

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

In the Matter of

Portland General Electric Company  
Trojan Nuclear Plant

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Docket No. 50-344  
License No. NPF-1  
EA 82-67

ORDER IMPOSING CIVIL MONETARY PENALTIES

I

Portland General Electric Company, 121 S. W. Salmon Street, Portland, Oregon 97204 (the "licensee") is the holder of License No. NPF-1 (the "license") issued by the Nuclear Regulatory Commission (the "Commission") which authorizes the licensee to operate the Trojan Nuclear Plant in Columbia County, Oregon, in accordance with conditions specified therein. The license was issued on November 21, 1975.

II

A special inspection of the licensee's activities under the license was conducted on March 16 through April 30, 1982 at the Trojan Nuclear Plant in Columbia County, Oregon. As a result of this inspection, it appears that the licensee had not conducted its activities in full compliance with the conditions of its license and the requirements of NRC regulations. A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the licensee by letter dated June 2, 1982. The Notice states the nature of the violations, the provisions of the Nuclear Regulatory Commission regulations and license conditions which the licensee had violated, and the amount of civil penalty proposed for each violation. An answer dated July 2, 1982 to the Notice of

Violation and Proposed Imposition of Civil Penalties was received from the licensee.

### III

Upon consideration of the answers received and the statements of fact, explanation, and argument for remission or mitigation of the proposed civil penalties contained therein, as set forth in the Appendix to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed. The imposition will be as originally proposed except that the penalty is reduced by Ten Thousand Dollars because of the licensee's prompt and extensive corrective action upon discovering that a standing order had been improperly revised which resulted in equipment being inoperable.

### IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, PL 96-295), and 10 CFR 2.205, IT IS HEREBY ORDERED THAT:

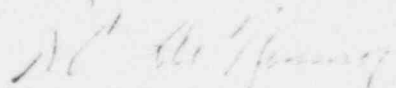
The licensee pay civil penalties in the amount of Fifty Thousand Dollars (\$50,000) within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement.

V

The licensee may within thirty days of the date of this Order request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, USNRC, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. If the licensee fails to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings; if payment has not been made by that time, the matter may be referred to the Attorney General for collection. In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

- (a) whether the licensee violated NRC regulations and license conditions as set forth in the Notice of Violation and Proposed Imposition of Civil Penalties; and
- (b) whether, on the basis of such violations, this Order should be sustained.

FOR THE NUCLEAR REGULATORY COMMISSION

  
Richard C. DeYoung, Director  
Office of Inspection and Enforcement

Dated at Bethesda, Maryland  
this 12 day of August 1982

## APPENDIX

### NRC EVALUATIONS AND CONCLUSIONS

#### Background

Based on the licensee's response of July 2, 1982 to the NRC Notice of Violation and Proposed Imposition of Civil Penalties dated June 2, 1982 the NRC staff has concluded that the violation did occur, but that some mitigation is warranted. The severity level remains as cited because a limiting condition for operation was exceeded where the appropriate action statement was not satisfied, this resulted in a degraded condition, and sufficient information existed which should have alerted the licensee that he was in an Action Statement condition. This is consistent with the policy stated in Supplement I.C.1 of Appendix C to 10 CFR Part 2.

The licensee was cited for not conducting required surveillance when an emergency diesel generator was inoperable. This violation was a result of not completing the proposed corrective action following the discovery in May 1977 that the train "B" emergency diesel generator output breaker was inoperable when preferred instrument bus Y24 was being fed from nonpreferred instrument bus Y02. A design change to correct the identified problem was initiated by the licensee in 1977 but not completed until after the events leading to the present Notice of Violation had occurred. In addition, in 1977, the licensee issued a standing order which provided an interim administrative solution to the problem. However, plant operating procedures were never revised to reflect the limitations imposed by the standing order. The design change was assigned a low priority and in late 1980, before it was implemented, the previously issued standing order was revised. This revision, however, was based on a faulty analysis so that the revised standing order no longer provided the guidance needed to determine the operability of the train "B" diesel generator. Because of this deficiency, the licensee was not aware until January 16, 1982, that the "B" diesel generator had been inoperable for 87 hours in November 1981 and for 34 days from December 1, 1981 through January 4, 1982. Accordingly, no steps were taken during those periods to perform the specified surveillance or commence a shutdown of the facility to cold shutdown conditions. It is noted, however, that the discovery of these periods of inoperability was the result of the licensee's investigation of related electrical problems and they then promptly and fully disclosed the information to the NRC. It should also be noted that upon discovery that the standing order was improperly revised, the licensee took prompt and extensive corrective action.

Subsequent to the licensee's discovery of this problem on January 16, 1982, a new standing order was issued which corrected the existing inadequacy. Operating Instruction OI-1-7, "120V AC Preferred Instrument Bus Operations" was revised to add the appropriate precautions, and a new request for design change was initiated to incorporate the originally proposed design change plus other appropriate changes. All of these changes were completed during the present refueling outage. In addition, the licensee states that training information bulletins (one of which was the basis for the incorrect revision of the standing

order in 1981) are now required to undergo a more thorough level of review and approval prior to distribution and use. Also, all outstanding requests for design changes have been reviewed and assigned an updated priority as appropriate, or eliminated if no longer required.

#### Licensee Contentions

The licensee admits the violations of the technical specifications described in the Notice of Violation. The licensee disagrees, however, with the statement that "... effective corrective actions were not taken following the discovery in May 1977..." The licensee maintains that effective action was taken following the discovery in May 1977, and that this action took the form of a request for design change (RDC 77-093) and the issuance of a standing order. The licensee further maintains that the original standing order, an administrative control, by itself was adequate corrective action. However, the licensee also states that RDC 77-093 was issued merely to allow elimination of the administrative control, and not to correct a design deficiency.

The licensee acknowledges that the cause of this event was an analytical error that led to an incorrect training information bulletin that was ultimately reflected in July 1981 in an incorrect revision of the standing order which was relied upon as an administrative control. The licensee maintains that this was the actual cause of the event. The licensee also maintains that the problems with the diesel generators were not a design deficiency and that minimal or no safety considerations were involved.

#### Response to Licensee Contentions

Without addressing the relative merits of administrative controls versus design changes, the licensee's initial corrective actions following discovery of the condition in May 1977 would have been effective but for the 1981 revision to the standing order. The use of an incorrect analysis in 1980 to revise the original standing order was one reason the initial corrective action became ineffective. Another reason, however, was the failure to follow through in a timely manner in implementing RDC 77-093. The corrective actions were deficient because formal plant operating procedures were not revised at the time of the discovery of the problem in 1977 nor at the time of the revision of the standing order in 1981. Such actions would have provided the formal review which is designed to assure thorough consideration of plant and procedure changes. This is not to imply that standing orders are not a permissible method for corrective action. However, such orders must be associated with sufficient safeguards to preclude their revision without appropriate reviews as required by Technical Specification 6.8.

Whether the problem under discussion was due to a design deficiency depends upon the system design criteria and the attendant administrative controls. It is clear that, beginning in July 1981, the administrative controls were inadequate. It is also clear that the licensee has chosen to revise the design. Whether or not the problem was the result of a design deficiency does not have a significant bearing on the overall issue.



The licensee's contention that the condition had little or no safety significance is based on the further contentions that: (1) the plant is unlikely to need the diesel generators while preferred instrument buses Y22 or Y24 are supplied by their alternate power sources, (2) the diesel generator circuit breaker could have been maintained shut by manual action, and (3) the diesel generators were not needed during this period.

Regarding contention No. 1, although the staff agrees that it is unlikely that an event will occur which will require use of the emergency diesel generators, the consequences of such an event without the immediate availability of the generators have been evaluated and this evaluation was the basis for the operability requirements for the emergency diesel generators as contained in the technical specifications.

Regarding contention No. 2, although the licensee maintains it was possible to close the diesel generator breaker manually, we note that the licensee's Final Safety Analysis Report assumes automatic loading of all essential loads onto the diesel within less than one minute for the limiting accidents. Therefore, the staff does not agree that the problem has minor safety significance.

Regarding contention No. 3, the staff considers the statement that a need for the diesel generators did not occur, is merely a statement of fact, not a contention.

Based on the foregoing, the staff concludes that the licensee has not presented any information that substantially changes the facts concerning the violation nor its severity level.

#### Consideration of Mitigation

The licensee has proposed several bases for reduction of the amount of the proposed civil penalties. We have carefully considered each of these and, based on our review, have concluded that a 25 percent reduction (\$10,000) from the base penalty (\$40,000) is warranted. The reduction is deemed warranted for the licensee's prompt and extensive corrective action upon the discovery that the standing order had been improperly revised and had resulted in the equipment being inoperable.