

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of

SOUTH CAROLINA ELECTRIC AND GAS COMPANY }
(V. C. Summer) }
} Docket No. 50-395
} License No. NPF-12
} EA 86-45

ORDER IMPOSING CIVIL MONETARY PENALTY

I

South Carolina Electric and Gas Company (the licensee) is the holder of Operating License No. NPF-12 (the license) issued by the Nuclear Regulatory Commission (the NRC or Commission) on August 6, 1982. The license authorizes the licensee to operate the V. C. Summer facility in accordance with conditions specified therein.

II

A safety inspection of the licensee's activities under the license was conducted by the NRC on February 1-28, 1986. As a result of this inspection, it appeared 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 (Notice) was served upon the licensee by letter dated April 15, 1986. 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 by letters dated May 15 and 23, 1986.

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III

Upon consideration of the licensee's responses and the statements of fact, explanation, and argument for reduction of the severity level for Violation I and for mitigation or remission of the proposed civil penalty contained therein, as set forth in the Appendix to this Order, the Director, Office of Inspection and Enforcement, has determined that the violations occurred as stated, that the Severity Level III categorization was appropriate, and that the civil penalty proposed for Violation I 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 (42 USC 2282, PL 96-295), and 10 CFR 2.205, IT IS HEREBY ORDERED THAT:

The licensee pay a civil penalty in the amount of Fifty Thousand Dollars (\$50,000) within thirty 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 Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

III

Upon consideration of the licensee's responses and the statements of fact, explanation, and argument for reduction of the severity level for Violation I and for mitigation or remission of the proposed civil penalty contained therein, as set forth in the Appendix to this Order, the Director, Office of Inspection and Enforcement, has determined that the violations occurred as stated, that the Severity Level III categorization was appropriate, and that the civil penalty proposed for Violation I 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 (42 USC 2282, PL 96-295), and 10 CFR 2.205, IT IS HEREBY ORDERED THAT:

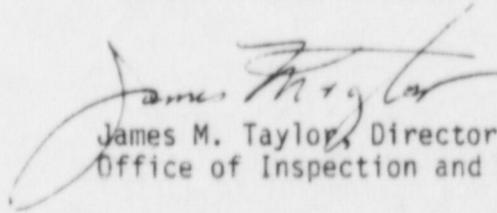
The licensee pay a civil penalty in the amount of Fifty Thousand Dollars (\$50,000) within thirty days of the date of this Order by check, draft, or money order payable to the Treasurer of the United States and mailed to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The licensee may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, at the above address. A copy of the hearing request also shall be sent to the Assistant General Counsel for Enforcement, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. Upon failure of the licensee to request a hearing within thirty 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 issues to be considered at such hearing shall be:

- (a) whether the licensee violated NRC requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty, and
- (b) whether, on the basis of such violations, this Order should be sustained.

FOR THE NUCLEAR REGULATORY COMMISSION



James M. Taylor
Director
Office of Inspection and Enforcement

Dated at Bethesda, Maryland
this 17th day of September 1986

APPENDIX

On April 15, 1986, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for violations of NRC requirements. South Carolina Electric and Gas Company's (SCE&G) responses to the Notice were provided in letters dated May 15 and 23, 1986. A restatement of the violations, a summary of the licensee's responses, the NRC evaluation of the licensee's responses and its conclusions are set forth below.

Restatement of the Violations

I. Violations Assessed a Civil Penalty

A. Technical Specification 3.7.3 requires that two independent component cooling water (CCW) loops be operable in Modes 1, 2, 3, and 4. The action statement states that with one loop inoperable, restore at least two loops to operable status within 72 hours or be in at least hot standby within the next six hours and cold shutdown within the following 30 hours.

Contrary to the above, an incorrect breaker alignment rendered loop B of the component water cooling water system inoperable from January 30, 1986, until February 3, 1986. The loop was inoperable for approximately 100 hours while the reactor was in Modes 1, 2, 3, and 4.

B. Technical Specification 3.7.4 requires that two independent service water (SW) loops be operable in Modes 1, 2, 3, and 4. The action statement states that with one loop inoperable, restore at least two loops to operable status within 72 hours or be in at least hot standby within the next six hours and cold shutdown with the following 30 hours.

Contrary to the above, loop B of the service water system was technically inoperable from January 30, 1986, until February 2, 1986, for a period of approximately 100 hours because post maintenance testing had not been completed on pump C, which was aligned to and supplying service water to this loop. Under the system design, pump B was incapable of starting automatically upon a safety injection signal because of the electrical alignment required for the operating C pump.

C. Technical Specification 6.8.1 requires that the applicable procedures recommended in Appendix "A" of Regulatory Guide 1.33, Revision 2, 1978, be established and implemented. Appendix A of Regulatory Guide 1.33 states that safety-related system procedures should include instructions for startup, shutdown, and changing modes of operation as appropriate. System Operating Procedure (SOP) 117 for the service water system and SOP 118 for the component cooling water system implement this requirement.

Contrary to the above, as of February 3, 1986, SOP 117 and SOP 118 did not provide adequate instructions for the startup and shutdown of the

CCW and SW systems in that they did not specify the correct electrical alignment for the swing pump under each possible operating configuration.

- D. Technical Specification 6.8.1 requires that the applicable procedures recommended in Appendix "A" of Regulatory Guide 1.33, Revision 2, 1978, be established and implemented. Appendix A of Regulatory Guide 1.33 states that safety-related system procedures should include instructions for startup, shutdown, and changing modes of operation as appropriate. Station Administrative Procedure SAP 200, Conduct of Operations, requires that the Shift Supervisor, Control Room Supervisor and Reactor Operator review the Removal and Restoration (R&R) log and be aware of the status of plant systems.

Contrary to the above, even though the R&R log was reviewed by the Shift Supervisor, the Control Room Supervisor, and the Reactor Operator between January 30, 1986 and February 3, 1986, they were not aware of the status of the "C" service water pump (i.e., the pump had been running without being declared operable) until notified by the NRC Inspector on February 3, 1986.

These violations have been categorized in the aggregate as a Severity Level III problem (Supplement I).
(Cumulative Civil Penalty - \$50,000 assessed equally between the violations).

Summary of the Licensee's Responses

SCE&G admits that the violations occurred as stated in the Notice but objects to the severity level of Violation I and requests mitigation or remission of the associated civil penalty.

The licensee believes that the incidents involved in Violation I did not create an adverse safety condition and that CCW and SW system equipment maintained their functional capability or were capable of performing their intended function via manual control board actuation. The licensee asserts that the practical safety significance of the failure of the Train B CCW pump to automatically start was minimal because of the procedural steps which required verification of two train flow following a safety injection signal. The licensee also states that, "Overall the events did not result in consequences which led to a substantial safety concern and therefore did not represent such a significant Technical Specification violation as to warrant a Severity Level III categorization."

In addition, the licensee contends that mitigating factors addressed in 10 CFR Part 2, Appendix C were not considered for the Severity Level III problem and associated civil penalty. SCE&G believes that extenuating and relevant circumstances surrounding the events combined with its prompt corrective actions establish the basis for mitigation of the proposed civil penalty. The licensee refers to its prompt identification and reporting of the violation involving the CCW system and its confidence that the violation involving the SW Loops would have been self-identified and reported once design information was relayed to operations personnel. SCE&G believes that its corrective actions were prompt, fully comprehensive, and sufficient to prevent recurrence and argues that its

past performance was not poor nor indicative of difficulties in the general area of understanding system design bases. The licensee does not believe the factors of prior notification of similar events or multiple occurrences to be an issue in this civil penalty.

The licensee's supplemental response of May 23, 1986 states that the corrections to the Systematic Assessment of Licensee Performance (SALP) issued by Region II on May 8, 1986 imply that the NRC's reference to prior poor performance in the cover letter for the Notice was based, "in large measure, if not entirely, on what has been acknowledged to be an inaccurate SALP assessment." The licensee concludes that the proposed civil penalty was not warranted or that the proposed civil penalty should at least be substantially mitigated.

NRC Evaluation of the Licensee Responses

While the licensee contends that the incidents which resulted in Violation I did not create an adverse safety condition, one of two trains for each of two safety-related systems was inoperable for approximately 100 hours while the reactor was in Modes 1, 2, 3, or 4. During this time, the affected trains would not have automatically started in response to a safety injection signal. The staff recognized that redundant trains of the CCW and SW systems remained operable and that the verification of the operation of two trains upon the initiation of safety injection is required by SCE&G procedures. However, the NRC does not typically acknowledge manual operator actions in design basis accident analyses that require the CCW or SW systems to operate automatically. In addition, these conditions are similar to the example found in Supplement I, 10 CFR Part 2, Appendix C in which one component is inoperable for a time period in excess of that allowed by the technical specification action statement. Therefore the staff believes that Violation I was appropriately classified as a Severity Level III problem and reduction in severity level would not be appropriate.

Regarding mitigation or remission of the civil penalty, the mitigation and escalation factors addressed in the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1985) were considered in the staff's determination of the proposed civil penalty. In evaluating mitigation for prompt identification and reporting, the staff considered, among other things, the length of time the violations existed prior to discovery, the opportunity available to discover the violations, and the promptness and completeness of any required reports. In this case, one CCW loop was inoperable for 100 hours. Although SCE&G identified and reported the problem involving the CCW system, SCE&G did not recognize that one of two SW loops was technically inoperable for the same period of time until questioned by the NRC. Although SCE&G is confident it would have identified and reported the problem once design information was relayed to operations personnel the NRC staff cannot allow mitigation of the civil penalty based on actions the licensee believes it would have been taken had it recognized the problem.

In evaluating mitigation based on SCE&G's prompt and extensive corrective actions, the staff recognizes that there was adequate basis for mitigation of the civil penalty. However, there was also a basis for escalation of the civil penalty because of SCE&G's prior poor performance in the area of plant operations. Although SCE&G believes its past performance was not indicative of difficulties in the general area of understanding system design bases, understanding system design bases is fundamental to understanding plant operations. In this case, prior poor performance was evidenced by the civil penalty of \$50,000 issued on January 6, 1986 concerning system alignment errors which resulted in both Residual Heat Removal (RHR) system flowpaths being inoperable and the most recent Systematic Assessment of Licensee Performance (SALP) Category 3 rating in plant operations. Although the licensee argues that the staff's perception of poor prior performance was based on a SALP assessment subsequently acknowledged to be inaccurate, changes were made to the SALP assessment only to clarify the findings of a September 1985 inspection and to accurately describe the scope of eddy current testing conducted during two outages. No changes were made to the evaluation in the area of plant operations and the Category 3 rating.

Therefore, in summary, bases for both mitigation, for prompt and extensive corrective actions, and escalation, for prior poor performance, existed. The staff maintains that, on balance, neither mitigation nor escalation is appropriate. The NRC staff agrees with SCE&G that there is no basis for escalation of the civil penalty based on the factors of prior notice of a similar event or multiple occurrences of the violation.

Conclusion

The violation occurred as stated in the Notice and the licensee has not provided any new information to support a reduction in the severity level of the violation or for mitigating or remitting the proposed civil penalty. Therefore, a civil penalty in the amount of Fifty Thousand Dollars (\$50,000) has been imposed.

South Carolina Electric
and Gas Company

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