

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of
WOLF CREEK NUCLEAR OPERATING
CORPORATION
Wolf Creek Generating Station

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Docket No. 50-482
License No. NPF-42
EA 87-213

ORDER IMPOSING CIVIL MONETARY PENALTY

I

Wolf Creek Nuclear Operating Corporation (licensee) is the holder of Operating License No. NPF-42 (license) issued by the Nuclear Regulatory Commission (NRC/Commission) on June 4, 1985. The license authorizes the licensee to operate the Wolf Creek Generating Station in accordance with the conditions specified therein.

II

Three safety inspections of the licensee's activities were conducted during the period from October 1 through November 18, 1987. The results of these inspections indicated that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty was served upon the licensee by letter dated March 17, 1988. The Notice stated the nature of the violations, the provisions of the NRC's requirements that the licensee had violated, and the amount of the civil penalty proposed for the violations. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty by letter dated April 14, 1988. In the licensee's response, the violations were admitted, but the licensee considered escalation of the base civil penalty to be inappropriate.

III

After consideration of the licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the Deputy Executive Director for Regional Operations has determined, as set forth in the Appendix to this Order, that an inadequate basis was provided for mitigation of the proposed penalty and that the penalty proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalty should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, IT IS HEREBY ORDERED THAT:

The licensee pay a civil penalty in the amount of One Hundred Thousand Dollars (\$100,000) within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555.

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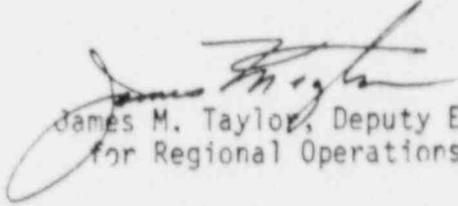
The licensee may request a hearing within 30 days of the date of this Order. A request for a hearing should be clearly marked as a "Request for an Enforcement

Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Assistant General Counsel for Enforcement, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20546, the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, and the NRC resident inspector at Wolf Creek Generating Station.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issue to be considered at such hearing shall be whether, on the basis of the violations set forth in the Notice of Violation and Proposed Imposition of Civil Penalty referenced in Section II above, this Order should be sustained.

FOR THE NUCLEAR REGULATORY COMMISSION


James M. Taylor, Deputy Executive Director
for Regional Operations

Dated at Rockville, Maryland,
this 28th day of July 1988.

APPENDIX

EVALUATIONS AND CONCLUSIONS

On March 17, 1988, a Notice of Violation and Proposed Imposition of Civil Penalty (NOV) was issued to Wolf Creek Nuclear Operating Corporation (WCNOC), licensee. On April 14, 1988, the licensee responded to the NOV. In its response, the licensee did not deny any of the violations, which were classified in the aggregate as a Severity Level III problem, but did request a reduction in the amount of the civil penalty. The NRC's evaluation and conclusions regarding the licensee's response are as follows:

I. Responsible Party

A. Failure To Follow Procedures

10 CFR Part 50, Appendix B, Criterion V, requires, in part, that activities affecting quality be prescribed by documented instructions, procedures, or drawings. The activities shall be accomplished in accordance with these instructions, procedures, or drawings.

1. Procedure MPE E 009Q-01, Revision 0, "13.8KV and 4.16KV Switchgear Inspection and Testing" establishes the requirements for accomplishing maintenance work in the NB02 switchgear when terminals in the NB02 switchgear are energized.

Step 6.1 of Procedure MPE E 009Q-01, Revision 0 states, "Check the electrical drawings and identify any area(s) which will have high voltage potential present even when the bus is grounded. List the areas on the Attachment "A" sign-off sheet."

Step 6.3.9.5 of Procedure MPE E-009Q-01, Revision 0 states, "Clean the insulator and high voltage connection in each tube. Check the insulators for cracks and the rosettes for damaged fingers."

Step 6.4.3 of Procedure MPE E 009Q-01, Revision 0 states "Using the high voltage gloves and tester, check the stationary disconnects for high voltage potential. If no potential is found, check that the high voltage connections are discharged."

Contrary to the above, on October 14, 1987, Procedure MPE E 009Q-01 was not followed in that: (1) Cubicle NB0209 feeder from Cubicle XNB02 was not identified as an area that had a high voltage potential present and therefore was not listed in Attachment "A" sign-off sheet as required by Step 6.1 of Procedure MPE Q 009Q-01, Revision 0; (2) Step 6.3.9.5 of the Procedure MPE E 009Q-01, Revision 0, had been signed off for cleaning the insulators and checking the insulators for cracks and the rosettes for damaged fingers as completed; however, had the insulator been actually cleaned, the person performing this step would have encountered it energized and would have been unable to perform the required cleaning, and (3) the

electrician failed to check the stationary disconnects for high voltage potential to ensure that the high voltage connections were discharged as required by Step 6.4.3 of Procedure MPE E 009Q-01, Revision 0.

2. Procedure 10-3, Revision 2, "Sluicing Media from Duratek EVP System" describes the methods to sluice resin from the Duratek System to a disposal container.

Contrary to the above, on October 10, 1987, two contract workers failed to follow the methods described in Procedure 10-3, Revision 2, when they physically "opened" a clogged pipe resulting in the contamination of the individuals themselves and the surrounding area.

3. Procedure ADM 03-101, Revision 9, "Radiation Work Permit Program," requires that a radiation work permit (RWP) be issued for all entries into the radiological controlled area (RCA). For work activities to be performed in the RCA, Radiation Work Permit (RWP) 870017 required that a continuous air sample be drawn during the work.

Contrary to the above, on October 10, 1987, a continuous air sample was not drawn as required by Procedure ADM 03-101, Revision 9 while work activities were being performed in the RCA, so that any potential airborne contamination that may have existed in the area would not have been detected.

4. Procedure ADM 03-202, Revision 4, "Radiological Control and Unconditional Release of Tools and Equipment," in Step 4.1.1 states, "All items prior to leaving the RCA, will be surveyed for loose contamination and for fixed contamination . . ." and "will be verified to have no . . . contamination."

Contrary to the above, the licensee failed to comply with Procedure ADM 03-202, Revision 4, on November 9, 1987, in that it released radioactive material to the Coffey County Landfill that was neither surveyed for loose and fixed contamination, nor was the material verified to have no contamination.

5. Procedure ADM 01-057, Revision 12, "Work Request" establishes the use of the Work Request to document and control work activities involving Safety Related items.

- a. Work Request (WR) 05013-86 required the documentation of the hydrostatic test manifold relief valve setting for the hydrostatic test of Spool Piece EF05-S050.

Contrary to the above, as of November 13, 1987, the hydrostatic test manifold relief valve setting for the hydrostatic test of Spool Piece EF05-S050 (pursuant to WR 05013-86) had not been documented.

- b. WR 02827-87, Step 5.0, required the quality control verification of the installation of an air dam bag downstream of Valve EF V-058 on pipe 080-UBC-24.

Contrary to the above, as of November 2, 1987, the quality control verification of the installation of an air dam bag downstream of Valve EF V-058 on pipe 080-UBC-24 (pursuant to WR 02827-87) had not been performed.

6. 10 CFR Part 50, Appendix B, Criterion IX, requires, in part, that measures be established to assure that special processes, including welding, be controlled and accomplished by qualified personnel using qualified procedures in accordance with applicable codes, standards, specifications, criteria, and other special requirements.

- a. Procedure ADM 08-302, Revision 4, "Wolf Creek Generating Station Control of Welding Filler Material," Step 6.2.4, requires that each welder have in his possession only that type and classification of weld filler material authorized on the Field Welding Material Requisition.

Contrary to the above, twice on November 5 and once on November 6, 1987, welders were issued and used material different from what was authorized on the Field Welding Material Requisition.

- b. Quality Control Procedure QCI 12.1-601, Revision 2, "Inspection of ASME/ANSI Welds," requires that the quality control inspector verify that the weld filler material is as specified.

Contrary to the above, on November 5, 1987, a quality control inspector mistakenly verified the wrong material as being the correct material, thereby resulting in the use of improper weld filler metal in three instances for Field Welding Material Requisitions 9443, 9446, and 9448.

- c. Procedure ADM 08-302, Revision 4, Step 6.2.1, requires that shielded metal arc welds be performed by welders who are qualified to perform shielded metal arc welds.

Contrary to the above, on November 12, 1987, during the performance of Plant Modification Request PMR-2116, a welder performed a shielded metal arc weld that he was not qualified to perform.

B. Failure To Have Appropriate Procedures

10 CFR Part 50, Appendix B, Criterion V, requires, in part, that activities affecting quality be prescribed by documented instruction, procedures, or drawings of a type appropriate to the circumstances.

1. Procedure GEN 00-007, Revision 8, "RCS Draindown," used to purge hydrogen from the Reactor Coolant System (RCS) and pressurizer, in Step 4.3.4, states, in part, "Commence raising pressurizer level towards 100 percent on BB LI-462, pressurizer level cold calibration, carefully observing reactor coolant system pressure."

Contrary to the above, on October 14, 1987, the licensee experienced an inadvertent ignition of hydrogen in the pressurizer because Procedure GEN 00-007, Revision 8 was not appropriate to ensure that all the hydrogen was purged out of the pressurizer. The upper taps for the level instrumentation are approximately 3 feet below the top of the pressurizer. Therefore, even though the instruments (BB LI-462) indicated 100 percent as required by the procedure, the pressurizer still had a vapor space with enough hydrogen present to support a burn.

2. Procedure ADM 13-101, Revision 4, "Control of Ignition Sources," requires verification that the pressurizer be purged of flammable material.

Contrary to the above, on October 14, 1987, the licensee experienced an inadvertent ignition of hydrogen in the pressurizer because Procedure ADM 13-101, Revision 4 was not appropriate in that it failed to require that a sample be taken to confirm that the pressurizer had been purged of flammable material.

3. Procedure SYS NG-331, Revision 5, "Deenergization of 480 Volt (Class 1E) Bus(es)" provides instructions necessary to deenergize the 480 Volt (Class 1E) load centers and/or transformers.

Contrary to the above, on October 15, 1987, when the 4.16KV Bus NBO2 was taken out of service for routine maintenance, the normal power supplied to the 125 V DC Buses NK02 and NK04 was deenergized and the loads were then transferred and placed upon Battery Banks NK12 and NK14, respectively. While Procedure SYS N6-331 provided instructions to deenergize the 480 Volt (Class 1E) load centers, the procedure was inadequate in that no instructions existed to guide personnel in calculating the length of time the batteries could carry the electrical loads and in determining the battery attributes which should have been periodically checked.

4. Procedure STS IC-725B, Revision 1, "7300 Process and N.I. Response Time Test (2/4 Logic) Protection Set II," establishes the requirements for testing of response times of the Analog Channels that generate certain Reactor Trip and Engineered Safeguard Feature functions. Licensee Technical Specification (TS) 3.9.2 requires, in part, "As a minimum, two source range neutron flux monitors shall be operable . . ." and "With one of the above required monitors inoperable or not operating, immediately suspend all operations involving core alterations...."

Contrary to the above, on November 7, 1987, while making core alterations, the licensee performed Procedure STC IC-725B. Procedure STS IC-725B specified that both source ranges be deenergized; however, the TS required that both source range neutron flux monitors were to be operable. Thus, the procedure was not adequate to ensure TS requirements were satisfied during all modes of plant operation.

Collectively, these violations have been categorized in the aggregate as a Severity Level III problem (Supplement I).

Cumulative Civil Penalty - \$100,000 (assessed equally between the violations).

II. Summary of Licensee Response

The licensee, in its response, does not deny any of the violations. However, the licensee does request a reduction in the civil penalty amount and states that escalation of the base civil penalty is considered inappropriate based on the following reasons.

- A. WCNOG believes the NRC statement relative to the lack of corrective actions prior to October 21, 1987, is not supported by the record in that a self-initiated work stoppage was imposed and several actions were immediately initiated. Therefore, it is inappropriate to increase the base civil penalty amount.
- B. WCNOG believes that it was inappropriate to use the number of violations as a reason for both the escalation of the severity level classification and as justification for increasing the amount of the base civil penalty.
- C. WCNOG believes that it is important to note that the incidents all occurred while the plant was in a cold shutdown status and none of the incidents posed a threat to the health and safety of the public. In addition, essentially all of the problems were self-identified and the corrective actions taken by WCNOG were self-initiated and reported.

WCNOG requests that the NRC reduce the proposed civil penalty to the base amount of \$50,000.

III. NRC Evaluation of Licensee Response

The NRC staff has carefully reviewed the licensee's response and has concluded that the licensee has not provided any information that was not previously considered in determining the amount of the proposed civil penalty. With respect to the corrective actions taken by WCNOG prior to October 21, 1987, the NRC does not consider the self-initiated work stoppage and associated actions sufficient to satisfy all of the elements expected in a good corrective action program. The immediate actions taken by the licensee were viewed to be that expected of a licensee in response to significant outage problems. However, the NRC was concerned that management's

oversight of the evaluation of the root cause of problems had not been investigated fully and therefore on balance neither escalation nor mitigation was deemed appropriate for corrective actions.

The licensee, in its response, implies that these various procedural violations were individually characterized at a lower severity level, aggregated into a Severity Level III problem, and then the number of violations used to increase the civil penalty amount. These violations were evaluated in the aggregate and found to represent a significant weakness in the licensee's management controls and oversight of safety-related activities. In accordance with the Enforcement Policy, they were characterized as one Severity Level III problem. Contrary to the licensee's assertion, multiple examples may appropriately be considered in both aggregating violations for purposes of determining the severity level of a problem and in determining whether a civil penalty should be increased. This is especially true in this case where aggregation of the violations to a Severity level III problem would have been appropriate based on far fewer examples than set forth in the Notice. In addition, there were multiple examples of significant procedural deficiencies in areas including electrical equipment operations and maintenance, radiation safety/health physics, disposal of contaminated materials, and control of welding processes, several of which might, in themselves, be argued to be Severity Level III violations. Increasing the base civil penalty was warranted based on the added significance of the management issue with the numerous examples of the failure to adhere to or have appropriate procedures.

Although the NRC recognizes that these violations occurred during the refueling outage, the violations represented significant weaknesses in the licensee's procedures for administrative and management controls and were cause for significant regulatory concern. The nature and extent of the enforcement action proposed was intended to reflect the seriousness of the violations involved.

The licensee also asserts in its response that essentially all of the problems were self-identified. The NRC staff notes that these violations were the results of events which occurred during the 1987 outage and that in many of these events (i.e., maintenance of electrical switchgear while being inadvertently energized, contamination of contract technicians, hydrogen burn in the pressurizer, and lake water entry into the steam generators) there was minimal involvement of the licensee in identifying the violations. The NRC staff considers the ease of discovery among other factors when evaluating this factor. These were not cases identified as a result of the licensee's initiatives. Therefore, the NRC staff considers it inappropriate to mitigate the base civil penalty on the basis of identification of such clear and easily discovered violations.

IV. NRC Conclusion

An adequate basis for mitigation of the proposed civil penalty has not been provided. Therefore, the NRC concludes that a \$100,000 civil penalty should be imposed.

JUL 28 1988

Wolf Creek Nuclear Operating Corporation

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