

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Wolf Creek Nuclear Operating
Corporation
Wolf Creek Generating Station

Docket No. 50-482
License No. NPF-42
EA 92-191

During an NRC inspection conducted September 21 through October 6, 1992, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), 10 CFR 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:

I. Violation Assessed a Civil Penalty

Technical Specification (TS) 6.8.1.a states 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. Regulatory Guide 1.33, Revision 2 (February 1978), Appendix A, Item 9.a states that maintenance that can affect the performance of safety-related equipment should be properly preplanned and performed in accordance with written procedures, documented instructions or drawings appropriate to the circumstances.

Step 3.C of Attachment 8 to Procedure ADM 01-057, states that post-maintenance tests shall be performed according to instructions provided in the planning and authorization process and that if the scope of the work changes or expands from the original plans, the work request shall be revised providing further directions. Step 4 of Attachment 8 to ADM 01-057 states that since corrective maintenance is performed to correct a deficient condition, most corrective maintenance should have post-maintenance testing associated with it to verify the equipment functions properly.

Contrary to the above, on July 22, 1992, while implementing WR 51543-92, licensee personnel expanded the scope of the work being performed under WR 51543-92 and did not revise WR 51543-92 in order to provide further directions for the post-maintenance test of valve EF V058. The mechanic who was implementing WR 51543-92 did not revise the work request to indicate a change of work scope to perform corrective work (i.e., a valve position indication adjustment) on valve EF V058. In addition, although corrective work was done, the work request was not revised to require post-maintenance testing to verify that valve EF V058 had been returned to

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Kansas Department of Health
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its required locked and throttled position. On August 27, 1992, the licensee determined that valve EF-V058 had not been returned to its required position, thereby causing a degraded ESW flow condition.

This is a Severity Level III violation (Supplement I).
Civil Penalty - \$50,000

II. Violations Not Assessed a Civil Penalty

- A. 10 CFR 50, Appendix B, Criterion V requires that activities affecting quality shall be accomplished in accordance with instructions, procedures, or drawings of a type appropriate to the circumstances. Three examples of failing to meet this requirement are listed below:

1. Procedure ADM 07-100, Revision 50, "Preparation, Review, Approval, and Distribution of WCGS Procedures," provides guidance for modifying procedures.

Step 5.3 of ADM 07-100 states that, "It is the responsibility of all Station Personnel to ensure that procedures are properly written and modified."

Contrary to the above, on October 3, 1992, the inspector determined that the licensee failed to ensure that Procedure Change Form MI 92-644, initiated on August 31, 1992, was promptly incorporated into Procedure CKL EF-120, Revision 17, "Essential Service Water Valve, Breaker, and Switch Lineup." Consequently, Procedure CKL EF-120, did not reflect the proper locked throttled position (i.e., 47 degrees open) for valve EF V058.

This is a Severity Level IV violation (Supplement I)

2. Temporary Procedure TP-TS-115, Revision 0, "A Train ESW Flow Verification to CCW Heat Exchanger," provides instructions to measure the essential service water flow through Component Cooling Water Heat Exchanger A.

Step 2.3.1 of Temporary Procedure TP-TS-115 provided an expected flow value and acceptable range of flow, and required that if the flow variance was greater than ± 200 gallons per

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minute, a work request should be sent to the system engineer for evaluation.

Contrary to the above, the inspector determined that Step 2.3.1 provided instructions that were inappropriate to the circumstances. Although the procedure provided acceptance criteria in Step 2.3.1, there was no guidance that indicated that the system would be inoperable if the measured flow was greater than the acceptance criteria. On August 28, 1992, the test results did exceed the acceptance criteria, but the test engineer informed the shift supervisor that the test has been completed satisfactorily. As a result, the licensee prematurely exited Technical Specification Limiting Condition for Operation (LCO) 3.7.3 (Component Cooling Water System).

This is a Severity Level IV violation (Supplement I).

3. Procedure ADM 02-024, Revision 0, "Technical Specification Operability," provides guidance for determining operability of systems needed to comply with TS.

Step 5.9.1 of Procedure ADM 02-024 states that, "Once a degraded or nonconforming condition is identified for a safety system or component, an operability determination shall be made as soon as possible. The timeliness of the operability determination should be commensurate with the safety significance of the issue. The allowed outage time contained in Technical Specification LCOs provide reasonable guidelines for determining safety significance."

Contrary to the above, the licensee did not perform an operability determination for the component cooling water system within the Technical Specification allowed outage time of 72 hours after a potentially non-conforming condition was identified on August 17, 1992.

This is a Severity Level IV violation (Supplement I).

- B. 10 CFR 50, Appendix B, Criterion XVI specifies, in part, that measures shall be established to assure that conditions adverse to quality, such as deficiencies and nonconformances are promptly identified and corrected. Procedure KGP-1311, Revision 0, "Industry Technical

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Information Program," (dated July 2, 1986) is intended to ensure, in part, that industry experience is translated into corrective actions, if required, to improve plant safety and reliability.

Step 6.4.4 of Procedure KGP-1311 specifies that the evaluation of industry technical information shall identify any corrective actions that are required to be implemented.

Contrary to the above, in September 1992, the licensee determined that they failed to properly translate vendor information into appropriate administrative controls. While evaluating the facts surrounding the failure of the worm sector gear of valve EF V058, the licensee determined that Operator Aide 86-004 failed to prevent the adverse condition (i.e., broken worm sector gear) because the information provided was ambiguous.

This is a Severity Level IV violation (Supplement I).

Pursuant to the provisions of 10 CFR 2.201, Wolf Creek Nuclear Operating Corporation (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

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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 234(c) of the Act, 42 U.S.C. 2282c.

The response 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 NRC Resident Inspector at the Wolf Creek Generating Station.

Dated at Arlington, Texas
this 7th day of December 1992