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MAY 18 1982

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Docket No. 50-409  
License No. DPR-45  
EA 81-80

Dairyland Power Cooperative  
ATTN: Mr. F. W. Linder, General Manager  
2615 East Avenue - South  
LaCrosse, WI 54601

Gentlemen:

This will acknowledge receipt of your letter dated December 23, 1981 in response to the Notice of Violation and Proposed Imposition of a Civil Penalty sent to you with our letter dated October 22, 1981. Our October 22, 1981 letter concerned violations found during a routine safety inspection conducted during the period May 1-31, 1981.

After careful consideration of your response and for the reasons given in the enclosed Order, we have concluded that the violations did occur as set forth in the Notice of Violation and Proposed Imposition of a Civil Penalty. No adequate reasons have been stated as to why penalties should not be imposed. However, based upon our review of the circumstances of this event we have concluded that a reduction in the proposed civil penalty is appropriate. Accordingly, we hereby serve the enclosed Order on Dairyland Power Cooperative imposing a civil penalty in the amount of \$25,000.

In your December 23, 1981 letter you stated "Dairyland...has a history of consistent conscientious adherence to proper procedures." NRC findings do not support this position. To the contrary, we have pointed out on many occasions during the last two years that Dairyland has a poor record of adherence to procedures. This was recently discussed with you during the SALP 2 management meeting conducted October 9, 1981. This record and the uncontrolled modification of safety systems at the LaCrosse facility represent a problem which is more than a "failure to follow procedures." Your lack of management control could have resulted in a more serious event. Accordingly, your proposed corrective actions to improve management control of operations and adherence to procedures will continue to be closely monitored.

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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Q PDR

Dairyland Power Cooperative

- 2 -

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 the enclosures will be placed in the NRC's Public Document Room.

Sincerely,

Richard C. DeYoung, Director  
Office of Inspection and Enforcement

Enclosure:  
Order Imposing Civil Monetary Penalties with Appendix

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ATTN: Hon. Bronson C. LaFollette  
Attorney General  
State Capitol  
Madison, WI 53702

Public Service Commission  
ATTN: Mr. Stanley York  
Chairman  
432 Hill Farms State Office Bldg.  
Madison, WI 53702

Department of Health & Social Services  
ATTN: Mr. Lawrence J. McDonnell, Chief  
Radiation Protection Section  
P. O. Box 309  
Madison, WI 53701

## Appendix

### EVALUATIONS AND CONCLUSIONS

Each item of noncompliance and associated civil penalty identified in the Notice of Violation (dated October 22, 1981) which was denied by the licensee is restated below. The Office of Inspection and Enforcement's evaluation of the licensee's response is presented, followed by conclusions regarding the occurrence of the noncompliance and the proposed civil penalties.

#### Item 1

##### STATEMENT OF NONCOMPLIANCE

10 CFR 50.59(a)(1) states, in part, "The holder of a license authorizing operation of a production or utilization facility may (i) make changes in the facility as described in the safety analysis report...without prior Commission approval, unless the proposed change, test or experiment involves a change in the technical specifications incorporated in the license..."

Technical Specification 4.2.2.15 states, in part, "one core spray pump may be removed from service for maintenance provided that all control rods are fully inserted, the reactor pressure is less than 85 psig, and the 'Control Power' key switch is in the 'OFF' position."

Technical Specification 4.2.2.18 states, in part, "The low pressure coolant injection system (Alternate Core Spray) shall be available for automatic operation except at times when the reactor is shut down and the system depressurized to approximately atmospheric pressure."

Contrary to the above, on April 1, 1981 with the plant operating at 85% power, the licensee disabled for approximately one minute on two occasions the automatic initiation signal to 1B High Pressure Core Spray Pump, to 1B High Pressure Service Water/Alternate Core Spray Pump (Low Pressure Coolant Injection), and to the A.C. Alternate Core Spray Valve and thereby violated Technical Specification 4.2.2.15 and Technical Specification 4.2.2.18.

This occurred when the isolation valve between the Containment Building and Pressure Switch 37-35-702 was closed during the modification of the sensing line between the Containment Building isolation valve and the switch. The modification was made without seeking prior Commission approval, and without conducting an evaluation of the safety significance of the change in order to determine whether a change to Technical Specifications or an unreviewed safety question was involved.

This is a Severity Level III violation (Supplement I).  
(Civil Penalty).

EVALUATION OF LICENSEE'S RESPONSE - Technical Specification 4.2.2.15

In its response (dated December 23, 1981) the licensee admitted that it failed to follow proper procedures for the containment pressure sensing line modification. The licensee denied, however, that closure of Valve No. 37-28-012 to Pressure Switch No. 37-35-702 during the modification removed HPCS pump 1B from service and thereby violated Technical Specification 4.2.2.15. The licensee stated that each HPCS pump is activated by any of the following signals: (1) containment pressure, or; (2) reactor water level or; (3) control room start (emphasis by licensee). The licensee stated that during the modification to the containment only the valve in the pressure sensing line leading to Pressure Switch 37-35-702 for HPCS pump 1B was closed (resulting in disablement of only the containment pressure signal to the pump), but that the pump could still have been activated by a low reactor water level signal and by a control switch in the control room.

The basis for the licensee's conclusion that HPCS pump 1B was not removed from service when Valve No. 37-28-012 was closed is that there are three signals that can activate the HPCS pump 1B (i.e., containment pressure, reactor water level, and control room start) and only one of these signals needs to be operable for the pump to be available for service and meet the provisions of Technical Specification 4.2.2.15. The licensee argues that since the HPCS pump 1B could be activated automatically by the reactor water level signal or by the manual control room start signal, pump 1B was not removed from service.

In order for a pump to be in service it must be operable. Technical Specification 4.0.1 which was in effect at the time of the valve closure defined "operable" as:

A system, subsystem, train, component or device shall be OPERABLE or have OPERABILITY when it is capable of performing its specified function(s). Implicit in this definition shall be the assumption that all necessary attendant instrumentation, controls, normal and emergency electrical power sources, required for the system, subsystem, train, component or device to perform its function(s) are also capable of performing their related support function(s).

During the time Valve No. 37-28-012 was closed, HPCS pump 1B was not operable because all necessary attendant instrumentation required for the component (pump) to perform its function was not capable of performing the instrument support function. Contrary to the licensee's assertion that only one of the three signals is necessary for the system to be operable, all three signals must be capable of initiating the HPCS System. Specifically, the containment pressure automatic start signal to HPCS pump 1B was disabled. Therefore, while Valve No. 37-28-012 was closed HPCS pump 1B was inoperable and not in service.

Removal of HPCS pump 1B from service with the plant operating at 85% power violated Technical Specification 4.2.2.15. Furthermore, the modification resulted in the temporary disablement of an automatic initiation signal for these safety-related components, and as admitted by the licensee, was made without conducting an evaluation of the safety significance of the change in accordance with 10 CFR 50.59.

EVALUATION OF LICENSEE'S RESPONSE - Technical Specification 4.2.2.18

In its response (dated December 23, 1981) the licensee admitted that it failed to follow proper procedures for the containment pressure sensing line modification. The licensee denied, however, that closure of Valve No. 37-28-012 to Pressure Switch No. 37-35-702 during the modification rendered the low pressure coolant injection system (Alternate Core Spray) unavailable for automatic operation and thereby violated Technical Specification 4.2.2.18.

The basis for the licensee's conclusion is that any combination of one pump and one valve is capable of meeting the system requirements and therefore the system is available for automatic operation whenever one pump and one valve are available for automatic operation. Since one pump (1A) and one valve (D.C.) were unaffected by the closure of Valve No. 37-28-012, the licensee concluded the system remained available for automatic operation at all times the valve was closed.

Technical Specification 2.4.7 describes the low pressure coolant injection system as including two pumps, two independent control circuits for the pumps, and two independent control circuits for two parallel motor operated control valves. Technical Specification 4.2.2.18 requires that the low pressure coolant injection system be available for automatic operation and does not allow operation with disabled components within the system (i.e., the entire system is required to be available for automatic operation). During the time Valve No. 37-28-012 to Pressure Switch No. 37-35-702 was closed, the containment pressure automatic operation feature of low pressure coolant injection system (Alternate Core Spray) pump 1B and the A.C. Alternate Core Spray Valve was disabled thereby rendering those components unavailable for automatic operation.

The licensee's interpretation of Technical Specification 4.2.2.18 would allow continuous operation of the low pressure coolant injection system (Alternate Core Spray) with only one pump and one valve functional. Operation under those conditions would not provide protection for a single active failure and does not meet the single failure provisions of Appendix A of 10 CFR Part 50. Although Technical Specifications of a more recent vintage than the licensee's allow temporary relaxation of the single failure criterion in the form of Action Statements, LaCrosse Boiling Water Reactor Technical Specification 4.2.2.18 does not have provisions for such temporary relaxation, and therefore, Technical Specification 4.2.2.18 is not satisfied unless all components of the system are capable of automatic operation.

Rendering the low pressure coolant injection system (Alternate Core Spray) pump 1B and the A.C. Alternate Core Spray Valve unavailable for automatic operation with the plant operating at 85% power violated Technical Specification 4.2.2.18. Furthermore, during the time the valve was closed an automatic initiation signal for these safety-related components was disabled and as admitted by the licensee, the modification was made without conducting an evaluation of the safety significance of the change in accordance with 10 CFR 50.59.



CONCLUSION

The licensee admitted that an unreviewed and unapproved modification had been made to safety-related systems. During the modification, the violations of Technical Specifications 4.2.2.15, 4.2.2.18 and 10 CFR 50.59 described above did occur as originally stated. The civil penalty is not being imposed solely because these systems were temporarily rendered inoperable. Rather the civil penalty is also being imposed because the licensee failed to ensure that modification activities which involved safety-related systems were properly controlled.

However, based upon the circumstances of this event, the amount of the civil penalty has been reduced to \$25,000. The information provided in the licensee's response does not provide a basis for additional modification of the enforcement action.