

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Wolf Creek Nuclear Generating Corporation
Wolf Creek Generating Station

Docket: 50-482
License: NPF-42
EA 96-470

During an NRC inspection conducted on October 7-25, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the NRC 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. Violations Assessed a Civil Penalty

- A. 10 CFR Part 50, Appendix B, Criterion XVI requires, in part, that measures be established to assure that conditions adverse to quality are promptly identified and corrected.

Contrary to the above, on March 31, 1994, the licensee's corrective actions in response to Quality Assurance Audit K381 findings failed to identify and correct conflicts between Technical Specification Clarifications (TSCs) and the Technical Specifications (TS), a condition adverse to quality. Specifically, the licensee's screenings of the following TSCs did not identify conflicts between the TSCs and the TS as indicated by the following examples:

- (1) TSC 009-85 conflicted with TS 3/4.5.3 and TS 3/4.5.4 (applicable in Modes 4 and 5, respectively) by allowing two centrifugal charging pumps to be available while in cold shutdown. TS 3/4.5.3 and TS 3/4.5.4 allowed only one centrifugal charging pump to be available while in cold shutdown.
- (2) TSC 010-85 conflicted with TS 3.5.3 and 4.5.2 by allowing daily containment closeout inspections following multiple containment entries in one day. TS 3.5.3 and 4.5.2 specify a containment visual inspection for loose debris be performed following each containment entry.
- (3) TSC 033-85 conflicted with TS 3.6.1.1 by allowing containment penetrations to be considered operable if dedicated operators were assigned to close inoperable containment isolation valves. TS 3.6.1.1 requires for operability that all containment penetrations be isolable by automatic isolation valves.
- (4) TSC 004-85 conflicted with TS 4.5.1 and 4.0.3 allowing cold leg accumulators to be considered operable upon receipt of level and

pressure alarms if accumulator level and pressure were within prescribed limits. TS 4.5.1 and 4.0.3 require the accumulators to be considered inoperable upon receipt of these alarms.

- (5) TSC 005-94 conflicted with TS 4.8.1.1.2.g.7 by allowing hot restart testing of an emergency diesel generator to be performed any time before or after the 24 hour load test as long as the hot restart test was performed within 5 minutes of a 2 hour diesel run. TS 4.8.1.1.2.g.7 specifies that a hot restart test be performed within 5 minutes following the 24 hour test except that the hot restart test may be done following a warmup run only if it previously failed the test immediately following the 24 hour test. (01013)

- B. 10 CFR 50.59 (a)(1) allows the holder of a license to make changes to the facility and procedures as described in the safety analysis report without prior Commission approval unless the proposed change involves a change in the Technical Specifications or an unreviewed safety question. 10 CFR 50.59(b)(1) requires that the licensee maintain records of changes to the facility and that these records include a written safety evaluation which provides the basis for the determination that the change does not involve an unreviewed safety question.

Contrary to the above, on January 11, 1995, the licensee made a change to a procedure described in the safety analysis report that involved a change to the Technical Specifications, without prior Commission approval. Specifically, the licensee changed the frequency for scheduled surface and ultrasonic examinations of reactor coolant pump flywheels, as described by Regulatory Guide 1.14, "Reactor Coolant Pump Flywheel Integrity," which is described in Chapters 3A and 5.4.1 of the Updated Safety Analysis Report. However, the licensee did not recognize that the change also involved a change to the Technical Specifications, because the Regulatory Guide's examination schedule was specified by reference in Technical Specification 4.4.10 (which was superseded by Technical Specification 6.8.5.b on October 2, 1995). (01023)

- C. 10 CFR Part 50, Appendix B, Criterion V, "Instructions Procedures, and Drawings," requires, in part, that activities affecting quality shall be prescribed by documented instructions, procedures, or drawings, of a type appropriate to the circumstances.

TS 3.3.1, Table 3.3-1, Functional Unit 6.b, Action 5 specifies that with one inoperable source range channel, all operations involving positive reactivity changes be suspended.

Contrary to the above, for an activity affecting quality, a documented instruction was not of a type appropriate to the circumstances in that

TSC 001-94 conflicted with TS 3.3.1, Table 3.3-1, Functional Unit 6.b, Action 5 by allowing the reactor coolant system to be cooled down, an activity which involves a positive reactivity change, with one inoperable source range channel of nuclear instrumentation. This instruction remained in place after the licensee was notified by the NRC, on January 16, 1997, that it conflicted with TS, until it was canceled on March 21, 1997. (01033)

These violations represent a Severity Level III problem. (Supplement I).
Civil Penalty - \$100,000.

II. Violations Not Assessed a Civil Penalty

10 CFR 50.59 (a)(1) allows the holder of a license to make changes to the facility and procedures as described in the final safety analysis report without prior Commission approval unless the proposed change involves a change in the Technical Specifications or an unreviewed safety question. 10 CFR 50.59(b)(1) requires that the licensee shall maintain records of changes to the facility and that these records include a written safety evaluation which provides the basis for the determination that the change does not involve an unreviewed safety question.

Contrary to the above, in the following examples, the licensee made changes to procedures described in the safety analysis report without an adequate written safety evaluation which provided the basis for the determination that the changes did not involve an unreviewed safety question as indicated by the following examples:

- A. On December 13, 1995, the licensee's screening for revisions to Procedures STS PE-049C, "A Train Underground Essential Service Water System Piping Flow Test," and STS PE-049D, "B Train Underground Essential Service Water System Piping Flow Test," failed to indicate that Chapter 9.2 of the Updated Safety Analysis Report was affected by the change. The procedure changes reclassified the systems as non-redundant whereas the Updated Safety Analysis Report described the essential service water system as redundant. As a result, the licensee failed either to submit a request for an alternative to the inservice inspection requirements or process a change to Chapter 9.2 of the Updated Safety Analysis Report and determine whether the change involved an unreviewed safety question.
- B. On March 26, 1996, the licensee performed a 10 CFR 50.59 unreviewed safety question determination regarding changing the main turbine overspeed protection test frequency as stated in Chapter 16.3.2 of the Updated Safety Analysis Report from every 7 days to every 92 days, without providing supporting documentation to conclude that an unreviewed safety question was not involved. The unreviewed safety question determination did not address the licensee's experience with the testing of these valves and did

not contain any information as to the acceptability, by the turbine vendor, of the decreased surveillance frequency of the turbine valves. (02014)

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 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. 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 the cumulative amount of the civil penalties if more than one civil penalty is proposed, or may 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 the Enforcement Policy 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 facility that is the subject of this Notice.

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.

Dated at Arlington, Texas,
this 3rd day of April 1997