

NOTICE OF VIOLATION
A
PROPOSED IMPOSITION OF CIVIL PENALTY

Arizona Nuclear Power Project
Phoenix, Arizona

Docket Nos. 50-528, 50-529, and 50-530
License Nos. NPF-41, NPF-51, and NPF-74
EA 89-88

During an NRC augmented team inspection conducted during the period March 4-31, 1989, 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 (1989), 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:

I. Inadequate Preventive and Corrective Actions

- A. 10 CFR Part 50, Appendix B, Criterion XVI, provides that "measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected. . . [For] significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition."

Contrary to the above, the licensee failed to comply with 10 CFR Part 50, Appendix B, Criterion XVI, as evidenced by the following examples:

1. After experiencing significant problems with Atmospheric Dump Valve (ADV) operation and control during 1985, the licensee's evaluation identified a number of corrective actions to increase ADV reliability, but as of March 3, 1989, failed to implement those corrective actions.
2. The licensee became aware of a number of recommended corrective actions (different from those referenced in example A.1, above) for similar operational and control problems with the Steam Bypass Control System (SBCS) Valves, through letters from the licensee's Architect Engineer and NSSS vendor (Bechtel letter B/ANPP-E-139615 dated August 30, 1985 and Combustion Engineering letter V-CE-32738 dated August 12, 1985). The SBCS valves are similar in design to the ADVs except for minor internal differences. As of March 3, 1989, the licensee failed to properly evaluate those recommended corrective actions for applicability to the ADV deficiencies.
3. Site Modification 3-SM-1A-003, dated October 31, 1987, required the installation of a 3 micron permanent moisture filter on the instrument air line to the ADVs and main steam isolation valves (MSIVs) for corrective action after significant moisture induced damage to the MSIV four-way valves and air motors was discovered. As of March 3, 1989, the licensee failed to assure



that this condition adverse to quality was promptly corrected by the installation of the 3 micron permanent moisture filter.

4. The licensee identified a condition adverse to quality following a July 6, 1988 Unit 1 reactor trip whereby ADV 179 did not properly respond due to foreign matter (water, oil, and dust) in the ADV actuator air passage. The licensee failed to ensure that this condition adverse to quality was promptly corrected in that as of March 3, 1989 the Unit 3 ADV positioners had not been inspected and cleaned.

- B. Technical Specification 6.8.1 states, in part, "Written procedures shall be established, implemented, and maintained covering...the applicable procedures recommended in Appendix A of Regulatory Guide 1.33, Revision 2, February 1978." Section 2 of Regulatory Guide 1.33 requires general plant operating procedures for recovery from reactor trips. Procedure 79AC-9ZZ08, Revision 4, dated December 29, 1987, "Post Trip Review Reporting," requires identification and correction of the causes for reactor trips.

Contrary to the above, as of March 3, 1989, the licensee failed to correct Concern 17 identified in Unit 3 post trip review 88-03-003, first identified on July 31, 1988, concerning a permissive timer problem in the steam bypass control system; consequently, this uncorrected problem contributed to the malfunctioning of the steam bypass control system during the March 3rd event.

- C. Technical Specification 6.8.1 states, in part, "Written procedures shall be established, implemented, and maintained covering...the applicable procedures recommended in Appendix A of Regulatory Guide 1.33, Revision 2, February 1978." Section 9 of Regulatory Guide 1.33 requires that maintenance that can affect the performance of safety-related equipment be properly preplanned and performed in accordance with written procedures, documented instructions, or drawings appropriate to the circumstances.

Control Components International's ADV Vendor Manual, Operation and Maintenance Instructions, specifies maintenance activities and schedules to assure valve operability.

Contrary to the above, as of March 3, 1988, for Units 1, 2 and 3, the licensee neither issued nor implemented written procedures or schedules for vendor-recommended maintenance for the ADVs, the ADV manual operator, and the ADV valve positioners.

Violations I.A.1, 2, 3, 4, and I.B and C have been categorized in the aggregate as a Severity Level III problem (Supplement I).

Civil Penalty \$100,000 (assessed equally among the six violations).

II. Operator and Training Issues

- A. The Palo Verde Unit 3 Technical Specifications, Section 6.4, requires that a training program shall be established and maintained which



meets or exceeds the requirements and recommendations of Section 5 of ANS 3.1-1978 and Appendix A of 10 CFR Part 55.

ANS 3.1-1978, Section 5.3, requires, in part, the establishment of a training program for non-licensed operators to properly prepare them for assignments.

1. Contrary to the above, on March 3, 1989, a non-licensed operator was directed to perform manipulations at the Remote Shutdown Panel. The manipulation involved an attempt to open atmospheric dump valve SG-HV-178, a task for which the operator had not been trained.
 2. Contrary to the above, as of March 3, 1989, non-licensed operators had not received adequate training to operate the ADVs as evidenced by the problems encountered when attempting to manually operate the ADVs to establish decay heat removal after a loss of offsite power, even though the Emergency Operating Procedures required operation of the ADVs.
- B. 10 CFR Part 50, Appendix B, Criterion V, provides that "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 those instructions, procedures or drawings".

Contrary to the above, on March 3, 1989, the procedure posted at the valves for manual operation of ADVs SG-HV-178, SG-HV-179, SG-HV-184, and SG-HV-185 was inadequate for the circumstances, in that it lacked the necessary specificity and detail to ensure that the specified actions were sufficient to accomplish manual valve operation. Additional actions not specified in the posted procedure were necessary before the ADVs could be used.

Violations II A.1, 2 and B have been categorized in the aggregate as a Severity Level III problem (Supplement I).

Civil Penalty - \$50,000 (assessed equally among the three violations).

III. Emergency Lighting

License NPF-74 for the Palo Verde Unit 3 Nuclear Generating Station, Condition F, reads in part, "APS shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report (FSAR) for the facility, as supplemented and amended, and as approved in the SER through Supplement 11, subject to the following provision:

"APS may make changes to the approved fire protection program without approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire."

- A. FSAR Section 9.5.1.1.R, Safety Design Basis Eighteen, states in part that an emergency lighting system shall be provided in areas



needed for operation of safe shutdown equipment. Batteries for emergency lights shall be rated for a minimum of 8 hours in areas needed for operation of safe shutdown equipment.

FSAR Table 9.5-5 and Figure 9.B-40 identify the main steam isolation and dump valve areas in the Main Steam Support (MSS) Structure as areas needed for the operation of safe shutdown equipment.

Contrary to the above, as of March 3, 1989, the licensee failed to provide an adequate emergency lighting system in the MSS Structure to support the manual operation of the Atmospheric Dump Valves (ADV's). This is evidenced by the near total darkness the auxiliary operators found in the north and south rooms of the MSS Structure, where the ADV's are located. After the loss of offsite power, it took about 30 minutes to restore lighting to the north room and about 1.5 hours to restore lighting in the south room. No emergency lights were provided in the immediate area of the ADV's. This lack of adequate emergency lighting adversely affects the ability to achieve and maintain safe shutdown in the event of a fire.

- B. FSAR Section 9.5.3.4, Inspection and Testing Requirements, states in part, "The emergency dc lighting system...[is] inspected and tested periodically to ensure operability of the automatic switches and other components in the system."

FSAR Table 9B.3-1, Section C (Quality Assurance Program), requires the licensee to establish and adhere to documented instructions and administrative controls that govern the fire protection program.

Preventive Maintenance (PM) Task 058655 for Unit 3 requires a quarterly walkdown of the emergency lighting system in the MSS structure to verify operability of battery pack emergency lighting units.

Contrary to the above, as of March 3, 1989, the licensee failed to perform a quarterly walkdown of the emergency dc lighting system per PM Task 058655 in Unit 3 since September 23, 1987, waiving the inspection requirements for 5 consecutive quarters.

- C. FSAR Table 9B.3-1, Section C (Quality Assurance Program), Item 5, requires the licensee to establish and implement a test program to assure that testing is performed to demonstrate conformance with design and system readiness requirements.

FSAR Section 9.5.1.1.R, Safety Design Basis Eighteen, states in part that batteries for emergency lights shall be rated for a minimum of 8 hours in areas needed for operations of safe shutdown equipment.

1. Contrary to the above, test procedure 93GT-OZZ47, Pre-operational Generic Test Package, Unit 1, 2, and 3, performed during October, 1984, demonstrated operability of various emergency light battery



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packs located in the MSS Structure for only 2 hours instead of the design basis 8 hours.

2. Contrary to the above, as of March 3, 1989, the 18 month PM Task 055795 for Unit 3 prescribed a 1.5 hour discharge test of the battery pack emergency lighting units at the 140 foot elevation in the MSS structure, instead of the design basis 8 hours.

Violations III A, B, and C have been categorized in aggregate as a Severity Level III problem (Supplement I).

Civil Penalty - \$100,000 (assessed equally among the four violations).

Pursuant to the provisions of 10 CFR 2.201, Arizona Public Service Company (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. 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, (3) the corrective steps that have been taken and the result 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, an order may be issued 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, '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 to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, or money order payable to the Treasurer of the United States in the cumulative amount of the civil penalty proposed, 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 the Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in the Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section V.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 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.



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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 responses to the Director, Office of Enforcement, 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, DC 20555, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region V, 1450 Maria Lane, Suite 210, Walnut Creek, California 94596, and a copy to Mr. T. Polich, Senior Resident Inspector, at the Palo Verde Nuclear Generating Station.

FOR THE NUCLEAR REGULATORY COMMISSION


John B. Martin
Regional Administrator

Dated at Walnut Creek, California
on this / day of September 1989.

