

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Washington Public Power Supply System
Washington Nuclear Project No. 2 (WNP-2)

Docket No. 50-397
License No. NPF-21
EA 91-183

During an NRC inspection conducted on November 4 through December 8, 1991, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1991), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

A. Violation Assessed a Civil Penalty:

Section 3.6.6.1 of the WNP-2 Technical Specifications states:

- .. "Two independent drywell and suppression chamber hydrogen recombiner systems shall be OPERABLE.

APPLICABILITY: OPERATIONAL CONDITIONS 1 and 2.

ACTION: With one drywell and suppression chamber hydrogen recombiner system inoperable, restore the inoperable system to OPERABLE status within 30 days or be in at least HOT SHUTDOWN within the next 12 hours."

Section 3.0.3 of the Technical Specifications states, in part: "When a Limiting Condition for Operation is not met, except as provided in the associated ACTION requirements, within one hour action shall be initiated to place the unit in an OPERATIONAL CONDITION in which the Specification does not apply by placing it, as applicable, in:

1. At least STARTUP within the next 6 hours,
2. At least HOT SHUTDOWN within the following 6 hours, and
3. At least COLD SHUTDOWN within the subsequent 24 hours."

Contrary to the above:

1. Both hydrogen recombiner systems were inoperable, in that they would not function in automatic, from before initial plant startup in 1984 until August 1991 due to installation of the wrong type of recycle flow controllers, and the requirements of the above action statements were not met.
2. The "A" Train hydrogen recombiner system was inoperable from on or about December 8, 1990 until April 12, 1991 because of an undetected loss of lubricating oil from the Train "A" blower, with the reactor operating in OPERATIONAL CONDITION 1, and the requirements of the applicable action statement were not met.



Notice of Violation

- 2 -

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

B. Violations Not Assessed a Civil Penalty:

1. 10 CFR Part 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings", states in part: "Activities affecting quality shall be prescribed by documented instructions, procedures, or drawings, of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings."

Section 5.2.1 of the WPPSS Operational Quality Assurance Program Description (OQAPD) Manual, Revision 13, states: "Activities that affect safety-related functions of plant items shall be described by and accomplished through implementation of documented procedures, instructions, or drawings, as appropriate."

Contrary to the above, activities affecting quality and prescribed by vendor drawing CVI 4-1371-18.20 were not accomplished in accordance with this drawing, in that seven instances were identified between September 26 and October 10, 1991 wherein containment atmospheric control (CAC) system pipe supports had not been configured as prescribed in this drawing.

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

2. 10 CFR 50.72(b)(2) requires, in part: that if not reportable under paragraph (a) or (b)(1) of Section 50.72, "... the licensee shall notify the NRC as soon as practical and in all cases, within four hours of the occurrence of any of the following:

(iii) Any event or condition that alone could have prevented the fulfillment of the safety function of structures or systems that are needed to... (D) Mitigate the consequences of an accident."

10 CFR 50.73 requires, in part: "The holder of an operating license for a nuclear power plant (licensee) shall submit a Licensee Event Report (LER) for any event of the type described in this paragraph within 30 days after the discovery of the event....

(2) The licensee shall report:

(i) (B) Any operation or condition prohibited by the plant's Technical Specifications.

(v) Any event or condition that alone could have prevented the fulfillment of the safety function of structures or systems that are needed to... (D) Mitigate the consequences of an accident.

- (vii) Any event where a single cause or condition caused ... two independent trains ... to become inoperable in a single system designed to: (D) Mitigate the consequences of an accident."

Contrary to the above, the licensee determined on August 7, 1991 that the wrong type of recycle flow controllers had been installed in the CAC system, a system needed to mitigate the consequences of an accident, before initial plant startup in 1984, a condition which rendered both trains of the CAC system inoperable, but the NRC was not notified until October 31, 1991 and an LER was not submitted until December 2, 1991.

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

Pursuant to the provisions of 10 CFR 2.201, Washington Public Power Supply System (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that 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 Commission may issue an order or a demand for information as to 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, 42 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, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or may protest imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and 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 penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such an answer may request remission or mitigation of the penalty.



Notice of Violation

- 4 -

In requesting mitigation of the proposed penalty, the factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1991), 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. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

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

The response noted above (Reply to a Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region V, and a copy to the NRC Resident Inspector, Washington Nuclear Project No. 2.

Dated at Walnut Creek, California
this 6TH day of February, 1992

