

NOTICE OF VIOLATION

Toledo Edison Company
Davis-Besse NPS

Docket No. 50-346
License No. NPF-3

During an NRC inspection conducted on November 26, 1996 through January 24, 1997, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

- I. 10 CFR Part 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," states in part that, "Activities affecting quality shall be prescribed by documented instructions, procedures, or drawings, of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings. Instructions, procedures, or drawings shall include appropriate quantitative or qualitative acceptance criteria for determining that important activities have been satisfactorily accomplished".

- a. Administrative procedure DB-DP-00013 (Revision 04), "Surveillance and Periodic Test Program," Section 6.3.7.h stated in part that, "Test prerequisites and procedure steps shall be performed in numerical sequence ..."

Contrary to the above, on December 30, 1996, an NRC inspector identified that a reactor operator who was performing surveillance DB-SP-03294 (Revision 02), "Containment Air Cooling Unit 1 Monthly Test," completed steps 4.1.7 and 4.1.8 before finishing steps 4.1.5 and 4.1.6.

- b. Technical Specification 3.6.2.2 stated that, "At least two independent containment cooling units shall be operable." The associated action statement stated, "With one of the above required containment cooling units inoperable, restore at least two units to operable status within 72 hours or be in hot shutdown within the next 12 hours."

Administrative procedure DB-OP-00005 (Revision 05), Operator Logs and Rounds," Section 6.2.2.d stated in part that, "The following are entries which shall be recorded in the Unit Log:...d. Entering/Exiting a Technical Specification Action Statement."

Contrary to the above, an NRC inspector identified that no unit log entry was made on December 30, 1996, to record that the action statement for Technical Specification 3.6.2.2 was entered, when containment air cooler No. 1 was rendered inoperable during testing activities. Containment air cooler No. 1 was rendered inoperable when its manual service water isolation valves were isolated.

- c. Surveillance procedure DB-MI-03353 (Revision 01), "Channel Functional Testing of Anticipatory Reactor Trip System Channel 3," step 8.2.3.e, stated, "Increase test INPUT Pressure Source to PSL-4535C until Test Gauge reads approximately 375 PSIG."

Contrary to the above, on December 3, 1996, an NRC inspector observed that a technician increased the test input pressure to PSL-4535C to about 450 pounds per square inch gauge (psig), which greatly exceeded the approximately 375 psig specified by the procedure.

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

- II. Section 70.24(a) of Title 10 of the *Code of Federal Regulations*, requires, in part, each licensee authorized to possess special nuclear material (SNM) in a quantity exceeding those identified, to maintain a radiation monitoring system in each area where SNM is handled, used or stored that will alarm if accidental criticality occurs. Furthermore, applicable emergency procedures must be maintained to ensure personnel are withdrawn to an area of safety when the alarm sounds.

Contrary to the above, as of January 24, 1997, the licensee never installed a radiation monitoring system in the Davis-Besse new fuel storage areas capable of alarming should an accidental criticality occur. Furthermore, the licensee's initial exemption from the requirements of 10 CFR 70.24(a) (contained as part of its original NRC Materials License for possessing SNM) expired when the Davis-Besse construction permit was converted to an operating license in 1977. At that time, the licensee failed to install a radiation monitoring system and implement appropriate emergency procedures, or renew its exemption. Since then, new fuel storage areas have been used to handle, use and store new fuel assemblies on a regular basis prior to each unit refueling outage.

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

Pursuant to the provisions of 10 CFR 2.201, Toledo Edison is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region III, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation; (2) the corrective steps that will be taken and the results achieved; (3) the corrective steps that will be taken to avoid further violations; and (4) the date when full compliance will be achieved.

Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate

reply is not received within the time specified in this Notice, an Order or a 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. Where good cause is shown, consideration will be given to extending the response time.

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 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.

Dated at Lisle, Illinois
this 25th day of February 1997