

MAY 17 1984

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Pacific Gas and Electric Company
Diablo Canyon Nuclear Facility

Docket No. 50-275
License No. DPR-76
EA 84-42

This Notice of Violation and Proposed Imposition of Civil Penalty involves an apparent violation at the Diablo Canyon Nuclear Power Plant related to the inoperability of portions of the Emergency Core Cooling System (ECCS).

On April 6, 1984, the Boron Injection Tank (BIT) was valved out of service and electrical power was removed from the valve operators to permit recharging of the tank to increase the boron concentration. The activity was performed in accordance with approved procedures. The action, however, violated the facility technical specification provisions that require that the charging pumps must be capable of injecting coolant through the BIT and into the reactor coolant system upon actuation of a safety injection signal whenever the reactor is being operated in Modes 1, 2 or 3.

To emphasize the need to assure that procedures are adequate and consistent with regulatory requirements, and that operators are fully cognizant and aware of regulatory requirements, the Nuclear Regulatory Commission proposes to impose a civil penalty in the amount of Fifty Thousand Dollars (\$50,000) for the identified violation.

In accordance with the NRC Enforcement Policy, 10 CFR Part 2, Appendix C as revised, 48 FR 8563 (March 8, 1984) and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended ("Act"), 42 U.S.C.2282, PL-96-295 and 10 CFR 2.205, the particular violation and the associated civil penalty is set forth below:

VIOLATION ASSESSED A CIVIL PENALTY

A. Technical Specification 3.5.2 reads, in part:

"Two Emergency Core Cooling System (ECCS) subsystems shall be OPERABLE with each subsystem comprised of:...

- a. One OPERABLE centrifugal charging pump,...
- e. An OPERABLE flow path capable of taking suction from the refueling water storage tank on a safety injection signal and manually transferring suction to the containment sump during the recirculation phase of operation.

APPLICABILITY: MODES 1, 2 and 3.

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ACTION:

- a. With one ECCS subsystem inoperable, restore the inoperable subsystem to OPERABLE status within 72 hours or be in at least HOT STANDBY within the next 6 hours and in a least HOT SHUTDOWN within the following 6 hours."

Technical Specification 3.0.3 reads in part:

"When a Limiting Condition for Operation is not met, except as provided in the associated ACTION requirements, within one hour action shall be initiated to place the unit in a MODE in which the Specification does not apply by placing it, as applicable, in:

1. At least HOT STANDBY within the next 6 hours,
2. At least HOT SHUTDOWN within the following 6 hours, and
3. At least COLD SHUTDOWN within the subsequent 24 hours."

Contrary to the above requirements on April 6, 1984 at about 7:10 P.M. the inlet and outlet valves to the Boron Injection Tank (BIT) were closed and disabled by securing the electrical power to the valve operators. This action blocked and rendered inoperable the flow path between the centrifugal charging pumps and the reactor coolant system for both ECCS subsystems. The valves were returned to service at about 10:10 A.M. on April 7, 1984. The reactor was in Mode 3 at all times during this period.

This is a Severity Level III violation (Supplement I)
(Civil Penalty - \$50,000).

Pursuant to the provisions of 10 CFR 2.201, Pacific Gas and Electric Company is hereby required to submit to the Director, Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555, and a copy to the Regional Administrator, USNRC, Region V, within 30 days of the date of this Notice, a written statement or explanation, including: (1) admission or denial of the alleged violation; (2) the reasons for the violation if admitted; (3) the corrective steps which have been taken and the results achieved; (4) the corrective steps which will be taken to avoid further violations; and (5) the date when full compliance will be achieved. 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.

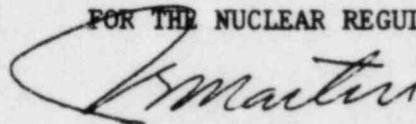
Within the same time as provided for the response required above under 10 CFR 2.201, Pacific Gas and Electric Company may pay the civil penalty in the amount of \$50,000 or may protest imposition of the civil penalty in whole or in part by a written answer. Should the Pacific Gas and Electric Company fail to answer within the time specified, the Director, Office of Inspection

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and Enforcement, will issue an order imposing the civil penalty in the amount proposed above. Should the Pacific Gas and Electric Company elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, such answer may: (1) deny the violation 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 in whole or in part, such answer may request remission or mitigation of the penalty. In requesting mitigation of the proposed penalty, the five factors contained in Section IV (B) of 10 CFR Part 2, Appendix C 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 by specific reference (e.g., giving page and paragraph numbers) to avoid repetition. The Pacific Gas and Electric Company's attention is directed to the other provisions of 10 CFR 2.201, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due, which has been subsequently determined in accordance with the applicable provision 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. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION



J. B. Martin
Regional Administrator

Dated at Walnut Creek, California
this 17 day of May 1984

Pacific Gas and Electric Company

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Distribution:

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 Misch
 5/14/84*

RV	RV <i>BJ</i>	RV <i>of</i>	IE:ES	ELD	ES:D	IE:DD	IE:D
MARTIN	BISHOP	A. JOHNSON	PFarron	JLieberman	JAxelrad	JTaylor	RDeYoung
5/ /84	5/14/84	5/11/84	5/ /84	5/ /84	5/ /84	5/ /84	5/ /84

*Shollenberger
 5/15/84
 G.*

Hq personnel have all concurred 5/14/84