

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, DC 20555-0001

July 1, 1997

NRC INFORMATION NOTICE 97-43: LICENSE CONDITION COMPLIANCE

Addressees

All holders of operating licenses or construction permits for nuclear power reactors.

Purpose

The U.S. Nuclear Regulatory Commission (NRC) is issuing this information notice to alert addressees to various potential problems found by the NRC staff while reviewing the license conditions for various plants. It is expected that recipients will review the information for applicability to their facilities and consider actions, as appropriate, to correct or avoid similar problems, no specific action or written response is required.

Description of Circumstances

One of the many actions taken by the NRC in response to the discovery that some licensees were failing to operate their facilities as described in the plant final safety analysis report (FSAR), was to conduct a brief review of licensee compliance with the specific conditions listed in the plant operating license. The review found that some licensees are routinely updating the plant license by deleting conditions that have been complied with and by modifying other conditions, as necessary. However, the review also identified a few plant-specific issues which are discussed below. The review also raised a number of questions that are addressed in the "Discussion" section of this information notice.

1. Radiation Monitoring

A license condition for a boiling-water reactor (BWR) states that "A prompt investigation by the company shall be required whenever radiation in the sock tank area exceeds 50 mr/hr."

The licensee currently only monitors the radiation levels in the sock tank (a component in the spent fuel pool cleaning process) area during fuel movement, so the plant staff would not be aware if the tank area radiation levels were greater than 50 mr/hr at any other times (as implied by the word "whenever" in the license condition). Although pre-licensing correspondence implies that the intent of the license condition might have originally been to monitor tank radiation levels only during fuel movement, the words of the license condition do not reflect that intent.

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Updated on 7/18/97



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2. Valve Positioning

The license condition at a BWR states that "Valves in the equalizer piping between recirculation loops shall be closed at all times during reactor operation."

At the plant in question, there are four valves in the equalizer piping, two larger valves in series, and two smaller bypass valves that are in parallel with the respective larger valves. Currently, during reactor operations, the licensee keeps the two large valves shut but keeps the bypass around the larger valves open to prevent a pressure buildup in the piping between the larger valves.

The updated FSAR indicates that the reason for the license condition is to ensure that only the larger valves are not open, thereby avoiding a potential recirculation pump runout situation. However, the words of the license condition do not reflect that intent.

3. Startup Testing

A pressurized-water reactor (PWR) has a license condition that, in part, states that "Prior to exceeding 90 percent power,...shall perform a test program to show that unacceptable waterhammer damage will not result from anticipated feedwater system transients to the steam generator."

The use of the word "anticipated" would imply that this license condition was meant as a one-time preoperational test and that the licensee completed its obligation under the condition when the initial test was performed. However, the fact that this test was not included under either the license condition titled "Special Low Power Test Program," or under another titled "Initial Test Program," and does not contain language such as that found in yet another license condition "complete the preoperational testing," argues for waterhammer testing as a continuing obligation under the license.

Discussion

These examples indicate a need for some licensees to reexamine the conditions of their licenses to ensure they are complying with the specific wording of each license condition. If, in the opinion of the licensee, the wording does not adequately reflect the original intent of the condition, the licensee should submit a license amendment to change the wording of the condition to adequately reflect the actions intended, in the licensee's opinion, by that license condition.

In addition to the plant-specific issues raised above, a number of other potential issues emerged from the license condition review:

1. Antitrust License Conditions

The licenses of many plants contain a condition that requires the licensee to comply with antitrust requirements. Occasionally, rather than specifying requirements, such license

conditions may only reference agreements between the potentially affected parties on how compliance will be achieved. As a general matter, the NRC has not inspected compliance with such agreements and has only involved itself in antitrust compliance when potential violations of such requirements are raised. Nonetheless, because such requirements are license conditions, licensees have a continuing obligation to comply with them. Given that for some plants such agreements are 20 to 30 years old, if the agreements currently referenced in the license do not accurately reflect how antitrust compliance is being achieved, the licensee needs to place itself in compliance with those requirements or seek to have the license condition appropriately modified.

2. Environmental License Conditions

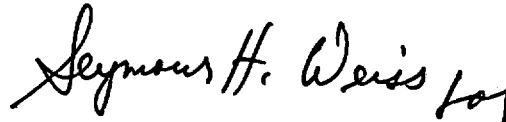
As used herein, the term "environmental" is meant to apply to those environmental license conditions that are not radiological in nature. An example would be compliance with State and/or Federal water thermal discharge requirements which do not directly relate to reactor or radiological safety. Again, as a general matter, the NRC does not inspect compliance with such requirements. Historically, the NRC has only become involved when compliance matters in this area if compliance or noncompliance potentially affected safety-related parameters, such as ultimate heat sink level or temperature. However, if compliance with such requirements is a license condition, the licensee has a ongoing obligation to the NRC to comply with the requirements. Therefore, the licensee must ensure that any deviation from those requirements, such as an exemption or an exception, found acceptable by State or other Federal authorities having jurisdiction over such matters is adequately reflected in the plant's NRC operating license.

3. Technical Specification Changes

In a number of recent cases, licensees have sought changes to their Technical Specifications (TS) but have failed to make corresponding or necessary changes to the wording of specific license conditions. One such area involves plant staff hours of work. Licensees have proposed changes to the TS to allow for 12-hour rather than 8-hour shifts, adequately justified the changes, and then overlooked similar requirements in the license conditions that needed to be changed to maintain consistency.

All of the examples described above highlight the importance of understanding what is contained in the conditions of a plant's operating license and the need to periodically verify compliance with those conditions. The number and detail of the conditions on a specific license vary from license to license, depending upon factors such as when the plant was licensed and when the issues were raised during the licensing of the plant. Therefore, all or none of the potential issues raised above or others may apply to a specific plant license.

This information notice requires no specific action or written response. If you have any questions about the information in this notice, please contact the technical contact listed below or the appropriate Office of Nuclear Reactor Regulation (NRR) project manager.



Marylee M. Slosson, Acting Director
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LIST OF RECENTLY ISSUED
NRC INFORMATION NOTICES

Information Notice No.	Subject	Date of Issuance	Issued to
97-42	Management Weaknesses Resulting in Failure to Comply with Shipping Requirements for Special Nuclear Material	06/27/97	All fuel cycle conversion, enrichment, and fabrication facilities
97-41	Potentially Undersized Emergency Diesel Generator Oil Coolers	06/27/97	All holders of OLs or CPs for boiling-water reactors
97-40	Potential Nitrogen Accumulation Resulting from Backleakage from Safety Injection Tanks	06/26/97	All holders of OLs or CPs for pressurized-water reactors
97-39	Inadequate 10 CFR 72.48 Safety Evaluations of Independent Spent Fuel Storage Installations	06/26/97	All holders of OLs or CPs for nuclear power reactors. All holders of licenses for independent spent fuel storage installations
97-38	Level-Sensing System Initiates Common-Mode Failure of High-Pressure-Injection Pumps	06/24/97	All holders of OLs or CPs for nuclear power reactors
96-53, Supp. 1	Retrofit to Amersham 660 Posilock Radiography Camera to Correct Inconsistency in 10 CFR Part 34 Compatibility	06/23/97	All industrial radiography licensees
97-37	Main Transformer Fault with Ensuing Oil Spill into Turbine Building	06/20/97	All holders of OLs or CPs for nuclear power reactors

OL = Operating License
CP = Construction Permit

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original signed by S.H. Weiss for
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OFFICE	ASC:TSB*	C:ADPR:TSB*	C:PECB:DRPM*	AD:DRPM
NAME	Luehman	CGrimes	AChaffee	MSlosson <i>SHW</i>
DATE	4/17/97	4/17/97	6/19/97	6/25/97 <i>for</i>

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