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VPNPD-96-006

January 25, 1996

Document Control Desk  
US NUCLEAR REGULATORY COMMISSION  
Mail Station P1-137  
Washington, DC 20555

Gentlemen:

DOCKETS 50-266 AND 50-301  
RESPONSE TO NOTICE OF VIOLATION  
INSPECTION REPORTS 50-266/95013 (DRP); 50-301/95013 (DRP)  
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2

In a letter from Mr. M. J. Farber dated December 26, 1995, the Nuclear Regulatory Commission forwarded to Wisconsin Electric Power Company, licensee for the Point Beach Nuclear Plant, the results of a routine safety inspection performed by Messrs. T. Kobetz and A. McMurtray from October 4, 1995, through November 16, 1995. This inspection report included a Notice of Violation (Notice), which describes a violation of the Point Beach Technical Specifications (TS) requirement 15.6.8.1 that states safety related equipment will be tested in accordance with approved procedures.

We have reviewed this Notice and, pursuant to the provisions of 10 CFR 2.201, have prepared a written response of explanation concerning the identified violation of Point Beach Technical Specifications. Our written response is included as an attachment to this letter.

We believe that the attached reply is responsive to your concerns and fulfills the requirements identified in your December 26, 1995, letter.

If you have any questions or require additional information regarding this response, please contact us.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Bob Link', is written over a horizontal line.

Bob Link  
Vice President  
Nuclear Power

9601290455 960125  
PDR ADOCK 05000266  
G PDR

JED

CAC

cc: NRC Resident Inspector, NRC Region III Administrator

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**RESPONSE TO NOTICE OF VIOLATION  
INSPECTION REPORTS 50-266/95013 (DRP); 50-301/95013 (DRP)**

**WISCONSIN ELECTRIC POWER COMPANY  
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2  
DOCKETS 50-266 AND 50-301  
LICENSE NOS. DPR-24 AND DPR-27**

During a routine safety inspection performed by Messrs. T. Kobetz and A. McMurtray from October 4, 1995, through November 16, 1995, a violation of the Point Beach Technical Specifications was identified. The identified violation was classified as Severity Level IV. Inspection Report Nos. 50-266/95013 and 50-301/95013 and the Notice of Violation (Notice) transmitted to Wisconsin Electric on December 26, 1995, provide details regarding the violation of Point Beach Administrative Controls Technical Specification 15.6.8.1, which specifies requirements for the use of approved procedures. We agree that the situation identified was not in accordance with the Point Beach Administrative Controls Technical Specifications. However, we believe that the Technical Specification requirements for temporary changes to major procedures (TS 15.6.8.3.A) is more appropriate to identify as the governing Technical Specification requirement. The information below responds to the violation and provides clarification regarding the characterization of the events and circumstances described in the Notice and the accompanying Inspection Report.

In accordance with the instructions provided in the Notice, our reply to the alleged violation includes: (1) the reason for the violation, or if contested, the basis for disputing the violation; (2) corrective action taken; (3) corrective action to be taken to avoid further violations; and (4) the date when full compliance will be achieved.

**DISCUSSION OF VIOLATION:**

On November 7, 1995, Operations performed portions of the test designated ORT-3A, "Safety Injection Actuation with Loss of Engineered Safeguards AC, Unit 2." Concurrent with the performance of portions (Sections 5.10, 5.11, and 5.12) of ORT-3A, an I&C Technician was performing testing on Unit 1, per procedure ICP-02.001, "Reactor Protection and Emergency Safety Features Analog Quarterly Surveillance Test."

One of the initial conditions for ORT-3A (Step 3.8) states, "All safeguard systems-related work or testing on either or both units is suspended for the duration of this test." This initial condition should have been changed or the permission to perform these test sections independently should have been placed in the ORT-3A procedure, via temporary change, to allow the performance to proceed concurrently with the ICP-02.001 surveillance test on Unit 1.

The Notice states that this is a violation of Technical Specification (TS) 15.6.8.1, which states, "The plant shall be operated and maintained in accordance with approved procedures." We believe that this deviation from ORT-3A, which is an approved procedure, is more accurately characterized as improper implementation of a temporary change to a major procedure. Technical Specification 15.6.8.3.A states

that temporary changes to major procedures may be made provided such changes are approved by the cognizant group head (Duty Shift Superintendent [DSS] in operations) and one of the Duty and Call Superintendents (DCS). The Inspection Report further documents that performance of the Unit 1 safeguards testing concurrent with ORT-3A was discussed in a meeting that morning and was agreed to by the DSS, the ORT-3A test director, the ORT-3A test coordinator, and the DCS present.

The discussion between the DCS and DSS fundamentally satisfied the Technical Specification requirement for making a temporary change to a major procedure. However, they failed to implement the administrative process for making a temporary change to a major procedure, which includes marking the procedure with the change, filling out a form to document the change, obtaining signatures for appropriate approval, and determining the need to perform a safety evaluation (10 CFR 50.59 or 72.48) for the change prior to using the procedure with the temporary change.

This Notice describes a situation where we failed to properly implement our temporary change process, rather than a violation of the Technical Specification requirements to operate and maintain the plant in accordance with approved procedures. As stated previously, ORT-3A, is an approved procedure for performing required surveillances. Changing (or taking exception to) the initial condition to allow performance of a safeguards test on Unit 1 concurrent with ORT-3A does not change the intent of ORT-3A, nor does it violate the Technical Specifications in the manner implied by the Notice.

Additionally, the Inspection Report states that the NRC inspector raised concerns while observing this portion of ORT-3A as to whether a temporary change had been made or if this affected the 10 CFR 50.59 Safety Evaluation. We believe that exchanges with the inspector, prior to completion of the testing, consisted of inquiry as to whether the concurrent testing was known and planned for. (He did not ask if a temporary change had been made or if this affected the Safety Evaluation, at this time). In response to his inquiry, the inspector was told that the concurrent testing was known and planned for. We believe that the inspector did not point out the initial condition requirement until after this testing was completed.

## **RESPONSE TO VIOLATION:**

### **1. REASON FOR VIOLATION**

Based on the above clarifications of the characterization of this violation, we recognize that the situation described by the Notice was not in accordance with our administrative procedures for performing a temporary change to a major procedure. As stated previously, the basic requirements for making a temporary change to a major procedure were maintained (i.e. the DSS and DCS "approved" the concurrent testing). In this instance, we inadvertently did not adhere to our temporary change administrative process by failing to properly document this temporary procedure change.

We have concluded that the following factors contributed to the break-down of the temporary change process in this situation:

### **Failed to refer back to initial conditions:**

The initial conditions for ORT-3A, and in particular the initial condition that was included to prevent the concurrent testing, was originally expected to be satisfied during this performance of ORT-3A, and therefore it was signed-off as complete. When the decision was made to allow the concurrent safeguards testing on Unit 1, test personnel failed to refer back to the initial condition. Referring back to the initial conditions would have triggered initiation of an appropriate temporary change.

### **Applicability/Intent of this Initial Condition:**

Procedure ORT-3A is used to accomplish a substantial amount of safety related equipment surveillance. The procedure writer, who was also the test coordinator for ORT-3A, added this initial condition about two years ago to address concerns associated with performing loss of AC testing as post-modification testing for new emergency diesel generator tie-ins. As stated in the Inspection Report, the part of ORT-3A being performed concurrent with ICP-02.001 was the ATWS Mitigating System Actuation Circuit, Auxiliary Feedwater (AFW) start on LO-LO steam generator water level, and AFW pump low suction pressure trip. These protection features are non-safeguards functions and not related to loss of AC portions of the test. Therefore, the original intent of this initial condition was still met. In addition, the test coordinator was aware that the 10 CFR 50.59 safety evaluation allowed this portion of ORT-3A to be performed separately from the other sections of the test. The Safety Evaluation did not specify the applicability or non-applicability of the initial conditions to this portion of ORT-3A. This contributed to the failure of responsible personnel to refer back to the initial conditions.

## **2. CORRECTIVE ACTION TAKEN**

On November 9, 1995, an Operations Supervisor initiated a condition report (CR 95-579) documenting the situation that temporary changes to ORT-3A may not have been appropriately initiated and processed. Corrective actions for this condition report included: Initiation of a temporary change to ORT-3A that incorporated the change to allow the Sections 5.10, 5.11, and 5.12 to be performed independently; revision of the safety evaluation to explicitly include the provision for concurrent testing; and appropriate approval of the temporary change and safety evaluation. These actions were completed by November 29, 1995.

## **3. CORRECTIVE ACTION TO BE TAKEN TO AVOID FURTHER VIOLATIONS**

An independent initiative is underway that will help prevent recurrence of violation of this initial condition of ORT-3A. The procedure is being rewritten to allow the ATWS Mitigating System Actuation Circuit, Auxiliary Feedwater (AFW) start on LO-LO steam generator water level, and AFW pump low suction pressure trip to be performed separately. The revision will include the flexibility to allow concurrent safeguards system testing, if necessary. Otherwise, the revision to separate this testing will make the applicability of the associated initial conditions more apparent, based on this testing having its own explicit initial conditions.

In recognition of the fact the Duty Shift Superintendents play a key role in temporary changes to major procedures, the operations manager discussed this event with them and stressed adherence to the temporary procedure change administrative process. This was done by the operations manager during an off-site meeting with all Duty Shift Superintendents in attendance, at a meeting on January 18, 1996.

4. DATE WHEN FULL COMPLIANCE WILL BE ACHIEVED

We are presently in full compliance with NRC requirements.