

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Wolf Creek Nuclear Operating Corp.
Wolf Creek Nuclear Generating Station

Docket No. 50-482
License No. NPF-42
EA 91-161

During an NRC inspection conducted November 4-8, 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

10 CFR Part 50, Appendix B, Criterion XVI, states, in part, that measures shall be established to assure that conditions adverse to quality are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition. The identification of the significant condition adverse to quality, the cause of the condition, and the corrective action taken shall be documented and reported to appropriate levels of management.

Contrary to the above, in the following instances, the licensee did not take prompt corrective action regarding significant conditions adverse to quality:

- A. In February 1991, the licensee did not take prompt corrective action in response to analyses indicating a significant condition adverse to quality. Specifically, a work request identified five motor-operated valves (MOVs) in safety-related applications that might not be capable of performing their safety functions based on minimum voltage assumptions. In November 1991 and January 1992, upon further review of the same deficiencies, the licensee determined that the motor operators for four of these five valves, EMHV-8807A, EMHV-8807B, EMHV-8923A and EMHV-8923B, valves associated with the safety injection system, were incapable of operating their associated valves under design basis conditions.
- B. In May 1991, the licensee did not take prompt corrective action in response to a contractor-performed audit that identified a number of significant deficiencies in WCNOG's safety-related MOV testing and surveillance program. These deficiencies included: the need to establish acceptance criteria for the diagnostic testing being performed on MOVs; the need to establish how deficiencies would be identified, documented, and resolved with a root cause analysis; and the need to establish methods to prove and justify the operability of MOVs. In November 1991, NRC's review of the same program found that the deficiencies had not been corrected.

Collectively, this is a Severity Level III problem (Supplement I).
Cumulative Civil Penalty - \$150,000 (assessed equally between Violations I.A and I.B)

II. Violations Not Assessed a Civil Penalty

10 CFR Part 50, Appendix B, Criterion XVI, states, in part, that measures shall be established to assure that conditions adverse to quality are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition. The identification of the significant condition adverse to quality, the cause of the condition, and the corrective action taken shall be documented and reported to appropriate levels of management.

Contrary to the above, in the following examples, the licensee did not promptly correct conditions adverse to quality:

- A. In October 1991, the licensee did not take corrective action to assure that a significant condition adverse to quality did not exist with respect to a safety-related MOV (BBHV-8000B) that had been subjected to several times its maximum calculated thrust. Until prompted by NRC in November 1991, WCNOC took no action to assure that no damage had occurred.

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

- B. In November 1991, the licensee did not take corrective action to determine the cause of an apparent failure of a safety-related MOV (EGHV-61) to close completely when remotely operated. Until prompted by NRC later in November 1991, WCNOC took no action to examine the MOV.

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

Pursuant to the provisions of 10 CFR 2.201, WCNOC (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 or demand for information may be issued 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 a firmation.

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 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 2.201, 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 234c 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 IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas, 76011, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice.

Dated at Arlington, Texas
this 20th day of February 1992