

September 11, 2000

Mr. Garry L. Randolph
Vice President and Chief Nuclear Officer
Union Electric Company
Post Office Box 620
Fulton, MO 65251

SUBJECT: CALLAWAY PLANT, UNIT 1 - NOTICE OF ENFORCEMENT DISCRETION
REGARDING FAILURE TO TEST AUTOMATIC CLOSURE FUNCTION OF
VALVE BNHV8812A (TAC NO. MA9911, NOED 00-6-010)

Dear Mr. Randolph:

By letter dated September 7, 2000 (ULNRC-04307), you requested that the Nuclear Regulatory Commission (NRC) exercise discretion not to enforce compliance with Technical Specification (TS) 3.5.2, "ECCS - Operating," in that Surveillance Requirement (SR) 3.5.2.5 has not been currently performed for the automatic closure function of the "A" train of emergency core cooling system (ECCS) (i.e., valve BNHV8812A) within the specified 18-month surveillance interval. Your letter documented information previously discussed with the NRC in several telephone conference calls on September 6 and 7, 2000. In the call on September 7, 2000, from about 3:00 to 5:00 p.m. eastern daylight time (EDT), your staff orally requested the staff to exercise enforcement discretion. The principal staff members on the call are given in the enclosed table.

In your request, you stated that Callaway Plant, Unit 1 (Callaway) is in Mode 1, operating at 100 percent power, and that SR 3.5.2.5 has not been performed within the specified 18-month frequency (plus 25 percent extension allowed by TS 3.0.2) on the automatic closure function of ECCS Valve BNHV8812A. SR 3.5.2.5 requires that every 18 months each ECCS automatic valve in the flow path that is not locked, sealed, or otherwise secured in position be tested to show that it will actuate to its correct position (i.e., closure for BNHV8812A) on an actual or simulated actuation signal. Valve BNHV8812A is involved in the transfer of the A-train ECCS pumps from drawing water from the refueling water storage tank (RWST) to drawing water from the containment recirculation sump during a loss-of-coolant accident. The automatic closure function for Valve BNHV8812A is the operation of the switch on Valve EJHV8811A. When Valve EJHV8811A opens upon the actuation signal, the switch causes Valve BNHV8812A to close. This switchover will have Train A of the ECCS pumps draw water from the containment sump. Upon the safety injection signal plus low-low RWST water level signal, Valve EJHV8811A starts opening and actuates a switch which then causes Valve BNHV8812A to close. It is the operation of the switch on Valve EJHV8811A to actuate Valve BNHV8812A to close that has not been functionally tested in the last 18 months as required by SR 3.5.2.5. The switch for the valve in the redundant B train has been tested within the required 18 months.

Your letter stated that the functional testing of the switches on Valves EJHV8811A and B (i.e., A train and B train valves) were not previously included in the plant TS surveillance procedures (i.e., tested every 18 months) because Valves BNHV8812A and B do not actuate from a slave relay (i.e., directly from a signal) and were not recognized as being covered by SR 3.5.2.5. The automatic closure function of these valves was tested every other refueling outage or every 36

months. The switch has been verified to operate properly 3 times prior to its last test in refueling outage 9, approximately 28 months ago. Therefore, it is the conclusion of your staff that the switch for Valve BNHV8812A should operate properly in the event of switchover from the RWST to the containment sump; however, there has been no valid test in the last 18 months, plus the 25 percent (4.25 months) allowed by TS 3.0.2.

You stated that the switch cannot be tested at this time because it requires having the plant shut down to Mode 5 (cold shutdown). The justification for not performing the testing at power was enclosed with your letter of September 7, 2000. This justification included the possibility of inadvertently draining the residual heat removal (RHR) suction header into the containment sump, which would render the ECCS RHR pumps inoperable. Also, as stated in the letter, the switch is encapsulated within the containment pressure boundary and performing the test would require breaking that boundary at power. Neither of these conditions are allowed by the TSs.

In requesting the enforcement discretion, you identified compensatory measures in the enclosure to your letter. The emergency operating procedures for Callaway include operator action to manually close the BNHV8812A and B valves if they do not close with the opening of the EJHV1811A and B valves. Also, you stated that sensitivity calculations, based on conservative times obtained from the Callaway training simulator exercises, demonstrate that there is sufficient time for manual operator action to complete the switchover to the containment sump consistent with the LOCA accident analysis in the Callaway Final Safety Analysis Report. To provide more assurance that operator action can be relied upon, you issued a night order explaining the importance of the operator action in this case and will be conducting training of the operating crews covering this compensatory measure.

You requested enforcement discretion from September 8, 2000, until the NRC issues the proposed exigent TS change. You stated that the proposed exigent amendment application will be submitted within 48 hours of NRC's approval of the enforcement discretion. In fact, you submitted the TS amendment request in your letter dated September 8, 2000. In accordance with NUREG-1600, "General Statement of Policy and Procedures for NRC Enforcement Actions," Section VII, "Exercise of Discretion," you stated that your justification for requesting enforcement discretion was "For an operating plant, this exercise of enforcement is intended to minimize the potential safety consequences of unnecessary plant transients with accompanying risks and impacts." In the attachment, you concluded that there was no undue risk to health and safety of the public, no significant hazards consideration, and no significant environmental impact associated with your request for enforcement discretion.

Based on our review conducted on September 8, 2000, of the information provided to the NRC, the staff also concluded that there was no significant hazards consideration, and no significant environmental impact associated with your request for enforcement discretion. The history of testing the switch in question and the compensatory operator action discussed above provide reasonable assurance that Valve BNHV8812A will close for the ECCS pump switchover from the RWST to the containment sump in a LOCA within the time allowed in the accident analysis by either automatic actuation of the switch on Valve EJHV8811A or manual operator action. The staff also concluded that the switch should not be tested with the plant at power and the plant should not be shut down to conduct the test at this time, because of the compensatory measures and the history of testing the switches, and because the plant transient involved with shutting down the plant has operational risks and impacts. Further, the staff has concluded that

the requested enforcement discretion is warranted because the staff is satisfied that this action involves minimal safety impact, is consistent with NRC enforcement policy and staff guidance, and has no adverse impact on public health and safety or the environment. In addition, the staff notified the State of Missouri official of the proposed granting of enforcement discretion and the State official had no disagreement with the proposed action. Based on this, Union Electric Company was granted enforcement discretion at 11:40 a.m. EDT on September 8, 2000, in that the staff will not enforce compliance with the action statements of SR 3.5.2.5 because of the failure to test the automatic closure function of Valve BNHV8812A as required by the SR. This enforcement discretion will expire when either (1) the automatic closure function of Valve BNHV8812A is tested at the next plant shutdown to Mode 5 or, (2) the exigent amendment request is acted upon.

As stated in the Enforcement Policy, action will be taken, to the extent that violations were involved, for the root cause that led to the noncompliance for which this NOED was necessary.

If you have any questions about this letter, contact Jack Donohew at 301-415-1307 or through the internet at jnd@nrc.gov.

Sincerely,

/RA/

Stuart A. Richards, Director
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-483

Enclosure: NRC Attendees at Conference Call of September 7, 2000

cc w/encl: See next page

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Sincerely,

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Stuart A. Richards, Director
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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REQUEST FOR ENFORCEMENT DISCRETION

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William D. Beckner	Chief, NRR, TSB
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Vincent G. Gaddy	Senior Resident Inspector - Callaway
Ronald A. Kopriva	Senior Project Engineer, Branch B, RGN-IV, DRP
Ramon V. Azua	Project Engineer, Branch B, RGN-IV, DRP

where:

NRC	=	Nuclear Regulatory Commission
NRR	=	Office of Nuclear Reactor Regulation
TSB	=	Technical Specifications Branch
PDIV	=	Project Directorate Section IV
EEIB	=	Electrical and Instrumentation and Controls Branch
RGN-IV	=	NRC Region IV
DRP	=	Division of Reactor Projects
DRS	=	Division of Reactor Safety
EMB	=	Engineering and Maintenance Branch

ENCLOSURE