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SUBJECT: Responds to NRC 931112 ltr re violations noted in insp rept
 50-397/93-36. Corrective actions: TS change request submitted
 for removal of ref to listed motor-operated valves &
 licensing program instruction 5.0 revised.

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WASHINGTON PUBLIC POWER SUPPLY SYSTEM

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December 13, 1993
G02-93-291

Docket No. 50-397

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Mail Station P1-137
Washington, D. C. 20555

Gentlemen:

Subject: **WNP-2, OPERATING LICENSE NO. NPF-21
NRC INSPECTION REPORT 93-36
RESPONSE TO NOTICE OF VIOLATION**

The Washington Public Power Supply System hereby replies to the Notice of Violation contained in your letter dated November 12, 1993. Our reply, pursuant to the provisions of Section 2.201, Title 10, Code of Federal Regulations, consists of this letter and Appendix A (attached).

In Appendix A, the violation is addressed with an explanation of our position regarding validity, corrective action and date of full compliance.

Sincerely,

J. V. Parrish (Mail Drop 1023)
Assistant Managing Director, Operations

Attachments

cc: BH Faulkenberry - NRC RV
NS Reynolds - Winston & Strawn
JW Clifford - NRR
DL Williams - BPA/399
NRC Site Inspector - 927N

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Appendix A

During an NRC inspection conducted on September 7 through October 18, 1993, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violation is listed below:

10 CFR 50.59(a)(1) provides in part that a licensee may make changes to the facility as described in the safety analysis report without prior Commission approval, unless the proposed change involves a change to the technical specifications (TS) incorporated in the license. 10 CFR 50.59(c) provides in part that licensees who desire to make changes in the facility which involve a change in technical specifications shall submit an application for an amendment pursuant to 50.90.

Contrary to the above, the licensee made a change to the facility as described in the safety analysis report that involved a change to the TS without submitting a TS amendment prior to implementation. As of October 18, 1993, motor operated valves SW-V-4A, 4B, 4C, 24A, 24B, 24C, 44, and 54 had been changed from motor operated valves to manually operated valves, but a TS amendment had not been submitted. These design changes involved a TS change because these valves are listed in TS 3.8.4.3 as motor operated valves requiring thermal overload protection.

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

Validity of Violation

The Supply System accepts this violation.

The Supply System implemented the design change (BDC 90-0361-0A) to convert the eight Service Water (SW) motor-operated valves to manually operated valves to improve plant safety. A thorough review of the Technical Specification bases, actions, and requirements was performed prior to implementation as part of the design safety analysis (i.e., 10CFR50.59 evaluation). This assured continued compliance with Technical Specification 3/4.8.4.3. Specifically, the Technical Specification language states that the thermal overload protection must be operable whenever the associated motor-operated valve is required to be operable. The 10CFR50.59 evaluation demonstrated that these specific motor-operated valves need not be operable to assure operability of their affected system (i.e., Service Water). Thus, the Technical Specification was reasoned not to apply after the motor-operated valves were converted to manual valves. Accordingly, it was the Supply System's understanding that the action taken did not "involve" a Technical Specification change in the context of 10CFR50.59. The Technical Specification change was only a conforming change (a change that would not delete, add, or significantly alter any Limiting Condition for Operation [LCO]), and did not present an Unreviewed Safety Question (USQ) or possess any safety significance. It was the understanding of the Supply System that only changes which "involve" the inability to comply with Technical Specifications require NRC Staff approval prior to implementation. A misunderstanding about

whether the change in question "involved" a Technical Specification change was the root cause for the violation. The 10CFR50.59 evaluation should have also considered the impact of the proposed change on the need for the Technical Specifications to accurately reflect the design change. Procedures will be revised to clarify the misunderstanding by including guidance on when plant changes "involve" a Technical Specification change.

The Supply System accepts the NRC Staff's position that the Technical Specification amendment should have been submitted "prior to implementation" because the design change was completed and the affected system declared operable prior to receiving NRC approval for the Technical Specification change. In the future, when a proposed change results in the Technical Specifications not reflecting plant design, the Supply System will submit a Technical Specification change request and await NRC Staff approval prior to entering a plant mode where the affected system is required to be operable (except by NRC and Supply System mutual agreement to the contrary).

In discussions with the NRC Staff subsequent to the identification of this issue, the Supply System confirmed its understanding that a proposed change that involves the need to control plant operation in a manner more conservative than that required by the Technical Specifications does not require NRC approval prior to implementation. An example of such a case would be the revision of a procedure to control an activity in accordance with an analytical value or condition more conservative than that included in the Technical Specifications. Such cases have recently presented themselves due to the application of a new, more conservative methodology for determination of instrument setpoints. Some specific examples that have occurred at WNP-2 relate to diesel fuel oil storage capacity (Reference 1), degraded voltage protection (References 2 and 3), and power/flow stability (Reference 4). For such cases, a Technical Specification change request would be submitted to the NRC as a follow-up activity on a non-emergency basis.

Furthermore, the Supply System confirmed its understanding that NRC approval is not required prior to implementation of a physical change to the plant if the system affected by the change will not be required to be operable. An example of such a change is the recent installation of a new fuel mast that cannot be used in a manner controlled by existing Technical Specification 3/4.9.6 (i.e., for handling of fuel assemblies or control rods within the reactor vessel) (Reference 5). The new fuel mast will not be used over the reactor vessel until the Technical Specification change allowing its use is received from the NRC.

For cases where the Supply System would plan to complete a proposed change, test, or experiment prior to receipt of a change to the Technical Specification, discussions with NRR will be conducted prior to implementing the proposed change, test, or experiment (except by NRC and Supply System mutual agreement to the contrary).

Corrective Steps Taken/Results Achieved

1. A Technical Specification change request (Reference 6) has been submitted for the removal of reference to motor-operated valves SW-V-4A, 4B, 4C, 24A, 24B, 24C, 44, and 54 from Technical Specification Table 3.8.4.3-1.
2. A review of Technical Specification change requests in preparation was performed by the Supply System to identify similar problems. One similar problem was identified by an NRC inspector prior to the review (Problem Evaluation Request [PER] No. 293-1261), but none were identified during the review.
3. A review of this issue with engineering supervisors was performed to identify similar problems in design changes being processed. None were identified.
4. Discussion of this issue by the Plant Operating Committee (POC) has resulted in their understanding of when a Technical Specification change must be received prior to implementation of plant changes.

Corrective Action to be Taken

1. Licensing Program Instruction (LPI) 5.0, "Preparation, Submittal, Receipt Review and Distribution of WNP-2 Technical Specification Change Requests," will be revised by December 31, 1993 to provide guidance on when Technical Specification change approval must be received prior to making plant changes.
2. Plant Administrative Procedure, PPM 1.3.43, "10CFR50.59 Review and Safety Evaluation Process," will be revised by December 31, 1993 for consistency with the additional guidance provided in LPI 5.0 (Corrective Action No. 1).
3. Engineering Procedure, PDS-5, "Design Safety Analysis and 50.59 Review and Safety Evaluation," will be revised by January 15, 1994 for consistency with the additional guidance provided in LPI 5.0 (Corrective Action No. 1).

Date of Full Compliance

By Reference 6, the Supply System submitted a Technical Specification change request for the removal of reference to motor-operated valves SW-V-4A, 4B, 4C, 24A, 24B, 24C, 44, and 54. Because it is not necessary or desired from a safety standpoint for these valves to be motor-operated valves, the Supply System does not plan to restore them to operable status pending approval of the Technical Specification change request. Full regulatory compliance will be achieved when the NRC Staff approves the Technical Specification change request.

References

1. Letter G02-93-077, dated April 1, 1993, GC Sorensen (SS) to NRC, "Request for Amendment to Technical Specifications 3.8.1.1.b.2 and 3.8.1.2.b DG Fuel Storage"

2. Letter G02-93-244, dated October 6, 1993, JV Parrish (SS) to NRC, "Request for Amendment to Technical Specification 3/4.3.3 Emergency Core Cooling System Actuation Instrumentation, Degraded Voltage Protection, Revised Request"
3. Letter G02-92-209, dated September 2, 1992, GC Sorensen (SS) to NRC, "Request for Amendment to Technical Specification 3/4.3.3, ECCS Actuation Instrumentation, Degraded Voltage Protection"
4. Letter G02-93-108, dated May 10, 1993, JV Parrish (SS) to NRC, "Request for Amendment to Stability and Power/Flow Sections of the Technical Specifications"
5. Letter G02-93-191, dated July 29, 1993, JV Parrish (SS) to NRC, "Request for Amendment to Technical Specification 4.9.6, Refueling Platform Load Limits"
6. Letter G02-93-256, dated October 21, 1993, JV Parrish (SS) to NRC, "Request for Amendment to Technical Specifications to Relocate Component Lists in Accordance with Generic Letter 91-08 and Selected Implementation of the Commission's Policy Statement to Technical Specification Improvements"

