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July 26, 2000

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D.C. 20555-0001

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES)
DOCKET NOS. 50-445 and 50-446
NRC INSPECTION REPORT NOS. 50-445/00-03 and 50-446/00-03
RESPONSE TO FINDINGS

Gentlemen:

TXU Electric has reviewed the NRC letter dated June 19, 2000, and the enclosed subject inspection report concerning inspections by Region IV and CPSES Resident Inspectors during the period of April 2 through May 20, 2000. Included with the inspection report was a Summary of Findings.

As directed by instructions in the transmittal letter, TXU Electric hereby responds to the report's findings. An extension until July 26, 2000, to respond to the findings was discussed with Mr. J. I. Tapia of your staff.

With respect to the noncited violation which was documented as two Green Findings under "Cornerstone: Public Radiation Safety" and was based on the inspector's review of issues documented in CPSES SmartForm's SMF-1999-000671-00 and SMF-2000-001412-00, TXU Electric has subsequently performed a thorough review of these issues and now elects to appeal the staff's characterization of the significance of these particular "Green" findings. The basis for this appeal is provided in the attachment to this letter.

IE01

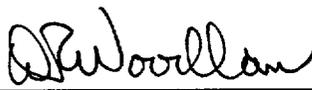
TXX-00149
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Even though "Green" findings are by definition of "very low safety significance," TXU Electric is submitting this response in the interest of reaching a common understanding of the interpretation of those questions which are used to screen out or classify issues and determine findings (colors) while implementing the NRC's new Revised Reactor Oversight Process (RROP). TXU Electric recognizes that there will be an initial period where there may be a difference between NRC and licensee interpretations on some specific issues. TXU Electric believes that the above issues may involve such an interpretation difference and by providing additional information it is hoped that the issues can be further clarified and our mutual understanding of the process improved. For these specific findings, TXU Electric believes that they meet the definition of "Minor" and should be screened out prior to being formally reviewed by the Significance Determination Process, and therefore no color should be assigned.

Should you have any comments or require additional information, please contact Mr. Connie Wilkerson at (254) 897-0144 to coordinate this effort.

Sincerely,

C. L. Terry

By: 

D. R. Woodlan
Docket Licensing Manager

CLW:clw
Attachment

cc: Mr. E. W. Merschoff, Region IV
Mr. J. I. Tapia, Region IV
Ms. Gail Good, Region IV
Resident Inspectors
Mr. D. H. Jaffe, NRR

**RESPONSE TO NONCITED VIOLATION
GREEN FINDINGS
CORNERSTONE: PUBLIC RADIATION SAFETY
NRC INSPECTION REPORT 50-445/00-03; 50-446/00-03**

**RESTATEMENT OF THE GREEN FINDINGS
CORNERSTONE: PUBLIC RADIATION SAFETY**

- Green. The licensee identified that on March 23, 1999, a nonroutine gaseous release was initiated from the Unit 2 volume control tank prior to performing a source check on the primary plant ventilation noble gas release rate monitor. The inspectors identified another incident on September 28, 1999, in which the licensee performed a nonroutine gaseous batch release from the Unit 1 volume control tank prior to performing a source check to verify proper operation of the primary plant ventilation noble gas release rate monitor. The failure to perform the source check on the effluent monitors could have resulted in a radioactive gaseous release to the environment which was not properly monitored by an operable radiation monitor. The licensee's failure to perform source checks on the primary plant ventilation noble gas release rate monitors prior to initiating the gaseous batch releases from the volume control tanks was a violation of Technical Specification 5.5.1. This violation is being treated as a noncited violation consistent with Section VI.A.1 of the NRC Enforcement Policy and is in the licensee's corrective action program as SmartForm SMF-2000-001412-00 (Section 2PS1).

This issue was characterized as a green finding using the public radiation safety significance determination process. It was determined to have very low risk significance because the incident did not impair the licensee's ability to assess dose, and the calculated dose to the public as a result of the two gaseous releases was less than 1.0 percent of 10 CFR Part 50, Appendix I limits.

- Green. The details surrounding the March 23, 1999, nonroutine release were in the licensee's corrective action program as SmartForm SMF-1999-000671-00. Corrective actions were completed, and SmartForm SMF-1999-000671-00 was closed on August 24, 1999. However, on September 28, 1999, the licensee again failed to source check the effluent radiation monitor prior to initiating a nonroutine gaseous batch release. Therefore, the inspectors concluded that the corrective actions were ineffective in preventing a second occurrence (Section 2PS1).

This issue was characterized as a green finding because the significance of the related technical issue was green.

RESPONSE TO GREEN FINDINGS
CORNERSTONE: PUBLIC RADIATION SAFETY

TXU Electric appeals the color of these findings.

These Green findings arose from the inspector's review of relevant issues that had been identified and documented in the CPSES corrective action program (on corrective action reports or SmartForms (SMFs)). The issues reviewed were relevant to the scope of NRC Inspection Procedure (71122.01): Radioactive Gaseous and Liquid Effluent Treatment and Monitoring Systems. The findings are related to SMF-1999-000671-00 and SMF-2000-001412-00 which involve the performance of a planned non-routine release of radioactive gaseous effluents from the Unit 2 Volume Control Tank (VCT) during refueling outage 2RFO4, and the Unit 1 VCT during refueling outage 1RFO7, respectively.

After review of the performance of activities associated with both VCT releases, TXU Electric has concluded that the individuals involved performed steps, with respect to source checking the required radiation monitors, consistent with the specific wording of the ODCM and station procedures. However, the individuals may not have performed these steps consistent with Radiation Protection management's expectations for these same ODCM and station procedure requirements. The differences in interpretation of the specific wording in these documents between the individuals actually performing the tasks and Radiation Protection management personnel may not have previously been adequately conveyed between the individuals involved or to the NRC inspector.

The following chronological summary describes the key events related to these findings. More detailed information and a basis for appeal follows.

- | | |
|--------------------|--|
| March 23, 1999 | Performed planned non-routine radioactive gaseous release GRP-99-0052 from the CPSES Unit 2 VCT during 2RFO4 in accordance with ODCM and procedure STA-603. |
| March 23, 1999 | SmartForm SMF-1999-000671-00 issued in response to errors made in performance of GRP-99-0052. |
| September 1, 1999 | Form RPI-704-5 "Non-Routine Release DRMS Setpoint Data Sheet" effective as a revision to Radiation Protection instruction RPI-704. Part of corrective action to SMF-000671-00. |
| September 27, 1999 | Performed planned non-routine radioactive gaseous release GRP-99-0161 from the CPSES Unit 1 VCT during 1RFO7 in accordance with ODCM and procedure STA-603. |

- October 21, 2000 SmartForm SMF-1999-000671-00 closed.
- May 1-4, 2000 NRC inspection (71122.01) conducted .
- May 18, 2000 NRC inspector back onsite and asks to see evidence of the documentation of new Form RPI-704-5 that he expects to be included in release permit GRP-99-0161 for the Unit 1 VCT release.
- May 18, 2000 Records of release permit GRP-99-0161 retrieved. No Form RPI-704-5 exists in the permit package for documenting applicable radiation monitor setpoints/source checks.
- May 18, 2000 SmartForm SMF-2000-001412-00 (issue identified by the NRC inspector) was issued in response to apparent ineffective corrective action to SMF-1999-000671-00, i.e., no use of new Form RPI-704-5 for a non-routine radioactive gaseous effluent release. The NRC inspector is informed and given a copy of SMF-2000-001412-00.
- June 19, 2000 NRC Inspection Report No. 50-445/00-03; 50-446/00-03 issued with two Green Findings in Cornerstone: Public Radiation Safety

Details Surrounding March 23, 1999, Planned Non-Routine Gaseous Release from Unit 2 Volume Control Tank (VCT) and SmartForm SMF-1999-000671-00

On March 23, 1999, in association with refueling outage activities of 2RFO4, a planned non-routine radioactive gaseous effluent release permit (GRP-99-0052) was prepared for reducing pressure in the Unit 2 VCT. The method to be used for reducing pressure was by allowing the Unit 2 VCT sample purge to be vented to a Process Sampling System (PSS) vent hood which in turn vented to the Primary Plant Ventilation System and out to the environment via the plant vent stacks. A planned non-routine radioactive gaseous effluent release permit had been prepared by a Radiation Protection Health Physicist who had identified the release to be handled as a gaseous effluent "batch release." This release was prematurely initiated by Chemistry personnel [on the basis of information that was (mis)communicated at a shift turnover meeting] before the release permit's section entitled "Release Data" was completed and approval obtained from the Shift Manager. The Chemistry individual initiating the release also did not have possession of the permit prior to aligning the Unit 2 VCT purge to the PSS vent hood.

The "Release Data" section of the permit contains a pre-release checklist of questions in addition to providing for the Shift Manager's approval. The checklist includes the prompting question "All applicable radiation monitor source checks performed?" After the release was already in progress, the Shift Manager was notified and the permit's "Release Data" section, including the

pre-release checklist and release approval by the Shift Manager, was completed. The Shift Manager marked the question concerning the radiation monitor source checks "N/A" with a note referring back to Radiation Protection instructions that the release was to be monitored as initiated at the PC-11 radiation monitor console.

Chemistry Department personnel immediately issued SmartForm SMF-1999-000671-00 as a result of this event. As described in the Issue Statement, SMF-1999-000671-00 was written to address two specific issues: (1) that the planned non-routine release had been initiated prematurely without first completing the proper pre-release checklist review and obtaining the approval of the Shift Manager; and (2) that the release permit (Form STA-603-17 "Planned Non-Routine Radioactive Effluent Release Data Sheet") merely asked the pre-release checklist question "All applicable radiation monitor source checks performed?" and only called for the completing individual's initials as a documented answer. Chemistry personnel believed that the "Release Data" section of the permit was lacking an explicit "form blank" that should serve to document any source checks that were determined to be required and were performed for the applicable radiation monitors in the release pathway.

Chemistry Department personnel who initiated GRP-99-0052 and subsequently issued SMF-1999-000671-00 believed that this non-routine Unit 2 VCT gaseous radioactive effluent release did not meet the control requirements of the CPSES Offsite Dose Calculation Manual (ODCM) with respect to requiring a source check of the applicable radiation monitors. This belief was based on their knowledge and belief that the ODCM Controls Section is specific for gaseous effluent releases from the Waste Gas Holdup System and Containment Vents and Purges, but not for other non-routine and infrequent sources like the VCT. These non-routine and infrequent sources of radioactive gaseous effluents were believed to be controlled only by applicable provisions of plant procedures.

The CPSES ODCM contains the following controls and guidance pertinent to gaseous radioactive effluent releases:

PART I, Control 3.3.3.5, "Radioactive Gaseous Effluent Monitoring Instrumentation," requirements in Table 3.3-8 state that the plant's vent stack noble gas release rate monitors (XRE-5570A & XRE-5570B) are applicable radiation monitors during batch radioactive releases via this pathway from the Waste Gas Holdup System and at all other times

PART I, Surveillance requirement 4.3.3.5 and Table 4.3-4, requires, in part, a radiation monitor source check of XRE-5570A & XRE-5570B prior to any release from the Waste Gas Holdup System or from Containment Purging or Venting. [emphasis added], not to exceed 31 days.

PART II, Section 2.0 "Calculation Methodology -- Gaseous Effluents," states in part:

"Operating experience has shown that occasional releases may be required from Pressurizer Relief Tank (PRT) vents for depressurizing the RCS during outages, from Volume Control Tank (VCT) vents during maintenance on the Waste Gas Processing System, from the Containment Building during Integrated Leak Rate Tests (ILRT), and from secondary steam releases (potentially radioactive during periods of primary-to-secondary leaks). These releases occur infrequently and are treated as batch releases."

As part of the corrective actions for SMF-1999-000671-00, Radiation Protection personnel evaluated the adequacy of procedures STA-603, "Control of Station Radioactive Effluents," and RPI-704 "Pre-release Processing For Radioactive Effluent Releases." No changes were identified for STA-603. Radiation Protection revised RPI-704 by developing a new Form RPI-704-5, "Non-Routine Release DRMS Setpoint Data Sheet". This new form contained provisions for documenting specific radiation monitor setpoints and source checks, as applicable, and was intended as a documentation enhancement to address Chemistry personnel identified concerns in item 2 of the Issue Statement of SMF-1999-000671-00. The new Form RPI-704-5 was developed to provide the specific documentation that was lacking on Form STA-603-17 for recording/documenting any required radiation monitoring source checks for a non-routine radioactive gaseous effluent release. Technical Evaluation EVAL-1999-000671-02-00 documented the adequacy evaluation of procedures STA-603 and RPI-704; this evaluation was closed August 24, 1999. Form RPI-704-5 became effective September 1, 1999.

SmartForm SMF-1999-000671-00 was closed October 21, 1999.

Details Surrounding September 27-28, 1999, Planned Non-Routine Gaseous Release from Unit 1 Volume Control Tank (VCT) and SmartForm SMF-2000-001412-00

On September 27-28, 1999, in association with refueling outage activities of 1RFO7, a planned non-routine radioactive gaseous effluent release permit (GRP-99-0161) was prepared for reducing pressure in the Unit 1 VCT. The method to be used for reducing pressure was the same as described above for the Unit 2 VCT in 2RFO4. GRP-99-0161 was prepared and performed as before by Radiation Protection and Chemistry personnel in accordance with their knowledge of station radioactive effluent control practices and procedures. However, for GRP-99-0161, a different individual from Radiation Protection (a Radiation Protection technician) prepared the permit and he did so differently from the individual that prepared the previous Unit 2 VCT release permit.

The Radiation Protection technician that prepared the Unit 1 VCT permit did so believing the release was not a "batch release." The Radiation Protection technician marked the "Release Data" section of the permit "N/A" for the pre-release checklist question, "All applicable radiation monitor source checks performed?" The individual who marked and initialed this checklist item N/A was also the technical reviewer for the procedure revision that developed new Form RPI-704-5 as a corrective action after the Spring 1999 Unit 2 VCT release event. The individual was cognizant of the reason for Form RPI-704-5 and would have completed it and provided this form in the documentation for GRP-99-0161 if he had believed the form was applicable to the release. The reason for this not happening is because the individual did not believe Form RPI-704-5 and source checks were applicable to this particular source of release. It was the individual's belief that the permit was only being prepared for the purpose of accounting for the quantity of radioactivity released (number of curies) for the annual effluent release report. The individual did not view this evolution as a "batch release," i.e., a gaseous release that is permitted to account for radioactivity, dose and other criteria.

SmartForm SMF-2000-001412-00 is currently open and in the planning status.

Perspective of the NRC Inspector

In the May 1-4, 2000, inspection, the inspector focused on the SMF-1999-000671-00 event. He believed it was an ODCM violation, but also understood that corrective action via development of new Form RPI-704-5 had been taken for enhancing the documentation of future non-routine gaseous effluent releases. At the Inspection Exit he "conservatively" characterized the issue as a potential non-cited violation with respect to this one event. He believed that the corrective action of developing the new Form RPI-704-5 provided a means to adequately document similar type releases in the future. He also believed that the new Form RPI-704-5 was used in the Fall 1999 refueling outage 1RFO7 although this was not verified at the time by either the NRC inspector or by TXU Electric personnel.

Later, after returning to CPSES on May 18, 2000, in conjunction with another inspection (and before the inspection report for 71122.01 was finalized and issued) the inspector asked to verify the documentation for the similar GRP-99-0161 Unit 1 VCT non-routine release. He specifically wanted to see evidence that the new Form RPI-704-5 was part of the release permit documentation package. Radiation Protection personnel retrieved the release permit package and discovered that the Form RPI-704-5 was not part of the package. The inspector was informed and Radiation Protection immediately issued SmartForm SMF-2000-001412-00 with the summary statement of, "Corrective actions taken for SMF-1999-000671 were not adequate."

The NRC inspector took the technical position that the ODCM requirements are intended to address and apply to any type of radioactive gaseous effluent release that is formally identified and permitted as a batch release. The non-routine release from the Unit 2 VCT was handled as a

batch radioactive gaseous effluent release and a batch release permit was prepared in accordance with station procedures. The inspector specifically quoted a violation with respect to ODCM Table 4.3-4, Item 2.a, due to not meeting the required source checks for the Noble Gas Release Rate Monitors in the plant vent stacks (XRE-5570A & B) prior to the release.

TXU Electric Perspective On Answering The Group One Questions For Minor Violations

TXU Electric has reviewed the seven Group One questions for determining Minor Violations in accordance with the NRC's Revised Reactor Oversight Process (RROP). These questions are as follows:

1. Does the issue have an actual or credible impact on safety?
2. Does the issue suggest a programmatic problem that has a credible potential to impact safety and is more than an isolated case?
3. Could the issue be reasonably viewed as a precursor to a significant safety concern?
4. If left uncorrected would the same issue become a more significant safety concern?
5. Are there any associated circumstances that add regulatory or safety concerns, (i.e., apparent willfulness, licensee refusal to comply)?
6. Does the issue relate solely to NRC limits and not licensee administrative limits?
7. Does the issue relate to collecting or reporting performance indicators such that a threshold could be or may have been exceeded?

TXU Electric believes that the above issues result in a "No" answer to all questions. It is our understanding that the NRC Green Findings arose because Question 2 was determined to be answered "Yes." In order for this question to be answered "Yes," it requires that the issue meet all three sub-conditions within the question, i.e., (1) does the issue suggest a programmatic problem, (2) does it have a credible potential to impact safety, and (3) is it more than an isolated case?

With respect to this question and its sub-conditions, TXU Electric's primary basis for appeal is that neither event had a credible potential for impacting safety. This is because the information provided in items 1, 2 and 3 below under **Basis for Appeal** clearly shows that the subject radiation monitors were operable and performing their function during these events.

Additionally, TXU Electric believes as provided in item 4 under **Basis for Appeal** that the two subject non-routine radioactive gaseous effluent release events are different in circumstances and should be considered as two unrelated and isolated incidents with different causes.

Basis for Appeal

1. All applicable radiation monitor channel checks were performed for each of the subject non-routine releases. This is documented in the release permit documentation of GRP-99-0052 and GRP-99-0161.
2. Credit can reasonably be taken for source checks on the plant vent stack's Wide Range Gas Monitors (WRGM) (XRE-5570 A & B) as performed for other near-time gaseous effluent releases. Results of these source checks show the subject radiation monitor detectors to be satisfactorily performing their function as required. These source checks were conducted in association with the following near-time batch releases:

GRP-99-0050	March 20, 1999	Containment Vent (Unit 2)
GRP-99-0051	March 21, 1999	Containment Vent (Unit 2)
GRP-99-0054	March 21, 1999	Containment Vent (Unit 1)
-- (GRP-99-0052	March 23, 1999	Non-Routine Release Unit 2 VCT)--
GRP-99-0057	March 26, 1999	Containment Vent (Unit 1)
GRP-99-0159	September 26, 1999	Containment Vent (Unit 1)
-- (GRP-99-0161	September 27, 1999	Non-Routine Release Unit 1 VCT)--
GRP-99-0163	September 29, 1999	Containment Vent (Unit 2)

3. Specific instructions provided by Radiation Protection in the non-routine release permits GRP-99-0052 and GRP-99-0161 directed cognizant personnel to monitor the PC-11 radiation monitor console for all applicable radiation monitors in the CPSES vent stacks as the release was initiated and observe for monitor trends, alarms, etc. This practice invokes cognizant personnel to observe and monitor multiple radiation monitors in the vent stacks of the CPSES Primary Plant Ventilation System which is common to both Units and major station buildings. Each radioactive gaseous effluent release is simultaneously being monitored at each of the two separate CPSES vent stacks. Each vent stack is equipped with primary Wide Range Gas Monitors (WRGMs) (XRE-5570 A&B) and backup (XRE-5567 A&B) noble gas radiation monitors. Each vent stack exhausts plant effluent gases that have been collected by a common plenum; therefore even if one set of primary and backup radiation monitors in a given vent stack is unavailable or inoperable, a radioactive gaseous effluent release is still monitored at the other vent stack with its set of both primary and backup radiation monitors. The likelihood of all these applicable radiation monitors being inoperable at the same time due to a failed detector (purpose for source check) is not credible. The release permit

instructed practice of observing the PC-11 radiation monitor console as the release is initiated ensures that an operable and applicable radiation monitor is being exercised as a control on the release.

4. The Radiation Protection technician involved in the Unit 1 VCT release and the Chemistry personnel involved in performing both subject non-routine radioactive gaseous effluent releases believed that the CPSES ODCM requirements were not applicable, and hence no source checks of the radiation monitors was required. They performed their activities in accordance with their understanding and knowledge of plant procedures, equipment and systems as they deemed them applicable.

In the first release event (Unit 2 VCT), the primary reason for source checks not being completed is because Chemistry personnel prematurely initiated the release without the chance for proper pre-release review and approval of the Shift Manager. Chemistry personnel were also under the belief that ODCM requirements were not applicable as this was not a release from the Waste Gas Holdup System or a Containment Vent or Purge; however the Radiation Protection Health Physicist who prepared the release permit did so as a "batch release." If the release had not been initiated prematurely, the pre-release checklist should have prompted the Shift Manager to ensure that applicable radiation monitor source checks were performed.

In the second release event (Unit 1 VCT), a different individual from Radiation Protection (a Radiation Protection technician) prepared the release permit and did so believing the VCT gaseous source did not call for preparation as a "batch release" as it was only being permitted to account for the release gaseous radioactivity (curies) for the annual report. He also believed the ODCM requirements were not applicable as the release was not from the Waste Gas Holdup System or a Containment Vent or Purge. He therefore marked the release permit question "All applicable radiation monitor source checks performed?" "N/A" and determined there was no need to complete a Form RPI-704-5 for source check documentation.

Conclusion and Status of Corrective Actions

Based on the information provided above, TXU Electric believes the issues involved with both non-routine release events meet the definition of "Minor" violation and should be screened out prior to being formally reviewed by the Significant Determination Process; therefore, no color should be assigned.

The NRC stated in the first Green Finding that "The failure to perform the source check on the effluent monitors could have resulted in a radioactive gaseous release to the environment which was not properly monitored by an operable radiation monitor." TXU Electric has substantiated,

based on information given in items 1, 2 and 3 above under **Basis for Appeal**, that the subject radiation monitors in the primary plant ventilation system were operable during these radioactive gaseous effluent releases. Additionally, with respect to the specific surveillance activity in question (source check) and the question of confidence of a given radiation monitor's operability, TXU Electric also believes that it is not credible that CPSES could have had a planned radioactive gaseous effluent release through the primary plant ventilation pathway without proper monitoring by an operable radiation monitor. This statement is based on the design of the CPSES primary plant ventilation system and the discussion given in item 3 above under **Basis for Appeal** which explains that multiple radiation monitor detectors in independent vent stacks would have to fail simultaneously for this to occur.

After review of the CPSES ODCM Part I requirements and the related guidance and methodology in ODCM Part II, TXU Electric does not dispute that the subject non-routine radioactive gaseous effluent releases should have been and will be considered "batch releases" in the future and will have radiation monitor source checks performed prior to release. TXU Electric has determined that less than adequate procedures and personnel knowledge/training were contributors to the issues discussed above. TXU Electric is addressing these issues under the existing corrective action activities of SmartForm SMF-2000-001412-00. TXU Electric has already informed cognizant Radiation Protection and Chemistry personnel that VCT releases are to be prepared and performed as "batch releases" and ODCM required radiation monitor source checks do apply prior to such releases. Revisions to procedure STA-603 and applicable Radiation Protection and Chemistry procedures will be completed as scheduled by SMF-2000-001412-00.