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 AUTH. NAME      AUTHOR AFFILIATION  
 DAVIS, A.B.      Region 3 (Post 820201)  
 RECIP. NAME      RECIPIENT AFFILIATION  
 FITZPATRICK, E.      Indiana Michigan Power Co. (formerly Indiana & Michigan Ele

SUBJECT: Forwards notice of violation & proposed imposition of civil penalty in amount of \$37,500, as result of insp rept 50-316/92-22 on 921203-18.

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NUCLEAR REGULATORY COMMISSION  
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February 8, 1993

Docket No. 50-316  
License No. DPR-74  
EA 92-252

Indiana Michigan Power Company  
ATTN: Mr. E. E. Fitzpatrick  
Vice President  
Nuclear Operations Division  
1 Riverside Plaza  
Columbus, OH 43216

Dear Mr. Fitzpatrick:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL  
PENALTY - \$37,500  
(NRC INSPECTION REPORT 50-316/92022)

This refers to the special safety inspection conducted during the period from December 3 through 18, 1992, at the D. C. Cook Nuclear Plant Unit 2 to review circumstances surrounding an incident on September 28, 1992, in which an emergency diesel generator (EDG) tripped due to low lube oil pressure. You reported this event to the NRC on November 20, 1992. The report documenting the inspection was sent to you by letter dated December 31, 1992. The inspection identified a significant violation of NRC requirements, and on January 8, 1993, an enforcement conference was conducted in the Region III office. The report summarizing the enforcement conference was sent to you by letter dated January 15, 1993.

On September 28, 1992, with Unit 2 in Mode 5 (cold shutdown), EDG "AB" was started for a routine surveillance test. Twenty-four seconds after the start, the EDG tripped on low-low lube oil pressure. The lube oil level indicator for the EDG indicated 309 gallons, but a dip stick measurement indicated there were only 127 gallons in the tank. The administrative low level limit required for engine operation is 400 gallons.

The EDG became inoperable due to loss of oil inventory sometime following the last successful test of the EDG on September 1, 1992. The oil loss was the result of a seal leak on the "Before and After" pump. A maintenance work request had been written on May 9, 1992, to fix the leak, and chemistry personnel had notified operations personnel on June 12 of the continued leaking of the oil. Despite the recognition of the leak, the adverse

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February 8, 1993

trend in oil level was not addressed through any compensatory actions such as periodically adding oil.

Contributing to the problem was the fact that the oil level indicator had not been calibrated for several years and was inaccurate, and the lube oil tank low level alarm failed to actuate on the low level. Also, the operator's "rounds" sheets were deficient in that they did not have acceptance criteria or action statements for the operators when they discovered low levels of oil.

The technical specifications (TS) require that both EDGs be operable for operation in Modes 1-4, and Unit 2 was in Modes 1-4 until September 25, 1992, when Mode 5 was entered. With one EDG inoperable, the inoperable EDG is required to be restored to an operable status within 72 hours or the unit must be put in at least hot standby within the next 6 hours and cold shutdown within the following 30 hours. Because the significance of the oil leak went unnoticed the diesel was not returned to operable status within the time required nor was the unit placed in Mode 5 as required. Therefore, in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR 2, Appendix C, the violation has been categorized at Severity Level III.

The violation, described in Section I of the enclosed Notice of Violations and Proposed Imposition of Civil Penalty, concerns a significant failure to assure that emergency power would have been available if needed. There were several contributing causes for the violation: (1) the failure to recognize the downward trend of the oil level, (2) the failure to identify that the level had fallen below the administrative limit even though the gauge so indicated, (3) the lack of acceptance criteria in the procedure, (4) the level indicator problems, (5) the failure of the low level alarm, and (6) the failure to act on the information provided by the chemists of the continuing leaking of the oil.

We acknowledge your immediate corrective actions to restore the oil level to its normal operating range, to repair the oil seal, and to check the EDG bearings for damage. We also acknowledge your comprehensive longer term corrective actions such as: (1) revising the surveillance procedures, (2) reviewing the work request prioritization process, (3) involving the system engineers in the work control process, (4) creating a work classification organization, and (5) perform an engineering review of the EDG lube oil sump tank level indication design. While the actions described above should prevent this event or similar ones from occurring again, you should remember that there is no procedural substitute for tenacity and questioning attitudes on the part of all of the separate organizations at the plant. Had aggressive followup been taken by any of the groups

February 8, 1993

that were aware of the leakage, this problem would likely have been avoided despite the procedural and other inadequacies that existed.

To emphasize the need for you to assure that problems with systems important to safety are corrected promptly and that your staff takes a more questioning attitude when presented with anomalous information on such systems, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, to issue the enclosed Notice of Violations and Proposed Imposition of Civil Penalty in the amount of \$37,500 for the 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. The base civil penalty was mitigated 25% because you demonstrated initiative in identifying the root cause of this self-disclosing event. It was also mitigated 50% because of your comprehensive corrective actions. The base civil penalty was further mitigated by 50% for your good prior performance. Mitigation for this factor can be as high as 100%; however, your overall performance in Operations was rated Category 2 in the last SALP period and normally this would not be sufficient cause for mitigation. Partial mitigation is appropriate in this case because, among other things, there have been no escalated enforcement actions taken against the D. C. Cook license in the last two years and no violations in Operations have occurred in the last two years. The base civil penalty was also escalated by 100% for your failure to identify the potential for EDG inoperability earlier even though you had several opportunities to do so. No escalation or mitigation was considered appropriate for the other factors. Therefore, based on the above, the base civil penalty was decreased by 25 percent.

Two additional violations not assessed a civil penalty were identified and are described in Section II of the enclosed Notice. One violation concerns the failure to correct the oil leakage problem when it was first identified. The other violation concerns the lack of acceptance criteria for lube oil volume in the surveillance procedure.

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. 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.


February 8, 1993

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The response 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, PL 96-511.

Should you have any questions concerning this letter, please contact us.

Sincerely,

  
A. Bert Davis  
Regional Administrator

Enclosure:  
Notice of Violation and  
Proposed Imposition of  
Civil Penalty

cc w/enclosure:  
A. A. Blind, Plant Manager  
DCD/DCB (RIDS)  
OC/LFDCB  
Resident Inspector, RIII  
James R. Padgett, Michigan Public  
Service Commission  
EIS Coordinator, USEPA  
Region 5 Office  
Michigan Department of  
Public Health  
D. C. Cook, LPM, NRR



February 8, 1993

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