

TO: B. Clayton FROM: TR ( ) # 1

EA REQUEST & ENFORCEMENT STRATEGY FORM

Del Case: \_\_\_ 1st Panel:  Post Panel: \_\_\_ Re-Panel: \_\_\_ Post Caucus: \_\_\_ Re-Caucus: \_\_\_ Other: \_\_\_

EA 99-185

EATS Data Entry Information

Date of Request: 7/15/99 Region: III Case Type: R Small Entity:  No  Yes

Licensee: Detroit Edison Facility (Unit)/Location: Traverse

Doc. No.: 50-341 Last Day of Insp.: 7/23/99 ID Date: 5/5/99

Date of Ref.: \_\_\_ OI Rpt No.: \_\_\_ OI Rpt Date: \_\_\_ Conf. Closed?: \_\_\_

Referral to DOJ: \_\_\_ Action Date DOJ: \_\_\_ Recommended Action: D (Decline) or P (Prosecute)

Summary of Facts: Both trains of SLC out for about 28 hours

Inspection Rpt No. 99009, 99010 Keywords for SLIVs and NCVs: 010127

REMARKS FOR EATS ON BACK ES: TR

Significance: Actual \_\_\_ Potential \_\_\_ Regulatory  : SALP Area(s) \_\_\_

1. SL IV Supp I NCV  
Details: Due to poor understanding and training, operators allowed both trains of SLC to be OOS at the same time. One train was out for maintenance and then the

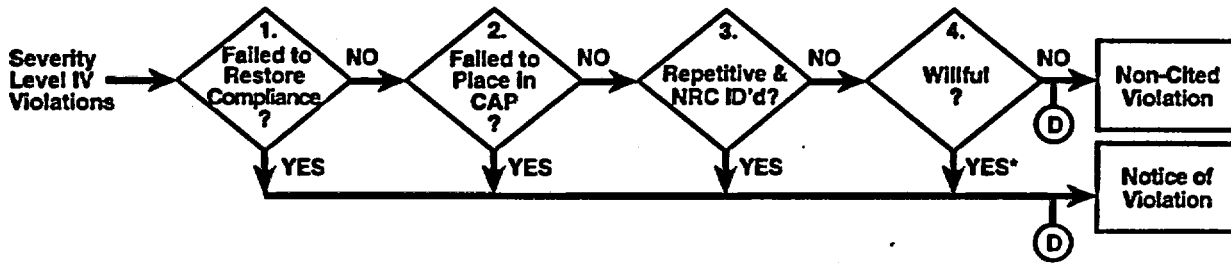
SL \_\_\_ Supp \_\_\_  
Details: licensee removed the alternate train EDG from service. On licensee's mind, this was not a T5 violation. NRR via TIA documented it was. Risk is minimal

SL \_\_\_ Supp \_\_\_  
Details: and therefore, in spite of Supplement 3 guidance, the issue is more accurately classified @ SL IV

- 2. A. Risk Significant Case?  Yes  No; 2. B. Regulatory Significance?  Yes  No;
- 3. Prior Escalated Action?  No  Yes EA: \_\_\_ Date: \_\_\_
- 4. Lic. ID?  No  Yes / Lic. Credit  No Credit  Inad. Info  N/A Explain: \_\_\_
- 5. Corrective Action?  Lic. Credit  No Credit  Inad. Info Explain: \_\_\_
- 6. Conference Needed?  No  Yes Explain: \_\_\_
- 7. CP?  No CP  Base CP  Double Base CP  Other: \_\_\_
- 8. Discretion or Order Needed?  No  Yes Explain: \_\_\_
- 9. Willfulness Involved?  No  Yes:  OI Investigating  OI needs to be notified  O/OE dispute memo needed  Additional OI coordination needed  
 Awaiting DOJ  Needs coordination with DOJ
- 10. Program Office Represented?  No  Yes: \_\_\_ 11. OGC Represented?  No  Yes: \_\_\_
- 12. Action?  No violation  Re-panel  Conference Letter  Choice Letter  SL IV NOV  Re-Caucus  Region Issues Esc. Action  
 Submit to OE for Quick Review  Submit to OE for Full Package Review  DEDE Review  Commission  Disagreement  
 Other: \_\_\_

13. Comments: OE: Borchardt, Keit 14. Approved: B-16-99  
NRR: Kugler, Craig Date: 7-16-99  
RIO: Dyer, Berson, Clayton, Heller Faxed: \_\_\_

SEVERITY LEVEL IV NOV WORKSHEET  
FOR POWER REACTORS



**NOTE:** In completing this Worksheet, use as much space as necessary to support the basis for NRC action. Only address the exception(s) that are applicable; the supporting questions should be used as an aid to develop the appropriate rationale; the remaining exceptions and questions should be deleted from the Worksheet.

**Region:** III

**Licensee:** Detroit Edison Company

**Facility:** Fermi 2

**Docket Number:** 05000341

**Last Day of Inspection:** 7/23/99

**Inspection Report Number:** 50-341/99010

**Brief Description of Violation:** The licensee failed to comply with the TS Action Statement which requires, with one EDG inoperable, verify that all required items on the opposite train are operable within 2 hours. In this case, standby liquid control system B and diesel generator 11 (opposite trains) were concurrently inoperable for 32 hours. The licensee also failed to comply with the associated 12-hour shutdown action statement.

**Keyword for Disposition:** 090332 - failed to place in CAP

**Basis for issuance of an NOV:**

2. Licensee Failed to Place the Violation Into a Corrective Action Program.

Did the licensee evaluate the need to take corrective action to prevent recurrence or identify and correct other similar violations? Why were the licensee's actions unreasonable?

The licensee (plant manager and below) maintained throughout the inspection and at the exit meeting that there was no violation, and, therefore, no corrective action was needed. A condition report was written when the inspectors questioned operability; however, the violation was not placed in the corrective action program, and no corrective action was taken that would prevent recurrence or address similar violations with the same root cause.

**Enforcement Coordinator:** Brent Clayton 8/4/99

D/S

EA 99-185

Mr. D. R. Gipson  
Senior Vice President  
Nuclear Generation  
The Detroit Edison Company  
6400 North Dixie Highway  
Newport, MI 48166

**SUBJECT: FERMI INSPECTION REPORT 50-341/99010(DRP) AND NOTICE OF VIOLATION**

Dear Mr. Gipson:

This refers to the inspection conducted on June 19 through July 23, 1999, at the Fermi 2 Facility. The enclosed report presents the results of this inspection.

During this inspection period, the plant was operated in a safe and conservative manner. Responses to a severed offsite fiber optic cable, that caused a loss of telecommunication with Monroe County local authorities, and to a small fire on a radiation monitor sample pump were prompt and effective. Engineering support to resolve equipment deficiencies was effective. Although management had focused resources to resolve zebra mussel infestation on the risk significant general service water system, recent heat exchanger fouling caused by the zebra mussels has placed burdens on plant personnel. Eradication of zebra mussels could have been resolved earlier had this issue initially been addressed aggressively.

Based on the results of this inspection, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. The violation is of concern because operators did not understand license requirements and placed the plant in a configuration where Emergency Diesel Generator 11 was removed from service and the opposite division Standby Liquid Control System B was inoperable for approximately 32 hours. Consequently, a plant shutdown was not performed per Technical Specification requirements. This is considered a Severity Level IV violation.

As a result of discussions with your staff on July 23, 1999, we understand that you do not agree with our conclusions regarding the applicability of the Technical Specification to the configuration in question. Accordingly, you have not initiated corrective actions to prevent recurrence of the violation and, therefore, this violation is being cited consistent with our enforcement policy.

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 letter, you are encouraged to provide the technical basis for your denial of the violation. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Based on the results of this inspection, the NRC has also determined that an additional violation of NRC requirements occurred in 1998 regarding the adequacy of a dedicated shutdown procedure. This violation is being treated as a Non-Cited Violation (NCV), consistent with Appendix C of the Enforcement Policy. The NCV is described in the subject inspection report. If you contest the violation or severity level of the NCV, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to the Regional Administrator, Region III, and the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, will be placed in the NRC Public Document Room.

Sincerely,

Geoffrey E. Grant, Director  
Division of Reactor Projects

Docket No. 50-341  
License No. NPF-43

Enclosures: 1. Inspection Report 50-341/99010(DRP)  
2. Notice of Violation

cc w/encls: N. Peterson, Director, Nuclear Licensing  
P. Marquardt, Corporate Legal Department  
R. Gaston, Compliance Supervisor  
R. Whale, Michigan Public Service Commission  
Michigan Department of Environmental Quality  
Monroe County, Emergency Management Division  
Emergency Management Division  
MI Department of State Police

Distribution:

CAC (E-Mail)

RPC (E-Mail)

OE:EA File

R. Borchardt, OE

D. Dambly, OGC

M. Banerjee, NRR

Project Mgr., NRR w/encs

J. Caldwell, RIII w/encs

B. Clayton, RIII w/encs

SRI Fermi w/encs

DRP w/encs

DRS w/encs

RIII PRR w/encs

PUBLIC IE-01 w/encs

Docket File w/encs

GREENS

IEO (E-Mail)

DOCDESK (E-Mail)

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this \_\_\_\_\_ day of August 1999

## EXECUTIVE SUMMARY

### Enrico Fermi, Unit 2 NRC Inspection Report 50-341/99010(DRP)

This inspection included aspects of licensee operations, engineering, maintenance, and plant support. The report covers a 5-week period of resident inspection.

#### Operations

- The licensee identified that the safety tagging record for maintenance on the general service water (GSW) sluice gate did not provide adequate protection and resulted in a near miss while restoring the system. Lack of operator knowledge regarding the job scope and status of the work activity contributed to the inadequate safety tagging record protection (Section O1.1).
- The inspectors concluded that the licensee responded effectively to a small fire on the Division 2 Control Center Heating Ventilation Air Conditioning Makeup Radiation Monitor Sample Pump Motor. Operators used the correct procedures for extinguishing the fire, classifying the event and making the proper notifications (Section O1.2).
- The NRC determined that on May 4, 1999, the licensee failed to verify, within 2 hours, the operability of Standby Liquid Control System B after Emergency Diesel Generator 11 was removed from service. Consequently, the licensee did not perform this verification and did not place the unit in Hot Shutdown within 12 hours after both Emergency Diesel Generator 11 and Standby Liquid Control System B remained inoperable for approximately 32 hours. One cited violation of Technical Specification 3.8.1.1.c was identified (Section O8.1).

#### Maintenance

#### Engineering

## **O8 Miscellaneous Operations Issues (92700)**

**O8.1 (Closed) Unresolved Item (URI) 50-341/99007-01: Conduct of EDG 11 Maintenance Activity with Standby Liquid Control (SLC) Pump B Inoperable.** On May 5, 1999, the inspectors identified that the licensee had removed Division 1 EDG 11 for maintenance while Division 2 SLC system was inoperable. With neither SLC B nor EDG 11 available, a method of injecting Boron into the core may not have been available during a loss of offsite power event. The licensee initiated CARD 99-13518 to document the inspectors' concern. Operator response to this issue, and evaluation of the circumstances related to this issue, were documented in Inspection Report 50-341/99009 dated July 12, 1999.

On May 25, 1999, the licensee completed the evaluation of TS 3.8.1.1.c applicability as documented in CARD 99-13518. The licensee determined that the SLC system was not a critical system required to mitigate a design basis accident (DBA). Therefore, the licensee concluded that TS 3.8.1.1.c did not apply to the SLC system. The licensee's basis for not considering the SLC system as a critical system and the applicability of TS 3.8.1.1.c was reviewed by the NRC staff.

On July 8, 1999, the NRC staff completed their review of the licensee's basis for their determination regarding TS 3.8.1.1.c applicability. The staff concluded that the licensee was in violation of TS 3.8.1.1.c when it did not commence a plant shutdown after EDG 11 became inoperable with SLC B inoperable. Further, the staff determined that TS 3.8.1.1.c addressed all systems/components covered by the TS without regard to whether or not they were credited in the mitigation of a DBA. The SLC system is required by TS, as well as by regulation and is, therefore, subject to the provisions of TS 3.8.1.1.c. The staff determined that the Fermi TS bases do not alter the above positions.

The bases address the "safety function of critical systems." The bases did not elaborate on what constitutes a critical system and, as such, do not limit the TS applicability to systems/components credited for mitigating the consequences of a DBA. Therefore, the SLC is a critical system because it is covered by TS and required by regulations.

Technical Specification 3.8.1.1.b requires, in part, that while the plant is in Operational Conditions 1, 2, and 3, two separate and independent onsite alternating current electrical power sources, each consisting of two EDGs shall be operable. Action Statement 3.8.1.1.c requires, in part, that with one or both EDGs inoperable, verify within 2 hours that all required systems, subsystems, trains, components and devices that depend on the remaining onsite alternating current electrical power division as a source of emergency power are also operable; otherwise, be in at least Hot Shutdown within the next 12 hours.

Contrary to the above, within 2 hours of removing Division 1 EDG 11 from service at 3:00 a.m., on May 4, 1999 (with the plant in Operational Condition 1), the licensee failed to verify that components depending on the Division 2 Diesel as a source of emergency power were operable. Additionally, the licensee failed to place the plant in Hot Shutdown within the next 12 hours. Specifically, the Division 2 SLC B (a system that depends Division 2 Diesel as its source of emergency power) was inoperable at the time the Division 1 Diesel was removed from service. The concurrent inoperability of the Division 2 SLC B and the Division 1 Diesel lasted for approximately 32 hours until May 5, 1999, at 10:32 a.m., when the Division 2 SLC B was returned to service.

As of the end of the inspection period, the licensee had not recognized or acknowledged this violation and, therefore, had not adequately placed this issue in the corrective action program. Hence, this is a cited violation (NOV 50-341/99010-01(DRP)).