



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
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ARLINGTON, TEXAS 76011-4005

April 23, 2008

EA-08-142; EA-08-143

Richard M. Rosenblum
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SUBJECT: RESPONSE TO NOTICE OF VIOLATION REPLY AND DENIED VIOLATIONS
NRC INSPECTION REPORT 05000361-362/2007005

Dear Mr. Rosenblum:

Thank you for your March 24, 2008 letter of reply (ADAMS; ML0809100650) to our February 13, 2008 inspection report (ML080440436) and Notice of Violation (NOV) concerning the failure to preclude repetition of the premature tripping of thermal overloads for safety-related equipment. Enclosure 2 of your reply contained a request for withdrawal of noncited violation NCV 05000362/2007005-02, "Failure to Implement Procedural Requirements for Modifications in the Auxiliary Feedwater Steam Supply Trench." Enclosure 3 of your reply contained a request for conversion of NCV 05000361; 05000362/2007-005-01, "Failure to Properly Implement Maintenance Rule Requirements for Emergency Diesel Generators," to a minor violation.

We have reviewed your reply to the NOV and find it responsive to the concerns. We will review the implementation of your corrective actions during a future inspection to determine that full compliance has been achieved and will be maintained.

We have also reviewed the denial of the two other noncited violations. Our comments and conclusions are addressed below.

NCV 05000362/2007005-02, "Failure to Implement Procedural Requirements for Modifications in the Auxiliary Feedwater Steam Supply Trench:"

The referenced report stated:

"TS 5.5.1.1 requires that written procedures be established, implemented, and maintained for activities specified in Appendix A, "Typical Procedures for Pressurized Water Reactors and Boiling Water Reactors," of Regulatory Guide 1.33, 'Quality Assurance Program Requirements (Operations),' dated February 1978. Regulatory Guide 1.33, Appendix A, Section 9.e recommends general procedures for the control of maintenance and modification work. Contrary to this requirement, on May 11, 2007, the licensee failed to implement appropriate procedures to control modification work in the

Unit 2 auxiliary feedwater steam supply trench to ensure the trench would not fill up with water and render the Unit 2 turbine-driven auxiliary, feedwater pump inoperable."

In Enclosure 2 of your reply, you stated there were four reasons that you requested withdrawal of the above noncited violation. They were:

- You stated that 10 CFR Part 50, Appendix B, and Regulatory Guide 1.33 were not applicable, because the trench eductor was not safety-related;
- You stated there was no indication that the sump pump would not perform its function;
- You indicated the temporary modification followed your station's procedures; and
- You stated the NRC's postulated scenario was highly unlikely.

The regional staff, in consultation with NRC's Office of Enforcement, has reviewed these reasons and the supporting information. We have concluded that the original noncited violation is still applicable (EA-08-142). Specifically:

- While the eductor, and the temporary sump pump, would not be considered safety-related components themselves, the auxiliary feedwater (AFW) pump is considered a safety-related component. The violation comes from our concern with the adequate confidence of the safety-related pump's operation. It is apparent that keeping the trench from filling up with water, and rendering the AFW pump inoperable, is important to safety. In your response you stated you recognized that the AFW pump operation would be adversely affected if the trench filled. You therefore installed equipment to control level in the trench, and you provided operator rounds to check its status. We concluded that Regulatory Guide 1.33, specifically, Section 9.e that recommends procedures to control modification activities, is applicable to this issue and required by Technical Specification 5.5.1.1.
- We determined that the inspector's conclusion, that conditions could exceed the temporary sump pump's operating limits, was reasonable. The inspector verified the vendor specified limit of the temporary sump pump was 140°F. As you stated in your response, your as-found readings were 133 and 134°F. We believe that minor variations in the amounts and source of the leakage could reasonably cause the 140°F limit value to be exceeded.
- We concluded that your evaluation of the environmental conditions of the modification, while it may have been conducted under your procedure or process, was inadequate. Again, your temporary modification review did not identify that the vendor limit of the pump could be exceeded. Nor did it address that if it failed it could cause the failure of the safety-related AFW pump. Consequently, we still conclude that you did not adequately implement your temporary modification process in that the engineering evaluation of the modification was inadequate.
- We concluded that the postulated scenario was possible. We also found some statements in your letter to be confusing. You stated that at the time of the report, the only appreciable leak present was 1 drop per second (from a ½ inch globe valve), and

that the trench's volume was 32 cubic feet. You stated it would take months to fill up the trench. However, you then stated that operators had been operating the sump pump for several minutes every three or four days. You also stated that if leakage and water accumulation had become excessive, operators could have taken additional corrective actions to address the problem. However, with there being about 12 hours between operator rounds, excessive leakage would probably result in the trench filling. We calculated that a leak rate of approximately 0.33 gallons per minute would fill the trench in less than 12 hours calling into question the operability of the AFW pump.

NCV 05000361; 05000362/2007005-01, "Failure to Properly Implement Maintenance Rule Requirements for Emergency Diesel Generators:"

The referenced report stated:

"The inspectors identified a Green noncited violation of 10 CFR 50.65(a)(2) associated with the failure to include Units 2 and 3 emergency diesel generator (EDG) automatic voltage regulator (AVR) deficiencies as functional failures in the maintenance rule program. The inspectors noted that the voltage regulator deficiencies should have placed the emergency diesel generators into Maintenance Rule 10 CFR 50.65(a)(1) status approximately 6 months after the failures occurred. This caused a lapse in the determination of appropriate system monitoring and goal setting to maintain system reliability."

In Enclosure 3 of your reply, you stated you agreed the emergency diesel generator component failures should have been classified as a Maintenance Rule Functional Failure (MRFF), and the system should have been placed into 10 CFR 50.65(a)(1) goal setting. However, you further stated you believed this was a minor violation. You therefore requested we withdraw the noncited violation.

The regional staff, in consultation with NRC's Office of Enforcement, has reviewed your request and the supporting information. We have concluded that the original noncited violation is still applicable (EA-08-143). Specifically:

Section 7 of NRC Manual Chapter 0612, Appendix E, "Maintenance Rule Examples," indicates that violations involving 10 CFR 50.65(a)(1) are almost never minor because licensees only carry maintenance rule SSCs in (a)(1) status when there have already been significant equipment problems. Violations of 10 CFR 50.65(a)(2), involving the failure to demonstrate effective control of performance or condition and not putting the affected SSC in (a)(1), are not minor because they necessarily involve degraded SSC performance or condition.

We concluded that the emergency diesel generators are very important to the safe operation of San Onofre Nuclear Generating Station. The fact that functional failures in these systems were not reviewed for proper system goal setting (i.e., consideration under 10 CFR 50.65(a)(1) status) for 6 months was therefore a violation of more than minor significance.

Based on our reviews, as described above, the NRC has concluded that both of the original noncited violations are still applicable.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made 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), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Dwight D. Chamberlain, Director
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Docket: 50-361/362

License: DPF-10/15

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