



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

January 23, 1997

EA 96-402

Mr. E. Watzl
Vice President, Nuclear Generation
Northern States Power Company
414 Nicollet Mall
Minneapolis, MN 55401

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY -
\$50,000 (NRC Special Inspection Report Nos. 50-282/96015;
50-306/96015)

Dear Mr. Watzl:

This refers to the special inspection conducted from December 22, 1995, through October 9, 1996, at the Prairie Island facility. The inspection was conducted to determine if the licensee's proposal to take credit for the non-seismic intake canal and operator actions following an earthquake constituted an unreviewed safety question. The report documenting the inspection and transmitting the apparent violation was sent to you by letter dated November 1, 1996. A predecisional enforcement conference was held on November 22, 1996, to discuss the apparent violation, its cause, and your corrective actions.

Based on the information developed during the inspection and the information that you provided during the conference, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty and the circumstances surrounding it are described in detail in the subject inspection report.

On November 15, 1995, the licensee performed a test of the emergency intake line as part of a self-assessment of the cooling water system. The FSAR assumed that the emergency intake line was capable of providing at least 18,000 gallons per minute (gpm) of cooling water, without operator action, with the intake canal fully blocked and the river at minimum level following a lock and dam failure. The test determined that the emergency intake flow was approximately 17,500 gpm of cooling water at normal river water levels (11,600 gpm at low river levels). This test was not described in the safety analysis report and was performed without conducting a written safety evaluation. A violation for not performing a written safety evaluation prior to performance of the test was issued in Inspection Report 95014. Because the test results indicated that the design basis of the emergency intake line was not met, the licensee performed a safety evaluation and determined that no unreviewed safety question existed. A followup inspection in December questioned the conclusion that no unreviewed safety question existed because the evaluation relied on the use of manual operator actions to isolate non-safety-related

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cooling water loads and changed the assumptions such that reliance was placed upon a non-seismic canal remaining intact following an earthquake. This included reliance that the non-seismic sluice gates separating the non-safety-related intake structure from the safety-related one would remain open. The NRC reviewed the licensee's basis and determined in October 1996 that a violation of 10 CFR 50.59 occurred because an unreviewed safety question existed.

The licensee was able to justify continued interim operation by qualifying the sluice gates to the non-safety-related intake structure. However, the licensee's reliance on the non-seismic canal and on operator intervention is of regulatory concern. The use of operator action to meet the requirements of the FSAR created an unreviewed safety question because it introduced the potential for creating an accident or malfunction of a type different than evaluated previously in the FSAR, as well as potentially introducing unanalyzed failure modes due to operator actions of omission or commission. Additionally, the use of the non-seismic canal introduced the potential for increasing the probability of the consequences of the accident. The failure of Prairie Island to evaluate that operator intervention and use of non-seismic equipment constituted an unreviewed safety question is considered a significant failure to meet the requirements of 10 CFR 50.59. Therefore, this violation has been categorized in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, at Severity Level III.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III violation. Because your facility has not been the subject of escalated enforcement actions within the last two years, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. Credit was not warranted for *Corrective Action*. Although Prairie Island took broad corrective actions to improve the 50.59 process as a result of the violation issued in Inspection Report 95014, no corrective action was taken to address the NRC's concern over whether the non-seismic sluice gates would remain open during a seismic event. The concern is heightened by the fact that the NRC attempted to inform the licensee in April 1996 of the concern over the seismic qualification of the sluice gates. However, this concern was not addressed by the licensee and the NRC had to bring this issue to the attention of the licensee at the predecisional enforcement conference. Further, after this enforcement conference, NRC requested you to promptly determine if the sluice gates would be functional after a design basis seismic event. This was necessary in order for the NRC to determine if your justification for continued operation was valid.

Therefore, to emphasize the importance of compliance with regulatory requirements and the prompt and comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the base amount of \$50,000 for the Severity Level III violation.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

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,


for A. Bill Beach
Regional Administrator

Docket Nos. 50-282; 50-306
License Nos. DPR-42; DPR-60

Enclosure: Notice of Violation and Proposed
Imposition of Civil Penalty

cc w/encl: Plant Manager, Prairie Island
John W. Ferman, Ph.D.
Nuclear Engineer, MPCA
State Liaison Officer, State
of Minnesota
State Liaison Officer, State
of Wisconsin
Tribal Council, Prairie Island
Dakota Community

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Sincerely,

Original signed by James L. Caldwell for

A. Bill Beach
Regional Administrator

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License Nos. DPR-42; DPR-60

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Imposition of Civil Penalty

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