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

FEB 19 1988

Docket No. 50-263  
License No. DPR-22  
EA 87-147

Northern States Power Company  
ATTN: Mr. C. E. Larson  
Vice President  
Nuclear Generation  
414 Nicollet Mall  
Minneapolis, Minnesota 55401

Gentlemen:

SUBJECT: ORDER IMPOSING A CIVIL MONETARY PENALTY

This refers to your letter dated November 4, 1987, in response to the Notice of Violation and Proposed Imposition of Civil Penalty sent to you by our letter dated October 5, 1987. Our letter and Notice described a violation involving an unreviewed safety question which was categorized as a Severity Level III violation. The event was reported to the NRC as a result of investigations by the licensee into events on June 7 and 14, 1987, involving the inadvertent tripping of a Class 1E 480 volt load center output breaker.

To emphasize that effective controls be implemented for the evaluation of plant modifications to preclude creating unreviewed safety questions, a civil penalty of Fifty Thousand Dollars (\$50,000) was proposed.

In your response you admitted the violation and requested complete mitigation of the proposed civil penalty in accordance with the factors contained in the Enforcement Policy.

After consideration of your response, we have concluded for the reasons given in the Appendix attached to the enclosed Order Imposing Civil Monetary Penalty that you did not provide an adequate basis for mitigation of the proposed civil penalty. Accordingly, we hereby serve the enclosed Order on Northern States Power Company imposing a civil monetary penalty in the amount of Fifty Thousand Dollars (\$50,000). We will review the effectiveness of your corrective actions during a subsequent inspection.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosures will be placed in the NRC's Public Document Room.

Sincerely,

James M. Taylor, Deputy Executive Director  
for Regional Operations

Enclosures: As stated

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

In the Matter of  
Northern States Power Company  
(Monticello)

Docket No. 50-263  
Licensee No. DPR-22  
EA 87-147

ORDER IMPOSING CIVIL MONETARY PENALTY

I

Northern States Power Company (licensee) is the holder of Operating License No. DPR-22 issued by the Nuclear Regulatory Commission (NRC/Commission) on January 19, 1971. The license authorizes the licensee to operate the Monticello plant in accordance with the conditions specified therein.

II

A special inspection of the licensee's activities was conducted during the period June 17-18 and July 6, 1987. The results of this inspection indicated that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty was served upon the licensee by letter dated October 5, 1987. The Notice states the nature of the violation, the provision of the NRC's requirements that the licensee had violated, and the amount of the civil penalty proposed for the violation. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty by letter dated November 4, 1987 admitting the violation, but requesting complete mitigation of the proposed civil penalty.

III

After consideration of the licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the Deputy Executive Director for Regional Operations has determined, as set forth in the Appendix to this Order that the penalty proposed for the violation designated in the Notice of Violation and Proposed Imposition of Civil Penalty should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, IT IS HEREBY ORDERED THAT:

The licensee pay a civil monetary penalty in the amount of Fifty Thousand Dollars (\$50,000) within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555.

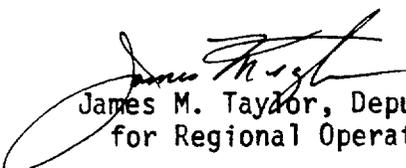
The licensee may request a hearing within 30 days of the date of this Order. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and should be addressed to the Director of Enforcement,

U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region III, and a copy to the NRC Resident Inspector, Monticello plant.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issue to be considered at such hearing shall be whether the proposed civil penalty should be imposed in whole or in part.

FOR THE NUCLEAR REGULATORY COMMISSION

  
James M. Taylor, Deputy Executive Director  
for Regional Operations

Dated at Bethesda, Maryland  
this 19 day of February 1988.

## Appendix

### Evaluations and Conclusions

On October 5, 1987, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for a violation of 10 CFR Part 50, Appendix B, Criterion V. Northern States Power Company responded to the Notice on November 4, 1987. In its response, the licensee agreed that the violation occurred, but stated that it believed total mitigation of the proposed civil penalty was warranted because of its prompt identification and reporting of the violation, prompt and extensive corrective actions, its prior good enforcement history, and other considerations.

#### Restatement of Violation

10 CFR Part 50, Appendix B, Criterion V states, in part, that activities affecting quality be prescribed by documented instruction, procedures, or drawings, of a type appropriate to the circumstances.

Contrary to the above, from August 1986 to July 1987, activities involving the review and performance of electrical coordination to determine the effects of changes to the electrical power system on other portions of the electrical power system were not prescribed by electrical design change control procedures. As a result, when the electrical distribution system was modified by replacing trip devices in load center circuit breakers for essential buses with devices having ground fault protection, the potential of loss of an essential bus due to a fault in a nonsafety-related component was created.

#### Summary of Licensee's Response

The licensee acknowledges the occurrence of the violation, but requests the proposed civil penalty be completely mitigated. The licensee's arguments concerning mitigation are based on the following:

##### 1. Prompt Identification and Reporting

The licensee states that the ground fault coordination problem was discovered by plant personnel and promptly reported to the NRC. The licensee further states that even though the problem existed for 11 months, there were only two opportunities to discover the breaker coordination problem prior to its identification by the licensee.

##### 2. Corrective Action to Prevent Recurrence

The licensee states that prompt and extensive corrective actions were taken as a result of the event, including consideration of other potential coordination problems in other, unrelated, plant modifications. It is further argued that the corrective actions were on the initiative of plant personnel and were broad in scope.

##### 3. Past Performance

The licensee states that only one event involving inadequate design control was identified in the prior two years and that SALP ratings in this area have been consistently above average.

4. Prior Notice of Similar Events

The licensee states there was no prior notice of this problem.

5. Multiple Occurrences

The licensee states that this is the first occurrence of this type at Monticello.

6. Other Considerations

The licensee clarifies a point in the Notice concerning the existence of procedures. The licensee states that procedures did exist for electrical coordination studies for changes to the electrical power system. The licensee acknowledges that a procedure for the review of the coordination of Motor Control Center (MCC) loads did not exist.

The event was considered to be an isolated event. While the licensee admits that the failure to provide adequate ground fault coordination when circuit breaker trip devices were replaced was a serious error, it believes that the impact on plant safety due to this failure was small.

NRC Evaluation of Licensee's Response

Regarding prompt identification and reporting, the NRC agrees that the licensee identified the problem, but not until the issue was disclosed by the June 7 and June 14, 1987 events which required the licensee to investigate. The coordination problem occurred when the licensee failed to properly evaluate the effects of replacing existing electrical circuit breakers with solid state trip devices which had ground fault protection not previously provided. An electrical coordination review was not performed at the time of replacement and is considered the first opportunity to identify the problem. Of the next two opportunities to discover the problem, the licensee failed to take advantage of the first chance because the fault was meggered and not continuity tested which would have identified the problem. The fault on June 14 was identified only after the containment fan cooler motor tripped on high current, not as a result of planned testing or maintenance. Overall, the fact that the licensee eventually identified the violation is balanced by the fact that the licensee failed to take advantage of opportunities to identify the problem earlier. Therefore, mitigation was not considered appropriate for this factor.

With respect to corrective actions the NRC acknowledges that the licensee took corrective actions that should prevent recurrence, but does not believe that such actions were unusually prompt and extensive in response to the significance of the event. The NRC staff points out that the corrective actions were necessarily broad in scope and additional electrical coordination problems had been identified which delayed start-up of the plant. The NRC considers that the corrective actions taken were appropriate to the significant nature of the problem identified and therefore considers mitigation for the corrective actions taken unwarranted.

The NRC recognizes the licensee's good enforcement history in the area of maintenance and modifications and considered mitigation of the base civil penalty for this factor. However, the NRC notes declining performance in the area of engineering which was the cause of the violation cited in this enforcement action and also a violation (Severity Level III) given in December 1986 for deficiencies in the Standby Liquid Control System. The significance of the violation in the current enforcement action is also increased because of the fact that the problem existed for 11 months prior to its discovery. It is considered significant that during this time, under certain conditions, the potential existed for ground faults in nonsafety-related equipment to cause the loss of essential motor control center loads. Consideration of mitigation of the base civil penalty because of the licensee's enforcement history in the area of maintenance and modifications is balanced by the declining performance in the engineering area and the duration for which the violation existed while the plant operated in condition which could have had a significant impact on the availability of safety systems. Therefore, neither mitigation nor escalation is deemed appropriate.

Regarding other considerations, the NRC recognizes that the plant had procedures for electrical coordination studies; however, as the licensee admits, there was no procedure for electrical coordination studies for Motor Control Center (MCC) loads. As discussed earlier, the NRC believes that the event was significant in that various safety systems were affected by the coordination problem.

#### NRC Conclusion

The NRC has reviewed Northern States Power Company's response to the proposed imposition of civil penalty and arguments for mitigation of the base civil penalty. The NRC concludes that an adequate basis for mitigation of the civil penalty was not provided by the licensee. Consequently, the proposed civil penalty in the amount of \$50,000 should be imposed.

Northern States Power Company

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