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FEB 11 1993

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555

Gentlemen:

In the Matter of the Application of)	Docket Nos. 50-390
Tennessee Valley Authority)	50-391

WATTS BAR NUCLEAR PLANT (WBN) - NRC INSPECTION REPORT NO. 390, 391/92-26
REPLY TO NOTICE OF DEVIATION 390, 391/92-26-02

- References:
1. NRC's Notice of Deviation dated October 16, 1992
 2. TVA's reply to the Notice of Deviation dated November 14, 1992
 3. NRC's letter regarding TVA's reply dated January 12, 1993

The purpose of this letter is to resolve the notice of deviation regarding instrument support inspections which have been the subject of the above referenced correspondence.

TVA strongly agrees with NRC's position that docketed commitments made pursuant to the requirements of 10 CFR 50.55(e) remain a commitment to NRC unless the NRC is notified of the commitment change. At the June 30, 1992 meeting initiated by the Region II staff, the staff was notified that TVA would not change its commitment from a 100 percent walkdown of certain typical instrument line supports until sufficient technical justification had been established through a valid statistical sample.

From our review of the January 12, 1993 letter, it is NRC's apparent belief that changing the associated corrective action document necessarily constitutes a change to an NRC commitment. Further, NRC requests that TVA provide notice in writing prior to initiating a commitment change.

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FEB 11 1993

While we agree that TVA must take steps to ensure that NRC receives timely notification of any change to a commitment which has been previously transmitted to NRC in a 10 CFR 50.55(e) report, it is not our position that a changed corrective action document necessarily constitutes a commitment change. Rather, NRC commitments remain valid until closed as stated or changed (with NRC notification) prior to the stated due date. TVA controls commitments at WBN through SSP-4.03, "Managing and Tracking NRC Commitments," which requires objective evidence of commitment completion. Prior to the June 30, 1992 meeting with NRC staff, TVA had determined the subject commitment was still in effect and valid even though the use of a sample approach was being pursued to determine whether a more efficient alternative approach existed to technically resolve the issue.

In evaluating NRC concern in this area, however, TVA did identify a potential weakness in providing timely notification of actual commitment changes associated with revisions to corrective action documents. The enclosure to this letter provides a more detailed discussion of the steps taken to improve the timeliness of evaluating and reporting approved corrective action changes when appropriate.

In considering TVA's response, however, we ask that NRC consider the following:

1. At the time of issuance of the 10 CFR 50.55(e) rule in 1972, NRC removed a previously proposed requirement to notify NRC prior to taking permanent remedial action. This change was made in order to permit construction to continue subject to the risk of disapproval by the Commission. (Reference 37 FR 6460, March 30, 1972.) This revision clarifies the intention of 10 CFR 50.55(e) to serve as a notice requirement but not one that requires such notice prior to taking corrective action.
2. NRC Inspection Manual, Chapter 610, Section 07.03.b provides guidance for the issuance of deviations stating:

"Failure of a licensee to satisfy a written commitment should be cited as a deviation only if there is safety significance associated with the commitment."

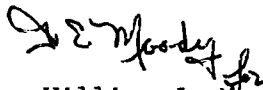
TVA's information at the time of the change did not indicate a safety problem, and TVA's approach was to provide additional confirmation that there was no safety significance. It would appear that a deviation is not appropriate based on the safety aspects of this issue.

FEB 11 1993

As stated above, TVA's purpose in this response is to achieve closure of this notice of deviation. Accordingly, TVA does not intend to further challenge NRC's decision, but respectfully requests that the discussion above, the information presented in TVA's letter dated November 14, 1992, and the enclosed response be considered in NRC's final decision on the matter.

Should there be any questions on this information or TVA's request, please contact P. L. Pace at (615) 365-1824.

Very truly yours,



William J. Museler

Enclosure

cc (Enclosure):

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ENCLOSURE

REPLY TO NOTICE OF DEVIATION
390, 391/92-26-02

REASON FOR THE DEVIATION

While TVA does not agree that a deviation from a commitment took place, the following discussion describes the reasons for the TVA actions.

Sufficient information had been obtained from the Drawing 47A051-35 and -35A typical instrument line support walkdowns for several systems, to indicate there was no technical deficiency associated with these installations and, therefore, no safety significance. A formal evaluation was initiated to confirm that a random sample of the support population is a valid, technically sound approach to resolving the installation deficiency. Although the corrective action plan for TVA's deficiency tracking document was revised to reflect the new resolution approach, Site Licensing chose to not revise the associated NRC commitment until the technical basis was formally established and the safety significance confirmed by completion of the sample walkdown and engineering evaluation.

Accordingly, NRC was notified at the June 30, 1992 meeting that TVA would not change its commitment until a valid technical basis existed for such a change. TVA did not have a requirement to restrict changes to corrective action documents until associated NRC commitments were revised. Reliance was placed on the process described in SSP 4.03, "Managing and Tracking NRC Commitments," to close commitments only when objective evidence of completion of the commitment was provided. Any change to a corrective action document which differed from the docketed submittal would require resolution prior to the closure of the commitment.

CORRECTIVE STEPS TAKEN AND RESULTS ACHIEVED

WBN's program for managing and tracking NRC commitments (SSP-4.03) currently requires timely NRC coordination when the commitments defined as a reportable deficiency requires revision. As a result of the NRC concern regarding notification of commitment changes, WBN has evaluated the reporting process and recognized that actual commitment changes may not be identified in a timely manner. This situation may have contributed to the NRC perception that WBN had deviated from commitments made in Construction Deficiency Report (CDR) 390/86-22 regarding implementation of a walkdown of certain instrument line supports before fuel load.

To enhance the coordination of commitment changes with NRC as required by SSP-4.03, the corrective action program procedure (SSP-3.04) has been revised to require Quality Assurance to transmit copies of revisions to the corrective action plans for reportable deficiencies to Site Licensing after approval. This additional notification requirement provides assurance that revised corrective action plans for reportable deficiencies are identified and evaluated so that appropriate 10 CFR 50.55(e) CDR revisions are initiated in a timely manner.

CORRECTIVE STEPS TAKEN AND RESULTS ACHIEVED (continued)

Site Licensing has initiated a review of open CDRs and the associated corrective action tracking documents to ensure that any inconsistencies are identified and necessary revisions submitted to NRC as necessary.

To address documentation of the subject as-built instrument line supports, Significant Corrective Action Report (SCAR) WBP900115SCA has been revised to require that a note be added to the 47A051-35 and -35A typical support drawings referencing the technical disposition for those supports not matching the typical drawings.

CORRECTIVE STEPS THAT WILL BE TAKEN TO AVOID FURTHER DEVIATION

The above described process enhancement provides assurance that future changes in corrective action plans for reportable deficiencies are evaluated and necessary revisions to CDRs submitted to NRC in a timely manner.

DATE WHEN CORRECTIVE ACTION WILL BE COMPLETE

The Site Licensing review of open CDRs will be complete by March 15, 1993. Submittal dates for any CDR revisions identified will be coordinated with NRC Region II management.