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EA-02-031

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A RED FINDING AND NOTICE OF VIOLATION, NRC INSPECTION REPORT NOS. 50-266/01-17; 50-301/01-17, POINT BEACH NUCLEAR PLANT

Dear

The purpose of this letter is to provide you with the final results of our significance determination of the preliminary Red finding identified in the subject inspection report. The inspection finding was assessed using the significance determination process and was preliminarily characterized as Red, i.e., a finding of high importance to safety that will result in increased NRC inspection and other NRC action. This Red finding involved the potential common mode failure of the auxiliary feedwater pumps.

At your request, a Regulatory Conference was held on April 29, 2002, to further discuss your views on this issue. (A copy of the handouts you provided at this meeting are attached.) During the meeting, your staff described your assessment of the significance of the findings, detailed corrective actions, including the root cause evaluations for the event classification issues. Specifically, your staff accepted the assessment of the risk significance associated with the finding and the violation of 10 CFR 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings." However, your staff disagreed with the violation of 10 CFR 50, Appendix B, Criterion XVI, "Corrective Action," and the need for additional inspection as dictated by the action matrix.

After considering the information developed during the inspection and the information you provided at the conference, the NRC has concluded that the inspection finding is appropriately characterized as Red, i.e., an issue of high importance to safety that will result in increased NRC inspection and other NRC action. You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified red finding. Such appeals will be considered to have merit only if they meet the criteria given in NRC Inspection Manual Chapter 0609, Attachment 2.

We disagree with your staff's view that a violation of 10 CFR 50, Appendix B, Criterion XVI is inappropriate. Specifically, we disagree with the argument that it was not reasonable to expect appropriate corrective actions because the failure modes and effects analysis timeline was not used as a formal tool until 1999. The use of failure modes and effects analysis has been considered prudent engineering practice from well before 1999. We note that the evaluations performed in response to Generic Letter 88-14, "Instrument Air Supply Problems Affecting Safety Related Equipment," should have identified and addressed the auxiliary feedwater system vulnerability associated with loss of instrument air. The 1997 identification of a vulnerability of the auxiliary feedwater motor-driven pumps upon a loss of instrument air to the flow control valves should have caused a review and appropriate evaluation of the failure modes and effects associated with other air-operated valves in the system such as the recirculation valves. Similarly, the 1997 review of the recirculation line function should have caused an appropriate review of the failure mode of the recirculation valves and effects in the context of operator actions. As such, the NRC has determined that the potential common mode failure of auxiliary feedwater pumps is a violation of 10 CFR 50, Appendix B, Criteria V and XVI, as cited

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in the attached Notice of Violation (Notice). The circumstances surrounding the violation are described in detail in the subject inspection report. In accordance with the NRC Enforcement Policy, NUREG-1600, the Notice of Violation is considered escalated enforcement action because it is associated with a Red finding. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response.

In addition, we disagree with your staff's view that it is inappropriate to determine future inspection activities in response to this finding in accordance with the action matrix. We have determined that the criteria outlined in Section 0606.a, "Treatment of old design issues in the assessment process," of Manual Chapter 0305, "Operating Reactor Assessment Program," have not been fully met. Specifically, the finding did not meet the criterion of being not likely to have been identified by routine licensee efforts. The NRC considers licensee efforts to respond to generic letters, such as Generic Letter 88-14, to be routine in nature. In addition, we note that the two 1997 opportunities for identification described in the subject inspection report had been evaluated as part of your corrective action program. Your corrective action program is also considered a routine licensee effort. Because plant performance for this issue has been determined to be in the regulatory response band, we will use the NRC Action Matrix, to determine the most appropriate NRC response for this event. In determining the scope of additional NRC inspection activities, we will consider factors such as your identification of the issue and corrective actions taken to date. We will notify you, by separate correspondence, of that determination.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at +XXXXXXXXXXXXXXXXXXXXX(the Public Electronic Reading Room).

Sincerely,

J. Dyer
Regional Administrator

Attachments:

Notice of Violation
NRC April 29, 2002 Regulatory Conference Slides
NMC April 29, 2002 Regulatory Conference Slides
NMC Photograph of Recirculation Valve
NMC April 29, 2002 Regulatory Conference Timeline

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