

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Portland General Electric Company  
Portland, Oregon

Docket No. 50-344  
License No. NPF-1  
EA 89-162

During an NRC inspection conducted from July 14 through August 5, 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 the associated civil penalty are set forth below:

I. Inoperable ECCS Subsystems - Containment Recirculation Phase

- A. Trojan Technical Specification 3.5.2 states in part that "Two independent ECCS subsystems shall be OPERABLE with each subsystem comprised of: ...e. an OPERABLE flow path capable of taking suction from the refueling water storage tank on a safety injection signal and transferring suction to the containment sump during the recirculation phase of operation.

Section 1.6 of the Technical Specifications, in defining the terms OPERABLE and OPERABILITY, provides in part: "a system, subsystem, train, component or device shall be OPERABLE or have OPERABILITY when it is capable of performing its specified safety-related function(s). Implicit in this definition shall be the assumption that all necessary...auxiliary equipment that are required for the system, subsystem, train, component or device to perform its safety-related function(s) are also capable of performing their rated support function(s)."

Contrary to the above, the two ECCS subsystems have been inoperable since the 1988 Refueling Outage and possibly since 1975 (initial startup) because of missing and damaged containment recirculation sump components, including the sump top screen, large and fine mesh screens penetrated by piping and the southern-most fine mesh screen. With these deficiencies, the required flow path from the containment sump during the recirculation phase was not assured.

- B. Technical Specification 4.5.2.c requires in part that a visual inspection be performed of all accessible areas in the containment prior to establishing containment integrity to verify that no loose debris (rags, trash, clothing, etc.) is present in the containment which could be transported to the containment sump and cause restrictions of the pump suction during a LOCA condition.

Contrary to the above, on July 11, 1989, during the establishment of containment integrity prior to reactor startup, the licensee failed

to adequately inspect all accessible areas of the containment, including the containment sump area, to assure that loose debris was not present which could be transported to the containment sump and cause restriction of the pump suction. The inspections performed under the guidance of AO 3-11, "Containment Access, Integrity, Evacuation, and Inspection," developed in part to meet the requirements of Technical Specification 4.5.2.c, were inadequate in that debris that had the potential to be transported into ECCS pump suction inlets located in the containment sump and restricting the pump suction were left in the immediate vicinity of the sump.

- C. Technical Specification 4.5.2.d.2 requires in part that at least once per 18 months the licensee perform a visual inspection of the containment sump and verify that the subsystem suction inlets are not restricted by debris and that the sump components (trash racks, screens, etc.) show no evidence of structural distress or corrosion.

10 CFR 50.9 requires, in part, that records be complete and accurate.

Contrary to the above, on July 11, 1989, the licensee failed to perform the scheduled 18 month visual inspection of the containment sump. The applicable section of AO 3-11, "Containment Access, Integrity, Evacuation and Inspection," that documents the accomplishment of Technical Specification 4.5.2.d.2, was erroneously checked off as completed when, in fact, the inspection was not performed. Consequently, the licensee failed to identify damaged sump screens.

## II. Inadequate Corrective Actions

10 CFR Part 50, Appendix B, Criterion XVI, requires in part that measures be established to assure that conditions adverse to quality, such as failures, deficiencies, deviations, defective material and equipment, and nonconformances, are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition.

- A. Contrary to the above, the licensee failed to take adequate corrective action to preclude repetition of a significant condition adverse to quality relating to the control of loose debris inside containment that could be transported to the sump and damage safety-related pumps. Specifically, the licensee discovered loose debris in the containment sump area on July 8, 1989. However, the licensee's corrective actions were not adequate to ensure that any remaining debris was found and removed prior to reactor startup on July 14, 1989. Additional debris was subsequently found on July 19, 1989, along with damaged sump screens while the licensee's inspections were ongoing. This significant condition adverse to quality is a repeat of a similar event documented in QA Surveillance Report P182 dated July 8, 1988, where tools were found in the sump.
- B. Contrary to the above, as of July 14, 1989, the licensee failed to adequately implement corrective action for a significant condition adverse to quality involving operating, maintaining, and testing

systems in accordance with design basis documents. Specifically, in letters dated May 22, 1986 and November 14, 1986, responding to two Notices of Violation and Proposed Impositions of Civil Penalties (EA 86-54 and EA 86-113), the licensee stated that a design basis documentation program would be implemented to assure that the design bases were well understood and documented. Additionally, system walkdowns were to be performed by system engineers to assure that safety systems are operated, maintained and tested in accordance with the design bases. However, the licensee failed to provide adequate guidance or develop a formal program to assure that these corrective actions would be adequately implemented at the system engineer level. Consequently, the containment spray system walkdown performed in 1987 during reactor operation failed to identify that the sump baffle did not have the mesh screen installed on the top portion, as specified in applicable design documents.

These violations are, collectively, a Severity Level II Problem (Supplement I).

Cumulative Civil Penalty - \$280,000 (assessed equally among Violations I.A, B, C and II.A and B).

Pursuant to the provisions of 10 CFR 2.201, Portland General Electric 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 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, 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 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, such answer may request remission or mitigation of the penalty.

Notice of Violation

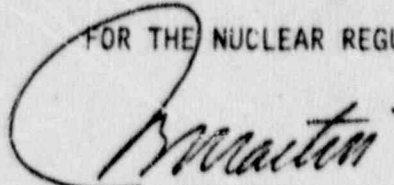
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In requesting mitigation of the proposed penalty, the factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1989), should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or 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 responses to the Director, Office of Enforcement, noted above 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. R. Barr, Senior Resident Inspector, at the Trojan Nuclear Plant.

FOR THE NUCLEAR REGULATORY COMMISSION



J. B. Martin  
Regional Administrator

Dated at Walnut Creek, California  
this 5 day of October 1989