

January 7, 2000

EA 99-264

Mr. Michael T. Coyle
Site Vice President
Clinton Power Station
AmerGen Energy Company
Mail Code V-275
P. O. Box 678
Clinton, IL 61727

SUBJECT: NON-CITED VIOLATION
(OFFICE OF INVESTIGATIONS REPORT NO. 3-1999-006)

Dear Mr. Coyle:

This letter pertains to a recently completed investigation by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) concerning an apparent violation of 10 CFR 50.9, "Completeness and Accuracy of Information." In particular, information documented in a Clinton Power Station (CPS) safety evaluation (SE) and presented at a meeting on February 12, 1999, between NRC inspectors and members of the CPS staff, indicated that the containment automatic depressurization system (ADS) was independently capable of maintaining the reactor water level above the top of active fuel in the event of a feedwater line break with the reactor core isolation cooling (RCIC) and the high pressure core spray (HPCS) systems unavailable. However, prior to the SE being issued on November 16, 1998, a member of the CPS staff, who attended the meeting on February 12, 1999, was aware that General Electric Nuclear Engineering (GENE) had evaluated this issue and GENE determined that active fuel would be momentarily uncovered in this scenario, but it would not have a negative effect on the fuel. The Office of Investigations concluded that while the CPS staff member was aware of the information from GENE, he did not take any action to correct the inaccurate information presented at the meeting or in the SE. A copy of the synopsis of the OI report is enclosed.

Based on the information developed during the OI investigation, the NRC concluded that a violation of 10 CFR 50.9 occurred. However, the NRC has decided to treat this issue as a non-cited violation (NCV) consistent with Section VII.B.1.a of the General Statement of Policy and Procedure for NRC Enforcement Actions, NUREG-1600 (Enforcement Policy). The basis for the NCV is: 1) the violation was isolated to the acts of one, low-level employee, without management involvement, and 2) action was taken to correct the inaccurate information. Furthermore, several portions of the SE were accurate with respect to fuel coverage, while others were incorrect. If you contest this NCV, you should provide a written response, stating the basis for your denial, within 30 days of the date of this letter. The letter should be marked "Response to EA 99-264" and addressed to the United States Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with copies to the

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Regional Administrator and Enforcement Officer, Region III, and the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and your response, should you choose to respond, will be placed in the NRC Public Document Room.

Sincerely,

John A. Grobe
 for John A. Grobe, Director
 Division of Reactor Safety

Docket No. 50-461
 License No. NPF-62

Enclosure: Synopsis of OI Report 3-1999-006

cc w/encl: P. Hinnenkamp, Plant Manager
 M. Aguilar, Assistant Attorney General
 G. Stramback, Regulatory Licensing
 Services Project Manager
 General Electric Company
 Chairman, DeWitt County Board
 State Liaison Officer
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- 1 B. A. Berson on annual leave. However, he reviewed this letter in draft and his comments were incorporated. *WJ*
- 2 OE concurrence received on 12/28/99 from R. W. Borchardt, OE. *WJ*

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SYNOPSIS

This investigation was initiated on February 23, 1999, by the U.S. Nuclear Regulatory Commission, Office of Investigations, Region III, to determine whether Clinton Power Station personnel deliberately violated NRC regulations by providing incomplete or inaccurate material information relating to a safety evaluation report.

Based on the facts developed during this investigation, it is concluded that sufficient evidence exists to substantiate that information provided by a Clinton Power Station engineer to the NRC staff in a safety evaluation document dated November 16, 1998, and during a meeting on February 12, 1999, was deliberately inaccurate or incomplete.