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ACCESSION NBR: 9505190161 DOC. DATE: 95/05/05 NOTARIZED: NO DOCKET #
FACIL: 50-397 WPPSS Nuclear Project, Unit 2, Washington Public Powe 05000397
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SUBJECT: Provides clarification to paragraph 3.2.1.1 of ref ltr, dtd
950410, re NRC insp rept 50-397/95-05.

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May 5, 1995
GO2-95-090
Docket No. 50-397

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
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Gentlemen:

Subject: **WNP-2, OPERATING LICENSE NO. NPF-21**
NRC INSPECTION REPORT 95-05
CLARIFICATION OF INSPECTION REPORT COMMENTS

References: 1. Letter, dated April 10, 1995, AB Beach (NRC) to JV Parrish (SS), "NRC Inspection Report 50-397/95-05"
2. Federal Register Vol. 48, No. 144, dated July 26, 1983, "Licensee Event Report System"

Reference 1, in describing two Technical Specification 3.0.4 violations, states that two reportability evaluations performed by the Licensing department on the events "did not appear conservative." Reference 1 went on to indicate this matter would be reviewed further during future inspections. The Supply System believes the evaluation efforts, most of which are not described in Reference 1, were reasonable and that the reportability conclusions were correct. Accordingly, the Supply System provides the following clarification to paragraph 3.2.1.1 of Reference 1.

Following identification of the Technical Specification 3.0.4 violations, the Supply System began written reportability evaluations in accordance with our corrective action program. The Supply System carefully reviewed whether the events were reportable because of their similarity to other nonreportable situations described in NUREG-1022.

In support of this review, on February 22, the licensing engineer preparing the reportability evaluations called the Office for Analysis and Evaluation of Operational Data (AEOD) representative listed in the forwarding memorandum to the second draft of NUREG-1022 Revision 1 as the appropriate NRC contact. The AEOD contact noted that only Technical Specification Action Statement violations were reportable, and that NUREG-1022 Revision 1 provided this clarification. In addition, the licensing engineer reviewed the draft NUREG-1022, which referenced text from Reference 2 (48 FR 33855, the Statements of Consideration for the final LER rule). The NRC Senior Resident Inspector was notified of the call to AEOD on February 22; it is our understanding he also spoke with the AEOD contact.

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NRC INSPECTION REPORT 95-05

CLARIFICATION OF INSPECTION REPORT COMMENTS

As a result of this review, the Supply System observed that the Statements of Consideration note that ". . . the scope has been changed (from the proposed rule) to require the reporting of events or conditions 'prohibited by the plant's Technical Specifications' rather than events where 'a plant Technical Specification Action Statement is not met.' *This change accommodates plants that do not have requirements that are specifically defined as Action Statements* (emphasis added)." Consistent with the guidance obtained from AEOD, the Supply System believes that for WNP-2 (which has specifically defined Action Statements), conditions covered by Action Statements are only reportable if the Action Statements are violated. For the events described in Reference 1, each condition was corrected within the time allowed by the applicable Limiting Condition for Operation Action Statement.

The reportability evaluation was completed on February 24, referencing the Statements of Consideration, the call to AEOD, and the draft NUREG-1022. The Statements of Consideration were the primary reference. A similar evaluation was completed for the second Technical Specification 3.0.4 violation.

The licensing manager and the engineer involved with the reportability evaluations met with the NRC Senior Resident Inspector and WNP-2's Senior Project Manager on February 24. The meeting included a review of the Statements of Consideration, the reportability evaluations, the draft NUREG-1022 Revision 1, and the phone calls made to AEOD by both the Supply System and the NRC Senior Resident Inspector. The NRC Senior Resident Inspector and WNP-2's Senior Project Manager did not concur with the Supply System's reportability evaluations, and indicated on February 24 that they planned to resolve the issue with AEOD. To date, the Supply System has not been informed of the results of this resolution.

The Supply System is concerned that the referenced inspection report does not fully account for the measures taken in the evaluation in that no mention was made of the licensing engineer's contact with AEOD, the inspector's contact with AEOD, or the evaluation of the Statements of Consideration. Further, the apparent preliminary position taken by the Regional Staff creates uncertainty in reporting that appears to run contrary to the efforts of the Commission over the last three years to minimize such uncertainty. The Supply System believes its determination was appropriate and well-founded. However, if there is a different generic NRC position related to this provision than reflected by the Commission's apparent original intent (and current guidance), the Staff should use the appropriate regulatory mechanisms for imposing that position (whether through additional rulemaking or appropriately implemented generic guidance).

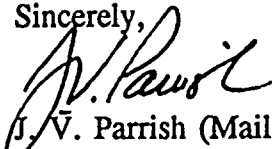
Page 3

NRC INSPECTION REPORT 95-05

CLARIFICATION OF INSPECTION REPORT COMMENTS

If you have any questions or desire additional information regarding this matter please contact me or D. A. Swank at (509) 377-4563.

Sincerely,



J. V. Parrish (Mail Drop 1023)
Vice-President, Nuclear Operations

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