

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

TU Electric
Comanche Peak Steam
Electric Station

Docket Nos. 50-445 and 50-446
License No. NPF-87
Construction Permit No. CPPR-127
EA 92-107

During an NRC inspection conducted May 15-29, 1992, 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, 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:

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

Appendix A of Regulatory Guide 1.33, Revision 2, February 1978, recommends: (1) the establishment of administrative procedures, including procedures covering "Procedure Adherence and Temporary Change Method"; (2) the establishment of procedures for startup, operation, and shutdown of safety-related PWR systems, including procedures covering "Fuel Storage Pool Purification and Cooling System"; and (3) the establishment of administrative procedures, including procedures covering "Equipment Control (e.g., locking and tagging)."

1. CPSES Operations Department Administrative procedure ODA-407, Revision 3, "Guideline on Use of Procedures," established by the licensee in accordance with the requirements of Technical Specification 6.8.1, in section 6.1.1 states, in part, "Operations personnel are responsible for ensuring that all systems and equipment are operated in accordance with Technical Specifications and within the guidelines of approved procedures."
- a. Section 6.1.6 of ODA-407, Revision 3, requires, in part, that operators shall stop task in progress and immediately notify the Shift Supervisor upon discovery of a procedure error or inadequacy. Section 6.2.1.1 of ODA-407, Revision 3, states, in part, "Prior to initial use of any procedure the Prerequisites (Initial) Conditions shall be verified."

Contrary to the above, on May 11, 1992, at about 11:18 p.m., the auxiliary building auxiliary operator failed to stop the task in progress and notify the Shift Supervisor of an apparent procedure error or inadequacy. Specifically, twice during an attempt to use Procedure SOP-506 to establish

spent fuel pool flow through Heat Exchanger X-02, the auxiliary operator started the pump but got no flow because valves were in the wrong position.

- b. Section 6.2.1.6 of ODA-407, Revision 3, states, in part, "If a condition or situation exists which is not addressed by procedure Concurrency of the Shift, Unit, or Radwaste Supervisor should be obtained prior to performing the evolution. The actions taken to respond to the condition or situation shall be logged in the Unit Log."

Contrary to the above, on May 11, 1992, at about 11:20 p.m., after failing to identify an existing procedure for establishing component cooling water flow through Heat Exchanger X-02, the BOP reactor operator attempted to achieve a system configuration, using system piping & instrumentation diagrams, without obtaining the concurrence of the Unit or Shift Supervisor. Further, he failed to log the actions taken to respond to the situation.

2. CPSES System Operating Procedure SOP-506, Revision 5, "Spent Fuel Pool Cooling and Cleanup System", was established by the licensee in accordance with the requirements of Technical Specification 6.8.1.

- a. Section 5.1.13, Cooling Unit 1 SFP with SFP Cooling Water Pump X-01 and Heat Exchanger X-02, step A. of SOP-506, Revision 5, states "Ensure all prerequisites in Section 2.1 are met." Section 2.1 states, in part, "The Component Cooling Water System is available to supply cooling water to the SFP Heat Exchanger, as required."

Contrary to the above, on May 11, 1992, at 10:30 pm, operators failed to ensure component cooling water was available to Heat Exchanger X-02 as required by Step A. of Section 5.1.13 of System Operating Procedure SOP-506, Revision 5.

- b. Section 5.1.14, Securing from the Use of SFP Cooling Water Pump X-02 and SFP Heat Exchanger X-02 [sic] on Unit 1 SFP, step E. of SOP-506, Revision 5, states, in part, "Open the following valves: . . . XSF-0008, SFP HX X-02 IN VLV; XSF-0005, SFP CLG WTR PMP X-01 DISCH VLV."

Contrary to the above, on May 11, 1992, at about 10 p.m., the auxiliary building auxiliary operator failed to open Valves XSF-0008 and XSF-0005 while performing Section 5.1.14 of System Operating Procedure SOP-506, Revision 5.

- c. Section 5.1.15, Securing from the Use of SFP Cooling Water Pump X-01 and SFP Heat Exchanger X-02 on Unit 1 SFP, step C. of SOP-506, Revision 5, states, "Close and lock XSF-0011-RO, SFP HX X-01/X-02 IN XTIE VLV RMT OPER." In the margin to the left of this step is the symbol "[IV]".

Section 6.2.1.8 of ODA-407, Revision 3, states, in part, "When procedure steps requiring Independent Verification have the symbol "[IV]" adjacent to the step, documentation of this step is required. The verification shall be documented in either the procedure if space for initials is provided AND the procedure is retained . . . or on the Independent Verification Log Sheet (STA-694-1) when the procedure is not retained"

Contrary to the above, on May 13, 1992, between 6 p.m. and midnight, while performing System Operating Procedure SOP-506 Revision 5, operators failed to lock and have the closure of Valve XSF-0011-RO independently verified as required by SOP-506, Revision 5 and ODA-407, Revision 3.

- 3. CPSES Station Administrative procedure STA-605, Revision 10, "Clearance and Safety Tagging," established by the licensee in accordance with the requirements of Technical Specification 6.8.1, in section 6.1.1, states, in part, "A clearance is required: Any time a component must remain "out-of-service" to afford personnel or equipment protection."

CPSES Clearance Report (STA-605-18) No. X-92-01140, special instructions state, "Ensure SFP Cooling Pump 01 is not in service prior to hanging tags."

Contrary to the above, on May 11, 1992, at about 9:30 p.m., operators failed to comply with the requirements of Clearance Report No. X-92-01140 in that Pump X-01 remained in service while the tags were being hung.

- 4. Section 6.4.1 of Station Administrative Procedure STA-605, Revision 10, "Clearance and Safety Tagging," requires the qualified operator serving as the clearance preparer to review the Impact Sheet against applicable approved station drawings, design modifications, and procedures. Section 6.4.2 of this procedure requires the licensed operator serving as the clearance reviewer to review the Impact Sheet for completeness and accuracy. Section 6.5.1 of this procedure requires the senior licensed operator serving as the clearance screener to review the Impact Sheet and Clearance Report for impact on plant equipment.

Contrary to the above, the licensee did not perform an adequate impact review, including the preparation, review, and screening of Clearance X-92-01140 for Work Order C92-1074 which took Flow Element X-FE-4848A out of service on May 12, 1992. The impact review did not identify the need to use Unit 2 component cooling water to provide cooling to the X-02 spent fuel pool heat exchanger while the X-01 heat exchanger was out of service due to the flow element maintenance.

- B. 10 CFR 50.59 states in part that the holder of a license authorizing operation of a facility may (i) make changes in the facility as described in the safety analysis report . . . without prior Commission approval, unless the proposed change . . . involves a change in the technical specifications incorporated in the license or an unreviewed safety question.

10 CFR 50.59(b)(1) states, in part, that the licensee shall maintain records of changes in the facility to the extent that these changes constitute changes to the facility as described in the safety analysis report, and that these records must include a written safety evaluation which provides the basis for the determination that the change does not involve an unreviewed safety question.

The Final Safety Analysis Report, Figure 9.2-3, sheet 6, depicts Component Cooling Water (CCW) Valves X-HV-4649 and 2CC-0312 as LC-2. FSAR Figure 3.2.1, defines the LC-2 designation as locked closed during Unit 2 construction to serve as the Unit 1/Unit 2 cross tie isolation point.

Contrary to the above, on May 13, 1992 in accordance with Procedure ODA-403 which allowed for deviation of valves designated as LC-2 at the discretion of the shift supervisor and Procedure SOP-502B, Revision 1 which authorized manipulation of valves X-HV-4649 and 2-CC-0312, the licensee made a change to the facility as described in the final safety analysis report by providing cooling to Spent Fuel Cooling Heat Exchanger HX-02 with Unit 2 CCW by opening valves X-HV-4649 and 2-CC-0312 without having made the determination that such actions did not constitute an unreviewed safety question.

- C. 10 CFR Part 50, Appendix B, Criterion III requires, in part, that measures be established to assure that applicable regulatory requirements and the design basis, as defined in 50.2 and as specified in the license application, for those structures, systems, and components to which this appendix applies are correctly translated into specifications, drawings, procedures and instructions.

Contrary to the above, the licensee failed to translate the design criteria of Design Modification 91-076, which physically isolated Unit 1

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CCW from Spent Fuel Pool Cooling Heat Exchanger X-02, into operational procedures in that:

1. Procedure SOP 502A, "Component Cooling Water (CCW), Unit 1" was not revised to provide instructions for the reversal of the installed spectacle flanges as required to ensure the redundancy requirements as specified in FSAR 9.1.3.3 could be met.
 2. Procedure ALM-032A of the Alarm Procedures Manual was not revised to reflect the design modification change condition which would prohibit Unit 1 CCW from serving heat exchanger HX-02 and Unit 2 CCW from serving heat exchanger HX-01.
- D. Technical Specification 6.8.1 requires that written procedures shall be established, implemented, and maintained covering the applicable procedures recommended in Appendix A of Regulatory Guide 1.33, Revision 2, February 1978.

Procedures SOP-506, "Spent Fuel Pool Cooling and Cleanup System" and Alarm Response Procedure ALM-0032A, had been established by the licensee in accordance with this Technical Specification.

Contrary to the above, as of May 13, 1992, the licensee did not adequately maintain the above referenced procedures. Specifically:

1. Section 5.1.9 of Procedure SOP-506 incorrectly referenced Procedure SOP-502A, the Unit 1 Component Cooling Water system operating procedure, and this error misled the reactor operator and contributed to a loss of cooling to Spent Fuel Pool Cooling Heat Exchanger X-02 on May 11, 1992.
 2. An incorrect and unapproved version of a change to Alarm Response Procedure ALM-0032A, Section 2.8, was inserted into the control room binder on May 16, 1992.
- E. 10 CFR 55.59(c)(3)(iii) requires the operator requalification program to include on-the-job training so that, "Each licensed operator is cognizant of facility design changes, procedure changes, and facility changes."

Technical Specification 6.4, states, in part, "A retraining and replacement training program for the unit staff shall be maintained" Training Procedure TRA-202, Revision 5, "Auxiliary Operator Training" and Procedure TRA-204, Revision 6, "Licensed Operator Requalification Training Program" were found to implement the requirements of Technical Specification 6.4.

Section 6.2.1 of Procedure TRA-204, Revision 6 states "The requalification program shall ensure licensed personnel are informed of

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changes to plant procedures, modifications to plant design, facility license changes, and relevant industry or facility operating experience."

Section 6.2.1 of Procedure TRA-202, Revision 5, states, in part, "Continuing training shall occur as a part of Auxiliary Operator Training; however, this period shall be adjusted to ensure that all personnel are informed of changes . . . in a timely manner." It further states, in part, that "Types of changes which may affect job/task performance or plant operation may include . . . plant modifications and procedure changes."

Contrary to the above, the licensed and auxiliary operators did not receive requalification or continuing training with respect to Design Modification (DM) 91-076 which isolated Unit 1 component cooling water to Spent Fuel Pool Cooling Heat Exchanger X-02.

- F. 10 CFR Part 50, Appendix B, Criterion XVI, states, in part, "Measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected."

Procedure STA-421, Revision 2, "Operations Notification and Evaluation (ONE) Form," requires actual or potential adverse conditions be documented using the ONE form process. Additionally, Procedure STA-422, Revision 5, "Processing of Operations Notification and Evaluation (ONE) Forms," Section 6.1.1, states, in part, "Any individual discovering an actual or potential adverse condition shall identify the condition in accordance with STA-421"

Procedure STA-606, Revision 17, "Work Requests and Work Orders," specifies work order priorities to be assigned on work orders. Priority 13 is used for maintaining plant reliability, safety issues, and longer term Technical Specifications Action Statements.

Contrary to the above, on May 11, 1992, spent fuel pool pump X-02 experienced a failed motor bearing and the required ONE form was not initiated until May 20, 1992, and the work to repair the motor bearing was assigned Priority 22 in lieu of the required 13.

Collectively, this is a Severity Level III problem (Supplement I).
Cumulative Civil Penalty - \$125,000 (assessed equally among the 12 violations).

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, 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 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 VI.B.2 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 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. 2282 (c).

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, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, and a copy to the Resident Inspector at the Comanche Peak Steam Electric Station.

Dated at Arlington, Texas
this 23rd day of July 1992