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WASHINGTON PUBLIC POWER SUPPLY SYSTEM

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June 10, 1996
GO2-96-116

Docket No. 50-397

Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Gentlemen:

Subject: **NUCLEAR PLANT WNP-2, OPERATING LICENSE NPF-21,
NRC INSPECTION REPORT 96-03, RESPONSE
TO NOTICE OF VIOLATION**

Reference: Letter dated May 9, 1996, JE Dyer (NRC) to JV Parrish (SS), "NRC Inspection Report 50-397/96-03 and Notice of Violation"

The Supply System's response to the referenced Notice of Violation, pursuant to the provisions of Section 2.201, Title 10, Code of Federal Regulations, is enclosed as Attachment A.

Should you have any questions or desire additional information regarding this matter, please call me or Ms. Lourdes Fernandez at (509) 377-4147.

Respectfully,

P. R. Bemis
Vice President, Nuclear Operations
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NRC INSPECTION REPORT 96-03, RESPONSE TO NOTICE OF VIOLATION

Attachment A
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VIOLATION A

Inspection Report 96-03 identified two violations 'A' and 'B' and requested our response to Notice of Violation 'A.' That violation is restated below:

The Technical Specification Surveillance Requirement specifies that the specific activity of the reactor coolant be demonstrated to be within the limits (of the Limiting Condition of Operation) by performance of the sampling and analysis program of Table 4.4.5-1.

Table 4.4.5-1, Item 4.b, requires, in part, that primary coolant isotopic analysis for iodine be performed on a sample between 2-6 hours following a change in thermal power of greater than 15 percent of rated power in 1 hour, as required by Action c.

Action c states, in part, to perform, in operational Condition 1 or 2 and with a thermal power changed by more than 15 percent of rated thermal power in 1 hour, the sampling and analysis requirements of Table 4.4.5-1, Item 4.b.

Contrary to the above, on March 1, 1996, a power change of greater than 15 percent in one hour occurred; however, a reactor coolant was not sampled nor an isotopic analysis for iodine performed between 2-6 hours after the power level change.

This is a Severity Level IV violation (Supplement I) (50-397/9603 02)

RESPONSE TO VIOLATION A

The Supply System denies the violation.

REASON FOR DENIAL OF VIOLATION A

So long as the specific activity limits of Technical Specification Limiting Condition for Operation (LCO) 3.4.5 are not exceeded there is no requirement to enter and take remedial measures under the Technical Specification Action requirements.

Conditional isotopic analysis for iodine of a primary coolant sample is required under our Technical Specifications when Technical Specification Action 3.4.5.c is entered. However, since primary coolant had been verified to be within the limits of Technical Specification LCO 3.4.5 by performance of normal surveillances within the previous 31 days, Technical Specification Action 3.4.5.c was not required to be implemented.

Entry into Technical Specification Action requirements is only required when the associated Limiting Condition for Operation (LCO) cannot be met. This is stated in Technical Specification 3.0.1:

Compliance with the Limiting Conditions for Operation contained in the succeeding Specification is required during the operational conditions or other conditions specified therein; except that upon failure to meet the Limiting Conditions for Operation, the associated ACTION requirements shall be met.

Emphasis supplied.

This statement in our Technical Specifications is closely paralleled by statement LCO 3.0.2 of NUREG 1434, BWR Standard Technical Specifications¹. Both NUREG 1434 and our Technical Specification 3.0.1 make it clear, then, that as long as the Plant operates within the bounds of its Technical Specifications (LCOs), there is no requirement to enter into LCO Action requirements.

¹ Upon discovery of a failure to meet an LCO, the Required Actions of the associated Conditions shall be met, except as provided in LCO 3.0.5 and LCO 3.0.6.

If the LCO is met or is no longer applicable prior to expiration of the specified Completion Time(s), completion of the Required Action(s) is not required, unless otherwise stated.

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The sampling and analysis program identified in Table 4.4.5-1, item 4.b does not require primary coolant sampling and analysis simply because a 15% thermal power change has occurred.

The specific activity of primary coolant is to be demonstrated by the sampling and analysis program of Table 4.4.5-1. The frequency and scope of the sampling and analysis program is called out in the Table. The Table provides for both periodic² and conditional sampling and analysis.

Table 4.4.5-1 also provides for the circumstance where periodic testing obtain results which demonstrate that primary coolant is outside the bounds of Technical Specification LCO 3.4.5. In this situation conditional testing is then performed. This conditional testing is noted in both Items 4.a and 4.b of Table 4.4.5-1. With regard to Item 4.b, a conditional sample is required:

- b) [B]etween 2 and 6 hours following the change in THERMAL POWER or off-gas level, as required by ACTION c.

Emphasis supplied.

D Action c.1 requires testing in accordance with Table 4.4.5-1 requirements whenever the activity limits of Technical Specification LCO 3.4.5 are known to be exceeded prior to a 15% change in thermal power.³

Technical Specification 3.4.5.c also identifies that the purpose of taking and analyzing a primary coolant sample is to restore the coolant to Technical Specification limits:

[P]erform the (subject) sampling and analysis requirements until the specific activity of the primary coolant is restored to within its limit.

The "limit(s)" referred to above are the Technical Specification LCO 3.4.5 limits.

At no time during the situation identified by the Inspection Report was the Technical Specification limit exceeded. Thus, there was no requirement to take the sample even though there was a 15% change in thermal power. Stated another way, the subject sample is 'triggered' by exceeding the Technical Specification LCO limit and the change in thermal power.

² The following examples of periodic sampling are drawn from Table 4.4.5-1. In operational conditions 1, 2, and 3, gross beta and gamma activity is sampled once every seventy two hours. In operational condition 1, Isotopic analysis for Dose Equivalent I-131 concentration is taken at least once every 31 days; radiochemical analysis for \bar{E} determination is performed once every six months, and isotopic analysis of an Off-gas sample is taken at least once every 31 days. All of the above listed samples are taken *periodically* to ensure the primary coolant is within the bounds of Technical Specification LCO 3.4.5.

³ The 15% thermal power change is noted in Action c.1. In addition, Action c.2 and c.3 identify circumstances, not presently at issue, which would invoke the requirement to take a conditional primary coolant sample and conduct an analysis.

Our analysis that this Technical Specification reactor coolant sampling requirement is not solely triggered by a 15% thermal power change is supported by NRC action involving Technical Specification language at other power plants.

Our analysis concludes that Technical Specification 3.4.5 does not require sampling and analysis of primary coolant solely as a result of a 15% thermal power change. This is a recent analysis resulting in a change in the manner in which we interpret and apply this Technical Specification. Our interpretation clarifies our Technical Specification requirements to be consistent with the interpretation of identical requirements provided by NRC staff for other nuclear power plants. It is recognized that our prior interpretation of our Technical Specification requirement differs from that which is now applied. However, we believe that a licensee must be afforded the flexibility to rely upon credible (industry and regulatory) interpretations of Technical Specification requirements when such interpretations are confirmed by our independent assessment.

In the cases presented below, licensees were seeking to clarify coolant sampling and analysis requirements in their Technical Specifications by adding a non-technical, administrative change to larger proposals for Technical Specification changes. In each case the staff accepted the Technical Specification change and acknowledged that the proposed wording changes constituted a clarification of existing requirements and was as or more restrictive than our previous requirements. The underlying theme in each instance discussed below is that a thermal power change is not the sole triggering event which prompts conditional testing.

Grand Gulf Nuclear Station Unit 1

In 1987, Grand Gulf Nuclear Station sought Nuclear Regulatory Commission approval to add the language, noted by italics, to its Technical Specifications:

At least one sample between 2 and 6 hours following the change in thermal power or off-gas level, *whenever the specific activity exceeds a limit*, as required by ACTION c.

Here again, the "limit" referred to is the specific activity limit specified in the LCO.

The staff's response to this proposal is instructive:

Changes to Technical Specification Table 4.4.5-1 ... clarify iodine sampling requirements but do not change the requirements. These changes are acceptable.⁴

⁴ Safety Evaluation by the Office of Nuclear Reactor Regulation Supporting Amendment No. 28 to Facility Operating License No. NPF-29, Docket No. 50-416, March 5, 1987. Emphasis supplied.

The Grand Gulf clarification focuses the sampling and analysis requirement on situations where the specific activity exceeds the LCO limit. A thermal power change does not act as the sole trigger to increased sampling and analysis requirements. Thus, the staff determined that the old and new Grand Gulf wording were technically identical. The NRC's interpretation of the Grand Gulf language is consistent with our conclusion that no Technical Specification violation occurred in this instance.

Hatch Nuclear Plant Unit 1 & 2

A 1994 change to the Technical Specifications at the Hatch Nuclear Plant makes this point even more forcefully. Hatch requested that requirements for this conditional primary coolant sample be omitted entirely from Table 4.4.5-1 because the requirements are redundant to other sampling requirements whenever the LCO limit is exceeded. The staff accepted this change:

The conditions for requiring an additional sample are being omitted from improved TS because improved TS 3.4.6 [comparable to our 3.4.5], ACTIONS A and B, requires an increased sampling frequency of every 4 hours *when the LCO specific activity limit is exceeded*. These ACTIONS are equivalent to or more restrictive than current requirements, and are, therefore acceptable.⁵

Clinton Power Station

In a 1995 Technical Specification change the Clinton Power Station requested deletion of the conditions for additional coolant sampling tests. Like the Hatch proposal, the Clinton proposal also pointed out that the additional sampling requirements for thermal power changes were redundant to the sampling required on a four hour frequency whenever the LCO limits were exceeded and was, therefore, unnecessary. The staff accepted this change:

Performance requirements of the Primary Coolant Specific Activity Sample and Analysis Program in existing Technical Specification Table 4.4.5-1 are reformatted within Required Actions A.1 and B.1 of improved Technical Specification 3.4.8, reactor coolant system (RCS) Specific Activity. The performance requirements are effectively retained within the improved Technical Specifications and are therefore acceptable.⁶

⁵ Safety Evaluation by the Office of Nuclear Reactor Regulation Relating to Amendment No. 195 to Facility Operating License No. DPR-57 and Amendment No. 135 to Facility Operating License No NPF-5, Dockets No. 50-321 and 50-366, 1994. Emphasis supplied.

⁶ Safety Evaluation by the Office of Nuclear Reactor Regulation Relating to Amendment No. 42 to Facility Operating License, Docket No. 50-461. Emphasis supplied.

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Perry Nuclear Power Plant Unit 1

In a 1995 Technical specification change, the Perry Nuclear Power Plant requested deletion of the conditions for additional coolant sampling tests. This request was identical to the request made by the Clinton Nuclear Plant and the staff approved the request using similar wording.⁷

These examples clearly demonstrate the staff has previously interpreted Technical Specification 3.4.5 in a manner consistent with the analysis in this response. Further, the staff regards proposals by other plants to clarify the sampling and analysis requirements as an administrative change i.e., involving no change to the intended sampling requirements.

CORRECTIVE ACTIONS TAKEN AND RESULTS ACHIEVED

No corrective actions were taken based upon the conclusion that a Technical Specification 3.4.5 violation did not occur. There were, however, personnel performance issues associated with this event that are captured and addressed through the WNP-2 Corrective Action (PER) process. Specifically, PER 296-0178 addresses these issues and the necessary corrective actions. This PER is available for your review.

CORRECTIVE STEPS THAT WILL BE TAKEN TO AVOID FURTHER VIOLATIONS

No corrective steps related to the identification of this issue as a Technical Specification 3.4.5 violation will be taken.

DATE OF FULL COMPLIANCE

The failure to take a primary coolant sample solely on the basis of a 15% thermal power change did not place the Supply System out of compliance with its Technical Specification requirements.

⁷ Amendment No. 69 to Facility Operating License No. NPF-58 - Perry Nuclear Power Plant Unit No. 1, June 23, 1995.