

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Alabama Power Company
Farley Nuclear Plant
Unit 1

Docket No. 50-348
License No. NPF-2
91-102

During an NRC inspection conducted on July 23 - 24, 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 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 associated civil penalty are set forth below:

I. Violations Assessed a Civil Penalty

- A. Technical Specification 3.7.1.2 requires that at least three dependent steam generator auxiliary feedwater pumps and associated manual actuation switch in the control room and flow paths shall be OPERABLE with:

1. Two auxiliary feedwater pumps, each capable of being powered from separate emergency busses, and
2. One auxiliary feedwater pump capable of being powered from an OPERABLE steam supply system.

This is applicable in Modes 1, 2, and 3.

Technical Specification 3.0.4 prohibits entry into an operational mode unless the conditions of the Limiting Condition for Operations are met without reliance on the provisions of the ACTION requirement of the Technical Specification.

Contrary to the above on May 17, 1991, the recirculation bypass valve on the Unit 1 turbine driven auxiliary feedwater pump was placed in the open position which rendered the system flow path inoperable. On May 18, 1991, Unit 1 entered Mode 2, and on May 19, 1991, entered Mode 1 while the flowpath was inoperable.

- B. Technical Specification 6.8.1.1 requires that written procedures shall be established, implemented and maintained covering the applicable procedures in Appendix A, Regulatory Guide 1.33, Revision 2, February 1978. Appendix A includes administrative procedures that specify the authorities and responsibilities for safe operation or shutdown.

Administrative Procedure FNP-0-AP-16, Revision 21, Conduct of Operations - Operating Group, Section 6.4, requires the Shift Foreman Operations (SFO) to initiate a Limiting Condition for Operation (LCO) form for any LCO which cannot be met during his shift.

Contrary to the above, no LCO form was issued on valve AFW Q1N23V008 on May 17, 1991, when it was unlocked and placed in the opened position while performing 1-STP-256.184, Turbine Driven Auxiliary Feedwater Pump (TDAFWP) Response Time Test. Opening valve Q1N23V008 rendered the TDAFWP flowpath inoperable. As a consequence, the LCO for Technical Specification 3.7.1.2 was not met.

Violations A and B have been categorized in the aggregate as a Severity Level III problem (Supplement 1).

Civil Penalty - \$25,000 (assessed equally between both violations)

II. Violation Not Assessed a Civil Penalty

Technical Specification 6.8.1.1 requires that written procedures shall be established, implemented and maintained covering the applicable procedures in Appendix A, Regulatory Guide 1.33, Revision 2, February 1978. Appendix A includes procedures for surveillance and test activities of safety-related equipment.

Administrative Procedure FNP-0-SOP-0, Revision 30, General Instructions to Operations Personnel, Section 7.1.10, requires the operations shift supervisor to periodically audit the locked valve and key checkout sheets. Farley Site Operations Memorandum 82-05, dated July 8, 1982, requires this audit to be performed each Monday on night shift.

Contrary to the above, the review of the locked valve and key checkout sheets and the audit cover sheet required by FNP-0-SOP-0 was conducted on May 2, 1991, and not conducted again until May 21, 1991, which was 19 days later.

This is a Severity Level IV violation (Supplement 1).

Pursuant to the provisions of 10 CFR 2.201, Alabama Power 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 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 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 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 amount of the civil penalty proposed above, or the cumulative amount of the civil penalties if more than one civil penalty is proposed, 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 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 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 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 2.44 of the Act, 42 U.S.C. 2282c.

The response noted above (Reply to Notice of Violation, letter with payment of civil penalty, 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 II, and a copy to the NRC Resident Inspector at the Farley Nuclear Plant.

FOR THE NUCLEAR REGULATORY COMMISSION

*Original signed by
SDEbnetes/for*

Stewart D. Ebnetter
Regional Administrator

Dated at Atlanta, Georgia
this 23rd day of September 1991