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UNITED STATES  
 NUCLEAR REGULATORY COMMISSION  
 REGION III  
 799 ROOSEVELT ROAD  
 GLEN ELLYN, ILLINOIS 60137  
 February 26, 1990

89-28

Docket No. 50-316  
 License No. DPR-74  
 EA 89-252

Indiana Michigan Power Company  
 ATTN: Mr. Milton P. Alexich  
 Vice President  
 Nuclear Operation Division  
 1 Riverside Plaza  
 Columbus, Ohio 43216

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY - \$75,000  
 (NRC INSPECTION REPORT NO. 50-316/89028(DRS))

This refers to the routine safety inspection conducted on October 16 through 20, 24 through 26, and December 4, 1989, at the D.C. Cook Nuclear Plant, Units 1 and 2. The report documenting the inspection was sent to you by letter dated December 21, 1989. During the monthly surveillance test of the Turbine-Driven Auxiliary Feedwater Pump (TDAFP), NRC personnel identified a mismatch between the test and local process flow instrumentation. Subsequent investigation by the plant staff determined that the process flow instrument was not properly functioning and would not have been able to actuate the TDAFP flow retention feature. This flow retention feature is required by your safety analysis to prevent pump runout during a feedwater or main steamline break. On January 4, 1990, an enforcement conference was conducted in the NRC Region III office with you and other members of your staff to discuss the violation, its cause, and your corrective actions.

The violation as described in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) indicates that TDAFP has been inoperable since initial plant startup. The root cause of this violation appears to be an inappropriately sized orifice that was not identified as deficient during receipt inspection and original installation. Preoperational testing identified the anomaly with the process instrumentation in 1978. However, adequate corrective action was not taken to either determine the cause of the deficiency or to prevent the instruments use in safety-related applications. This appears to be partly due to the lack of a system, prior to 1986, that tracked the corrective actions for identified deficiencies. Regardless, greater attention to the TDAFP conditions during monthly operability testing over the last ten years should have uncovered the discrepancy between two flow instrument readings.

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This is a significant regulatory concern because you operated the facility for over 10 years with a degraded auxiliary feedwater system. The D.C. Cook Updated Final Safety Analysis Report (UFSAR) only credits the two motor driven auxiliary feedwater pumps (MDAFP) each at 50% capacity in addition to the full capacity TDAFP. During the enforcement conference you indicated a single failure of one MDAFP with concurrent inoperability of the TDAFP may not have resulted in loss of the auxiliary feedwater function due to the conservatism in the system design assumptions. We also note that on occasion, one MDAFW pump has been inoperable during plant operation. This deficiency resulted in operation outside the facility design basis as described in the FSAR and significantly degraded system performance capability and should have been identified and corrected in a more timely manner.

To emphasize the need for effective corrective action for identified deficiencies and operator attention to equipment conditions during surveillance testing, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the amount of \$75,000 for the violation described in the enclosed Notice. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1989), the violation has been categorized as a Severity Level III violation.

The base value of a civil penalty for a Severity Level III violation is \$50,000. The escalation and mitigation factors in the Enforcement Policy were considered and escalation of the base penalty by 50% is appropriate because this violation was identified by an NRC inspector. You had an opportunity to rectify this violation after identification during testing in 1978. You also had opportunity to identify this discrepancy during routine surveillance testing of the TDAFP. Though your immediate corrective actions were adequate to assure correct sizing of the remaining feedwater pump orifices, no plan was developed to verify that other deficiencies identified prior to implementation of your current tracking system were adequately resolved, until prompted by the NRC. Consequently, neither escalation nor mitigation was applied for corrective action. Further escalation or mitigation of the civil penalty was not deemed appropriate.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response should specifically address actions you have taken to improve your corrective action system and operator attention to detail during conduct of testing. In addition you should consider whether your receipt inspection program needs to be reviewed and improved. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.



Indiana Michigan Power Company

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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 its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,



A. Bert Davis  
Regional Administrator

Enclosures:

1. Notice of Violation and Proposed Imposition of Civil Penalty
2. Inspection Report No. 50-316/89028(DRP)

See Attached Distribution



Distribution

cc w/enclosures:

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