

April 21, 1989

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Docket No. 50-346
License No. NPF-3
EA 89-49

Toledo Edison Company
ATTN: Mr. Murray R. Edelman
President
Edison Plaza
300 Madison Avenue
Toledo, Ohio 43652

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY
(NRC INSPECTION REPORT NO. 50-346/88037[DRP])

This refers to an NRC inspection conducted during the period December 1, 1988 through February 10, 1989, which included review of an improper reactor startup event on December 18, 1988, at the Davis-Besse Nuclear Power Station in Oak Harbor, Ohio. The results of the inspection were described in the inspection report sent to you on February 24, 1989. On March 3, 1989, we held an enforcement conference with Mr. D. Shelton and others of your staff to discuss the violations, root causes, and corrective actions.

On December 18, 1988, at 0358, the Davis-Besse reactor was operating at approximately two percent power when the control rod Group 3 safety rods dropped into the reactor core as a result of a personnel error during maintenance troubleshooting. Operators in the Control Room erroneously assumed that the reactor was critical and started to recover the Group 3 rods despite indications that the reactor remained subcritical. As temperature decreased to approximately 525°F, the operators realized that this was the minimum temperature allowed by Technical Specifications for a critical reactor and at 0405 inserted the Group 3 rods into the core. At 0406 the operators proceeded to shut down the reactor.

Four violations of NRC requirements were identified as a result of the inspection conducted following this event and include: (1) failure to follow the Davis-Besse "Approach to Criticality" procedure; (2) failure to establish a procedure for mispositioned control rods; (3) failure to provide sufficient information in narrative logs to enable reconstruction of events, and (4) failure to properly log late entries.

The violations cited are indicative of a significant breakdown in the control of licensed activities in the Control Room. The NRC is particularly concerned with the performance of individuals in the Control Room during the event. All Control Room personnel at the time of the Group 3 rod drop, assumed the reactor

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April 21, 1989

was still critical despite indications to the contrary. The Shift Supervisor directed that the Group 3 rods be latched and withdrawn even though the Shift Technical Advisor had recommended that the plant be tripped since it was in a condition not covered by procedures. Once the Duty Operations Manager arrived in the Control Room, he observed that the reactor was subcritical and that a cooldown of RCS was in progress. However, after making his initial assessment, he made no recommendations to the Shift Supervisor contributing to the crew's failure to recognize the event and take appropriate actions. While the technical aspects of this event were not of high safety significance, we believe the performance of the crew in responding to the event was seriously deficient.

After this event, you removed the involved shift supervisor from his control room operating crew responsibilities, and presently are re-evaluating his performance as shift supervisor. On March 10, 1989, we issued a Confirmatory Action Letter confirming your commitment to inform the NRC Region III office of your basis for returning that Shift Supervisor to operating crew licensed responsibilities.

To emphasize the importance of operator attention and maintaining control of licensed activities in the Control Room, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the amount of Fifty Thousand Dollars (\$50,000) for the violations described in the enclosed Notice. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, 53 Fed. Reg. 40019 (October 13, 1988) (Enforcement Policy), the violations described in the enclosed Notice have been categorized in the aggregate as a Severity Level III problem. The escalation and mitigation factors in the Enforcement Policy were considered, and no adjustment has been deemed appropriate.

The violation in Section II of the enclosed Notice was not specifically discussed at the enforcement conference. However, after considering your interpretation of the words "during operation", contained in 10 CFR 50.72(b)(1)(ii), the NRC concluded that it was improper. Operation of the plant involves many activities that take place prior to the plant achieving criticality, which is the point at which you assert "operations" begins. Clearly, withdrawing control rods in order to achieve criticality is a significant evolution which involves operating the plant. Given that this evolution was performed at Davis-Besse on December 18, 1988, without proper procedural guidance, it should have been reported to the NRC within one hour pursuant to 10 CFR 50.72 (b)(1)(ii)(C).

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

April 21, 1989

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget, as required by the Paperwork Reduction Act of 1980, Pub. L., No. 96-511.

Sincerely,

Original signed by
C. E. Norelius

A. Bert Davis
Regional Administrator

Enclosures:

- 1. Notice of Violation and Proposed Imposition of Civil Penalty
- 2. Inspection Report No. 50-346/88037(DRP))

cc w/enclosures:

Donald Shelton, Vice President,
Nuclear
L. Storz, Plant Manager
DCD/DCB (RIDS)
Licensing Fee Management Branch
Resident Inspector, RIII
Harold W. Kohn, Ohio EPA
James W. Harris, State of Ohio
Roger Suppes, Ohio
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