

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

TU Electric  
Comanche Peak Steam Electric Station

Docket No. 50-445  
License No. NPF-87  
EA 91-189

During an NRC inspection conducted October 30 - December 19, 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. Violation Assessed a Civil Penalty

CPSES Technical Specification 6.8.1 states, in part, that written procedures shall be established, implemented and maintained, covering the applicable procedures recommended in Appendix A of Regulatory Guide 1.33, Revision 2, dated February 1978.

Appendix A of Regulatory Guide 1.33, Revision 2, February 1978, recommends the establishment of general plant operating procedures, including procedures covering "Cold Shutdown to Hot Standby."

CPSES Unit 1 Integrating Plant Operating Procedure IPO-001A, Revision 10, "Plant Heatup From Cold Shutdown to Hot Standby," established by the licensee in accordance with the requirements of Technical Specification 6.8.1., requires in Section 5.3.5 that, prior to exceeding 350 degrees F in the reactor coolant system (RCS) (entry into Mode 3), the residual heat removal (RHR) system be shut down and placed in standby readiness per SOP-102A, "Residual Heat Removal System."

CPSES System Operating Procedure SOP-102A, Revision 6, requires in Section 5.3, "Placing the RHR in Standby Readiness," that CPSES verify that the prerequisites in Section 2.3 are met.

Section 2.3 of SOP-102A, Revision 6, requires, in part, that the control switch lineup per Attachment 2 is complete.

Attachment 2 of SOP-102A, Revision 6, "Control Switch Lineup Sheet - Standby Readiness," requires, in part, that the control switches for RHR Train A and B crosstie valves 8716-A and 8716-B are verified to be in the open position.

Contrary to the above, on December 4, 1991, the licensee placed CPSES Unit 1 in Mode 3, continued reactor coolant system heatup above 350 degrees F, and did not verify that the control switches for RHR Train A and B crosstie valves 8716-A and 8716-B were in the open position. On

December 6, 1991, these control switches (and their associated valves) were discovered by licensee personnel to be in the closed position.

This is a Severity Level III violation (Supplement I).  
Civil Penalty - \$25,000

II. Violations Not Assessed a Civil Penalty

- A. CPSES Technical Specification 3.7.1.2 requires, in part, at least three independent steam generator auxiliary feedwater pumps and associated flow paths to be operable in Modes 1, 2 and 3, with one steam turbine-driven auxiliary feedwater pump capable of being powered from two operable steam supplies. With one auxiliary feedwater pump inoperable, Technical Specification 3.7.1.2 requires, in part, that the required auxiliary feedwater pump be restored to operable within 72 hours or be in at least hot standby within the next 6 hours and in hot shutdown within the following 6 hours.

CPSES Technical Specification 3.0.4 states, in part, that entry into an operational mode or other specified condition shall not be made when the conditions for the Limiting Condition for Operation are not met and the associated action requires a shutdown if they are not met within a specified time interval.

Contrary to the above, on December 4, 1991, CPSES Unit 1 entered Mode 3 with the steam turbine-driven auxiliary feedwater pump in an inoperable condition in that the control room handswitches for the valves in each of the two steam supply lines to the turbine were in the "pull out" position. In this condition, the valves would not have opened in response to automatic signals to initiate auxiliary feedwater flow. This condition existed until discovered by licensee personnel 47 minutes after entry into Mode 3.

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

- B. CPSES Technical Specification 6.8.1 states, in part, that written procedures shall be established, implemented and maintained, covering the applicable procedures recommended in Appendix A of Regulatory Guide 1.33, Revision 2, dated February 1978.

Appendix A of Regulatory Guide 1.33, Revision 2, February 1978, recommends the establishment of administrative procedures.

CPSES Procedure ODA-308, "LCO Tracking Program," developed in accordance with Technical Specification 6.8.1, prescribes controls and documentation requirements for controlling entries into Technical Specification limiting condition for operation action statements.

Section 6.4.3 of Procedure ODA-308 states, in part, that a LCOAR (Limiting Condition for Operation Action Requirement form) shall be initiated when it is determined that a system configuration impacts the operability of any system which is Technical Specification related. Contrary to the above, on December 5, 1991, with CPSES Unit 1 in Mode 3, the licensee manually isolated the steam supply lines to the steam turbine-driven auxiliary feedwater pump, a configuration which impacted the operability of the steam turbine-driven auxiliary feedwater pump and which placed the unit in a limiting condition for operation action statement, and the licensee did not complete an Active LCOAR Form.

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

Pursuant to the provisions of 10 CFR 2.201, TU Electric (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, the Commission may issue an order or a demand for information as to 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 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 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 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 2.701, 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 234(c) of the Act, 42 U.S.C. 2282c.

The responses 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 IV, and a copy to the NRC Resident Inspector at Comanche Peak.

Dated at Arlington, Texas  
this 18th day of February 1992