

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTIES

Wisconsin Electric Power Company
Point Beach Nuclear Power Plant
Units 1 and 2

Docket No. 50-266; 50-301
License No. DPR-24; DPR-27
EA 91-149

During an NRC inspection conducted on October 1, 1991, through November 1, 1991, 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 (1991), the Nuclear Regulatory Commission proposes to impose civil penalties 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 associated civil penalties are set forth below:

1. Violations Associated with MSIV Reporting and Testing

- A. 10 CFR 50.72(b)(2) requires in part, that the licensee notify the NRC as soon as practical and in all cases within four hours of the occurrence of any event or condition that alone could have prevented the fulfillment of the safety function of a system that is needed to mitigate the consequences of an accident.

10 CFR 50.73(a)(2) requires in part, that the licensee submit a Licensee Event Report within 30 days after the discovery of any event or condition that could alone have prevented the fulfillment of the safety function of a system that is needed to mitigate the consequences of an accident.

Section 14.2.5.1 of the Point Beach Safety Analysis Report (SAR) states that the fast acting steam line isolation valves are designed to close in less than five seconds with low steam flow.

Contrary to the above, the licensee failed to adhere to these reporting requirements as evidenced by the following examples:

1. On September 29, 1991, at 9:30 a.m., Unit 2 main steam stop valves/MSIVs No. 2MS-2017 and 2MS-2018 failed to close under low steam flow conditions during reactor shutdown for major fuel reloading, and the licensee did not notify the NRC until the afternoon of September 30, 1991, a period in excess of four hours as required by 10 CFR 50.72 (b)(2). These failures alone could have prevented the fulfillment of a safety function of a system needed to mitigate the consequences of accidents described in the SAR.

2. On August 16, 1987, September 24, 1989, and October 6, 1990, Unit 2 MSIV No. 2MS-2017 failed to fully close under low steam flow conditions during reactor shutdown, and the licensee did not notify the NRC as soon as practical or within four hours as required by 10 CFR 50.72(b)(2), and the licensee did not submit a written report within 30 days after discovery as required by 10 CFR 50.73(a)(2). These MSIV failures alone could have prevented the fulfillment of a safety function needed to mitigate the consequences of accidents described in the SAR.
- B. 10 CFR Part 50, Appendix B, Criterion XI, Test Control, requires, in part, a test program be established to assure that all testing required to demonstrate that systems and components will perform satisfactorily in service is identified and performed in accordance with written test procedures which incorporate the requirements and acceptance limits contained in applicable design documents, that test program shall include operational tests of systems and components during nuclear power plant operation, and the test results shall be documented and evaluated to assure that test requirements have been satisfied.

Technical Specification 15.4.7 requires that the main steam stop valves (alternatively known as the main steam isolation valves, or MSIVs) shall be tested under low steam flow conditions during reactor shutdowns for major fuel reloading. Closure time of five seconds or less shall be verified.

Contrary to the above, as of September 29, 1991, Point Beach Procedure IT-280/285, "Inservice Testing of Main Steam Stop valves" did not demonstrate that the main steam stop valves (MSIVs) would perform satisfactorily in service due to pre-conditioning of the valves by other procedures. Specifically, Point Beach Procedure No. OP-13B, "Secondary System Shutdown," Revision 1, dated March 30, 1989, Paragraph 4.7 directed closure of the MSIVs without measuring the closure time and Point Beach Procedure No. OP-13A, "Secondary System Startup," Revision 40, dated October 3, 1990, Paragraph No. 4.5.5 directed the operator to cycle the MSIV prior to performing the Technical Specification surveillance test that measures valve closure time.

This is a Severity Level III problem (Supplement I).
Cumulative Civil Penalty - \$50,000 (assessed equally between the violations)

II. Violation Associated with Corrective Actions

10 CFR Part 50, Appendix B, Criterion XVI, Corrective Action, requires, in part, that measures be established to assure that conditions adverse to quality, such as failures and malfunctions, are promptly identified and corrected. In the case of significant conditions adverse to quality, the

measures shall also assure that the cause of the condition is determined, corrective action is taken to preclude repetition, and the cause of the condition and the corrective action are documented and reported to appropriate levels of management.

Section 14.2.5.1 of the Point Beach Safety Analysis Report states that the fast acting steam line isolation valves are designed to close in less than five seconds with low steam flow.

Contrary to the above, on August 16, 1987, September 24, 1989, and October 6, 1990, Unit 2 MSIV No. 2MS-1017 failed to function as described in Section 14.2.5.1 of the Safety Analysis Report, which is a significant condition adverse to quality, and the licensee did not adequately determine the cause of the failure or take adequate corrective action to preclude repetition. Specifically, on each of those occasions the MSIV failed to close with low steam flow and the licensee failed to determine the cause of the failure.

This is a Severity Level III violation (Supplement 1).
Civil Penalty - \$100,000.

Pursuant to the provisions of 10 CFR 2.201, the Wisconsin Electric Power Company (Licensee) is hereby required to submit a written statement of explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty (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, and if denied, the reasons why, (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 is achieved. If an adequate reply is not received within the time specified in this Notice, an order or a demand for information may be issued as to why the license should not be modified, suspended, or revoked or why such other actions 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 under 10 CFR 2.201, the Licensee may pay the civil penalties by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the cumulative amount of the civil penalties if more than one civil penalty is proposed, or may protest imposition of the civil penalties 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 penalties will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205

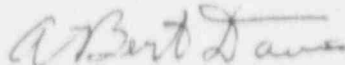
protesting the civil penalties, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalties should not be imposed. In addition to protesting the civil penalties in whole or in part, such answer may request remission or mitigation of the penalties.

In requesting mitigation of the proposed penalties, the factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1991), 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 civil penalties.

Upon failure to pay any civil penalties 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 penalties, 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 noted above (Reply to Notice of Violation, letter with payment of civil penalties, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137, at the Point Beach Nuclear Power Plant.

FOR THE NUCLEAR REGULATORY COMMISSION



A. Bert Davis
Regional Administrator

Dated at Glen Ellyn, Illinois
this 10th day of January 1992