
ENCLOSED RECEIPT REQUESTED

~~6545264385~~ 44P

The third violation involves a letter to Harold Denton dated June 14, 1983, in which Mississippi Power and Light provided additional proposed changes to the Grand Gulf Technical Specifications which you stated were "intended, in general, to enhance clarity or provide consistency with the plant design and operation." Certain statements in this letter were false because:

a. With reference to Technical Specification 4.8.1.1.1.b, the submittal stated, "There is no automatic transfer from the normal to alternate circuit since this bus search and automatic transfer feature was deleted from the load shedding and sequencing (LSS) panel by a pre-operating license design change. Section 8.3 of the FSAR no longer contains a description of the bus search and automatic transfer feature of the LSS panel." However, the LSS panel still performs a search and automatic transfer function even though it is prohibited from auto-transfer hookup to another off-site power source by other features.

b. With reference to Technical Specification 6.5.2.2, the submittal stated that the Manager of Systems Nuclear Operations, Middle South Services, will be replaced by a qualified representative of System Nuclear Operations. However, the organizational entity, Systems Nuclear Operations, did not exist.

The statements were material because an agency reviewer might have made the requested changes to the technical specifications had the reviewer not known that the bases for the changes were wrong.

The fourth violation involves a letter to the Nuclear Regulatory Commission staff dated June 23, 1983, in which Mississippi Power and Light provided additional proposed changes to the Grand Gulf Technical Specifications which MP&L stated were "intended, in general, to enhance clarity or provide consistency with the plant design and operation." A statement in this letter was false because the submittal stated, with reference to Technical Specification Table 4.3.7.5-1, that a note requiring channel calibration does not apply to the instruments used at Grand Gulf and should be deleted. However, the footnote fully applied to the Grand Gulf instruments. The false statement was material because the reviewer might have made the requested change to the technical specifications based upon incorrect information.

The fifth violation involves a letter to Harold Denton dated August 5, 1984, in which Mississippi Power and Light certified that the Grand Gulf Technical Specifications transmitted to the NRC up to and including Amendment 13 accurately reflected the plant, the FSAR and supporting documents, and the SER in all material respects. The statement was false because the technical specifications did not reflect existing plant-specific design features as evidenced by the fact that in a letter to the NRC dated August 14, 1984, MP&L requested additional changes to the Grand Gulf Technical Specifications to add circuit breakers to the list of those circuit breakers performing primary containment penetration conductor overcurrent protection functions for which surveillance was required. The false statement was material because the NRC believed the list of circuit breakers requiring surveillance was complete and might have issued the license with erroneous technical specifications, had the licensee not subsequently corrected the error.

Two inspections of surveillance procedure compliance with technical specifications were conducted between license issuance and the commencement of initial criticality on August 18, 1982. Both of these inspections in the areas of operations and fire protection identified additional technical specification errors requiring correction prior to initial criticality. The NRC was informed by MP&L management at that time that the errors were isolated instances and had all been corrected prior to initial criticality.

During the period of September 27 to October 8, 1982, Region II inspectors identified additional problems with technical specification surveillance requirements. As a result, an enforcement conference was held with MP&L in the Region II Office and a Confirmation of Action Letter was issued by the Region II Regional Administrator confirming licensee commitments to prepare and submit license amendment requests to the NRC. The amendments were to correct administrative and technical deficiencies in the facility technical specifications, as well as to establish a formal Quality Assurance program to assure compliance with the technical specifications, including the associated surveillance requirements. Even after these efforts, submittals regarding technical specifications still contained errors up to and including a submittal of August 5, 1984.

The primary responsibility for ensuring that the license contains appropriate technical specifications clearly rests with the licensee. Your failure to fulfill your obligation to thoroughly know and understand the technical specifications which are a part of your license cannot be excused. The material false statements listed in the Notice are indicative of a failure to exercise your responsibility to ensure the accuracy and completeness of each and every submittal of information made or required to be made as part of the licensing process.

The violations have been categorized as Severity Level III violations in accordance with the General Statement of Policy and Procedure for NRC Enforcement Actions, 10 CFR Part 2, Appendix C. Each of the five material false statements constitutes a separate violation of NRC requirements. To emphasize to you and to other licensees the importance of ensuring that technical specifications accurately reflect plant-specific design features, I have been authorized, after consultation with the Commission, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalties in the amount of One Hundred and Twenty-five Thousand Dollars (\$125,000). I considered proposing a civil penalty of Two Hundred and Fifty Thousand Dollars for these violations. However, in recognition of the fact that the informality of the NRC's process for review of technical specifications contributed to the problem, I have mitigated the penalty by 50%.

You are required to respond to the enclosed Notice and you should follow the instructions specified therein when preparing your response. The NRC will closely monitor MP&L's corrective actions and failure to carry them out may lead to further enforcement action.

As noted above, numerous inspections involving these matters have been conducted by the NRC and also several management meetings and Enforcement Conferences have been held which concerned these issues. Written commitments have been made by

Mississippi Power and Light
Company

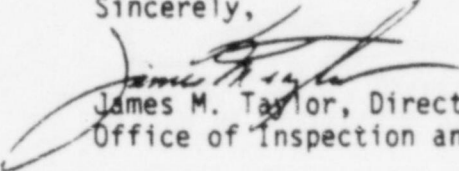
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MP&L as a result of these meetings and inspection reports. In your response to the enclosed Notice of Violation and Proposed Imposition of Civil Penalties, appropriate reference to these previous submittals (by page or paragraph number as appropriate) is acceptable.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," Part 3, Title 10, Code of Federal Regulations, a copy of this letter and ~~the enclosure~~ will be placed in the NRC's Public Document Room.

The responses directed by this letter and accompanying Notice ~~and~~ are subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Sincerely,



James M. Taylor, Director
Office of Inspection and Enforcement

Enclosure: Notice of Violation and
Proposed Imposition of Civil Penalties

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTIES

Mississippi Power and Light Company
Grand Gulf

Docket No. 50-416
License No. NPF-13
EA 84-75

As a result of review of your submittals for the period from December 15, 1980 to August 14, 1984, several material false statements were identified. These false statements are representative of over four hundred errors discovered in the Grand Gulf Technical Specifications. The technical specifications did not reflect plant-specific design features despite the fact that the licensee had numerous opportunities over a four year period to ensure that they did. Some of the errors were significant enough to require correction by Order even for low power operation. The number of errors and the duration of the problem indicate that MP&L has failed to exercise its responsibility to ensure the completeness and accuracy of submittals to the NRC. In accordance with the General Statement of Policy and Procedure for NRC Enforcement Action, 10 CFR Part 2, Appendix C, 49 FR 8583 (March 8, 1984), and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2282, PL 96-295, and 10 CFR 2.205, the violations and associated civil penalties are described below:

- A. On December 15, 1980 a markup of the Standard Technical Specifications for General Electric Boiling Water Reactors (NUREG-123), revision 2, August 1979 was submitted. The transmittal letter contained the statement that the markup reflected plant specific design features for Unit 1 of the Grand Gulf Nuclear Station.

Contrary to Section 186 of the Atomic Energy Act of 1954, as amended, this statement was a material false statement. The statement was false because, in the following respects, the technical specifications did not reflect existing plant specific design features.

1. In the markup, Technical Specification Table 3.3.5-1, Reactor Core Isolation Cooling System Actuation Instrumentation, pages 3/4 3-45 and 3/4 3-46, specified the minimum operable channels per trip system as "2" and referred to "Action 50." Action 50 stated "with the number of operable channels less than required by the Minimum Operable Channels per Trip System requirement:
 - a. For one trip system, place the inoperable channel in the tripped condition within one hour or declare the RCIC system inoperable.
 - b. For both trip systems, declare the RCIC system inoperable.

The initiation logic of RCIC at Grand Gulf Unit 1 is arranged as one trip system with four water level signals feeding a one-out-of-two-twice logic. The technical specification requirement of 2 minimum operable channels per trip system would not result in RCIC initiation unless the correct two channels are operable. The minimum operable channels per trip system should have been four. Also, the Action

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Statement was intended for a 2-trip system design instead of the one-trip system design at Grand Gulf.

2. In the markup, Technical Specification 3.9.1 stated:

"The reactor mode switch shall be OPERABLE and locked in the Shutdown or Refuel position. When the reactor mode switch is locked in the Refuel position:

- a. A control rod shall not be inserted or withdrawn unless the Refuel position one-rod-out interlock is OPERABLE.
- b. CORE ALTERATIONS shall not be performed using equipment associated with a Refuel position interlock unless the following associated Refuel position interlocks are OPERABLE for such equipment:
 1. All rods in.
 2. Refuel platform position.
 3. Refuel platform hoists fuel-loaded.
 4. Fuel grapple position.
 5. Source range monitor countrate."

However, Grand Gulf does not have a fuel grapple position interlock.

3. In the markup, Technical Specification 4.5.1b ECCS surveillance requirements for operability stated the required flow and discharge pressure to be:
 - a. LPCS pump develops a flow of at least 7115 gpm against a test line pressure greater than or equal to 128 psid.
 - b. LPCI pump develops a flow of at least 7450 gpm against a test line pressure greater than or equal to 111 psid.
 - c. HPCS pump develops a flow of at least 7115 gpm against a test line pressure greater than or equal to 200 psid.

These technical specification discharge line pressure requirements for operability were subsequently changed to read respectively 290 psid, 125 psid, and 445 psid. The original discharge pressure requirements for operability were not consistent with the assumptions in the safety analysis.

4. In the markup, Technical Specification 4.8.1.1.1, Electrical Power Systems Surveillance Requirements, stated:

"Each of the above required independent circuits between the offsite transmission network and the onsite Class IE distribution system shall be:

- b. Demonstrated OPERABLE at least once per 18 months during

shutdown by transferring manually and automatically, unit power supply from the normal circuit to the alternate circuit."

Grand Gulf Station did not have the automatic transfer feature for offsite to onsite AC power sources.

The false statement was material because if the NRC had known of the errors in the technical specifications, the NRC would not have issued the license with erroneous technical specifications.

This is a Severity Level III violation (Supplement VII). Civil Penalty - \$25,000.

- B. On June 26, 1981 a second markup of the Standard Technical Specifications for General Electric Boiling Water Reactors (NUREG-123), revision 2, August 1979 was submitted. This submittal contained the same errors as were contained in the December 15, 1980 submittal. Additional submittals and changes were transmitted in letters dated December 31, 1981, January 12, February 25, March 23, April 5, 6, 7, and 30, May 26, June 1, 9 (two letters) and 10, 1982. On June 16, 1982, NRC issued a low power (5%) license to MP&L for Grand Gulf Unit 1 with appended technical specifications based upon the licensee's submittals. The errors contained in Item A were reflected in the technical specifications issued with the license.

Each of these submittals was a separate opportunity to discover and correct the false submittal of December 15, 1980. The licensee's failure to do so constitutes a material false statement by omission. The statement was false because the licensee failed to correct its initial false submittal and to ensure that the technical specifications ultimately issued with its license reflected plant-specific design features. The statement was material because the NRC would not have issued the license with erroneous technical specifications.

This is a Severity Level III violation (Supplement VII). Civil Penalty - \$25,000.

- C. In a letter to Harold Denton dated June 14, 1983, Mississippi Power and Light provided additional proposed changes to the Grand Gulf Technical Specifications which MP&L stated were "intended, in general, to enhance clarity or provide consistency with the plant design and operation."

Contrary to section 186 of the Atomic Energy Act, this letter contained material false statements. The statements were false as shown below:

1. With reference to Technical Specification 4.8.1.1.1.b, the submittal stated, "There is no automatic transfer from the normal to alternate circuit since this bus search and automatic transfer feature was deleted from the load shedding and sequencing (LSS) panel by a pre-operating license design change. Section 8.3 of the FSAR no longer contains a description of the bus search and automatic transfer feature of the LSS panel."

However, the LSS panel still performs a search and automatic transfer function even though it is prohibited from auto-transfer hookup to another off-site power source by other features.

2. With reference to Technical Specification 6.5.2.2, the submittal stated that the Manager of Systems Nuclear Operations, Middle South Services, will be replaced by a qualified representative of System Nuclear Operations.

However, the organizational entity, Systems Nuclear Operations, did not exist.

The statements were material because an agency reviewer would not have made the requested changes to the technical specifications had the reviewer known that the bases for the changes were wrong.

This is a Severity Level III violation (Supplement VII). Civil Penalty - \$25,000.

- D. In a letter to the Nuclear Regulatory Commission staff dated June 23, 1983, Mississippi Power and Light provided additional proposed changes to the Grand Gulf Technical Specifications which MP&L stated were "intended, in general, to enhance clarity or provide consistency with the plant design and operation."

Contrary to Section 186 of the Atomic Energy Act, this letter contained a material false statement. The statement was false as shown below:

The submittal stated, with reference to Technical Specification Table 4.3.7.5-1, that a note requiring channel calibration does not apply to the instruments used at Grand Gulf and should be deleted.

However, the footnote fully applied to the Grand Gulf instruments.

The false statement was material because the reviewer might have made the requested change to the technical specifications based upon incorrect information.

This is a Severity Level III violation (Supplement VII). Civil Penalty - \$25,000.

- E. In a letter to Harold Denton dated August 5, 1984, Mississippi Power and Light certified that the Grand Gulf Technical Specifications transmitted to the NRC up to and including Amendment 13 accurately reflected the plant, the FSAR and supporting documents and the SER in all material respects.

Contrary to Section 186 of the Atomic Energy Act of 1954, as amended, this statement was a material false statement. The statement was false because the technical specifications did not reflect existing plant-specific design features as shown below. In a letter to the NRC dated August 14, 1984, MP&L requested additional changes to the Grand Gulf Technical Specifications to add circuit breakers to the list of those circuit breakers

performing primary containment penetration conductor overcurrent protection functions for which surveillance was required. The false statement was material because the NRC believed the list of circuit breakers requiring surveillance was complete and might have issued the license with erroneous technical specifications, had the licensee not subsequently corrected the error.

This is a Severity Level III violation (Supplement VII). Civil Penalty - \$25,000.

Pursuant to the provisions of 10 CFR 2.201, Mississippi Power and Light Company is hereby required to submit to the Director, Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555, with a copy to the Regional Administrator, Region II, 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 violations; (2) the reasons for the violations 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. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, the response shall be submitted under oath or affirmation.

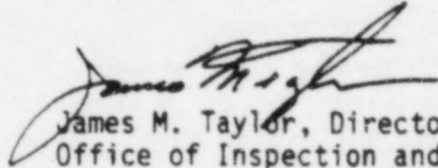
Within the same time as provided for the response required above under 10 CFR 2.201, Mississippi Power and Light Company may pay the civil penalties in the amount of One Hundred and Twenty-five Thousand Dollars (\$125,000) for the violations, or may protest imposition of the civil penalties in whole or in part by a written answer. Should Mississippi Power and Light Company fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an order imposing the civil penalties in the amount proposed above. Should Mississippi Power and Light 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 this 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 IV(B) of 10 CFR Part 2, Appendix C 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 by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. Mississippi Power and Light Company's attention is directed to the other provisions of 10 CFR 2.205 regarding the procedure for imposing a civil penalty.

Notice of Violation

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Upon failure to pay the 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


James M. Taylor, Director
Office of Inspection and Enforcement

Dated at Bethesda, Maryland
this 21st day of March 1985.

Congress of the United States
House of Representatives
Committee on Energy and Commerce
Room 2125, Rayburn House Office Building
Washington, D.C. 20515

March 8, 1985

The Honorable Nunzio J. Palladino
Chairman
Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

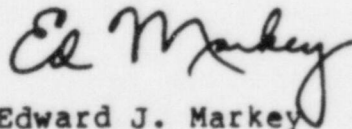
Dear Chairman Palladino:

I have received the Commission's January 8, 1985 responses to my July 2, 1984 and August 24, 1984 letters regarding apparent material false statements by the Mississippi Power and Light Company about the Grand Gulf nuclear power plant.

As Chairman of the Subcommittee on Energy Conservation and Power of the Committee on Energy and Commerce, I continue to have great interest in this matter. Consequently, I would request to be informed as soon as the Commission has decided on a final enforcement action and prior to the actual issuance of any enforcement action to the licensee. As you suggested in your response to my August 24, 1984 letter, I believe that our correspondence on this matter should be made publicly available at that time.

I am greatly disappointed that it took the Commission so long to respond to my inquiries and that information responsive to my request was not provided sooner. I expect to be kept fully and currently informed on this matter in the future.

Sincerely,



Edward J. Markey
Chairman
Subcommittee on Energy
Conservation and Power

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