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MARCHI,M.L. Wisconsin Public Service Corp.
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Document Control Branch (Document Control Desk)

SUBJECT: Responds to NRC 970421 ltr re violations noted in insp rept 50-305/97-05 on 970216-0330.Corrective actions:revision to TS will be submitted to clarify location of R-23 radiation monitor.

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May 21, 1997

10 CFR 2.201

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

Ladies/Gentlemen:

Docket 50-305
Operating License DPR-43
Kewaunee Nuclear Power Plant
Reply to Notice of Violation, Inspection Report 97-005

References: 1) Letter from J. M. Caldwell (NRC) to M. L. Marchi (WPSC) dated April 21, 1997 (NRC Integrated Inspection Report 50-305/97005 and Notice of Violation)

2) Letter to Document Control Desk from C. R. Steinhardt (WPSC) dated February 28, 1989 (Control Room Habitability Evaluation)

3) Letter from M. B. Fairtile (NRC) to D. C. Hintz (WPSC) dated January 29, 1987 (NRR Report on Kewaunee Control Room)

4) Letter to Document Control Desk from D. C. Hintz (WPSC) dated March 31, 1987 (Control Room Ventilation Survey Response)

5) Federal Register / Vol. 61 / No. 203 / Friday, October 18, 1996

In reference 1, the Nuclear Regulatory Commission (NRC) provided Wisconsin Public Service Corporation (WPSC) with the results of the NRC inspection activities conducted February 16 through March 30, 1997. Included in the report was one Severity Level IV notice of violation.

Attached is our response to the notice. If you should have any questions with regard to this response, please contact me or a member of my staff for clarifications.

Sincerely,

for Mark L. Marchi
Manager - Nuclear Business Group

IE01 1/1

GIH
Attach.
cc: US NRC Senior Resident Inspector
US NRC Region III

ATTACHMENT 1

Letter from M. L. Marchi (WPSC)

To

Document Control Desk (NRC)

Dated

May 21, 1997

Re: Reply to Notice of Violation, Inspection Report 97-005

NRC Notice of Violation 97-005-001 (305/97005-01 (DRP))

10 CFR 50.59, "Changes, Tests, and Experiments", states that a licensee may make changes to the facility as described in the safety analysis reports without prior NRC approval, unless the proposed change involves a change to the technical specifications incorporated in the license.

Contrary to the above, the inspectors identified that on or about November 1994, the licensee changed a description to the facility in Kewaunee Updated Safety Analysis Report (Revision 12), chapter 9.6.4, "Control Room Air Conditioning System", regarding the location of radiation monitor R-23, without prior NRC approval, even though this also involved a change to Technical Specification sections 3.12 Bases and 4.17.

WPSC Response

Wisconsin Public Service Corporation (WPSC) does not contest this violation based upon its limited significance as detailed below; corrective actions are also described.

However, we do request that the NRC reconsider this violation for discretionary enforcement. Our basis for this request is also detailed below.

Reason For Violation

The inspection report describes that an Updated Safety Analysis Report (USAR) change was made which should also have included a technical specifications (TS) revision. The report also states that there were other opportunities to identify the need for a change to the TS. Specifically, the change of concern was the description of the location of radiation monitor R-23 in the USAR and TS, in relationship to the control room air conditioning (CRAC) and control room post-accident recirculation (CRPAR) system equipment.

Section 9.6.4 of the USAR describes characteristics of the control room ventilation system, one of which is the operation of the CRPAR equipment. CRPAR equipment actuates to align the control room ventilation system into a recirculating configuration using high efficiency filtration to clean up the control room environment to ensure control room habitability post-accident. The CRPAR equipment starts on a high radiation condition sensed in the control room ventilation ducting. The USAR formerly stated that the CRPAR equipment was actuated, "by the radiation monitor at the inlet to the air conditioning unit." USAR Figure 9.6-4 (like the original FSAR Figure) and the Control Room Habitability Evaluation (Reference 2) clearly show the monitor location at the outlet of the CRAC units. The USAR text statement was changed to denote the location of R-23 at the outlet of the CRAC unit, the actual physical location. Either location, inlet or outlet with respect to the air conditioning unit, has no bearing on the intended function of R-23 or its relationship to the equipment it actuates.

The Kewaunee TS, now and prior to the USAR being revised, describes the location of R-23 differently. The TS describes the location of R-23 in relation to the CRPAR equipment as opposed to the CRAC equipment. TS Basis, TS B3.12, states in part, "The Control Room Post-Accident Recirculation System is designed to automatically start upon SIS [safety injection signal] or high radiation at inlet of unit." TS 4.17, "Control Room Postaccident Recirculation System," describes testing and surveillance requirements for the CRPAR system. TS 4.17.a.2 states, "Automatic initiation of the system on a high radiation signal at the inlet of the unit and a safety injection signal." In effect, R-23 being located at the outlet of the air conditioning unit is equivalent to the monitor being located at the inlet of the post-accident recirculation unit; i.e., the discharge of the CRAC to the control room is in effect the inlet to the CRPAR. WPSC does agree, however, that the TS 3.12 Basis and TS 4.17 could more clearly state the location of R-23.

WPSC maintains that the USAR change was consistent with USAR Figure 9.6-4 and did not mandate a TS change. As previously discussed the TS were still considered accurate. The change from inlet to outlet was made in conjunction with other changes which expanded the USAR description of the control room ventilation equipment. The USAR change was made in response to a design change to the system. The design change did not involve the radiation monitoring equipment. The design change was implemented in response to findings identified during a survey of Kewaunee's control room ventilation system conducted in 1986 by NRC (reference 3).

Included in NRC's survey report was a comment that, "Technical Specification 4.17.a.2 should be clarified to indicate that the recirculation filter units do not begin operation on a high signal at the inlet of the unit." (Underline added.) This comment was included in the portion of the report characterized as, "Based upon this review the following comments seem appropriate." In response to the survey, WPSC committed to NRC that, "a review of the USAR and Technical Specifications will be made and changes or license amendments will be implemented" (reference 4). The commitment was made with regard to other commitments to review ventilation system performance characteristics for system improvements and analysis updates, quantify the characteristics, and reconcile the results with analyses and procedures. WPSC has satisfied the regulatory commitments. However, the survey report comments for changes to the TS have not been addressed.

With regard to the inspection report reference to other opportunities to identify the need to change the TS, WPSC disagrees. The design change cited in the report as providing an opportunity to identify a need to change the TS simply involved replacing older monitoring equipment with ones of similar design and functional characteristics. The change had no impact on equipment location or operating characteristics.

Although WPSC does not contest the violation, we do not feel that the significance of the issue warrants a violation. There are no safety implications. The location discrepancies have no impact on testing, operation or design of the plant systems or equipment. There is no impact on any plant analyses or bases for any safety margins.

WPSC's understanding of the basis for allowing changes in accordance with the requirements of 10 CFR 50.59 leads us to believe that the condition found does not justify a violation in that no deviation from the intent of 10 CFR 50.59 existed. Continued operation with the R-23 location description in the TS being unclear would not and could not result in a degraded operating condition that could impact public health and safety. Accordingly, continued operation within the design basis of the plant was not compromised.

WPSC requests that NRC apply discretionary enforcement as allowed by Federal Register Notice dated October 18, 1996 (reference 5). Currently, Kewaunee is conducting reviews of various aspects of engineering activities in response to NRC's 10 CFR 50.54(f) letter regarding industry problems with the implementation of 10 CFR 50.59 requirements. Included in our scope of activities is a review of outstanding commitments in the Kewaunee commitment tracking system. One of the commitments to be reviewed was the commitment associated with the Kewaunee control room ventilation system. We are confident that during this review the discrepancy between the location description of R-23 in the TS and USAR would have been identified. Similar discrepancies between the TS and USAR have recently been identified and are being addressed.

Corrective Actions

A revision to the TS will be submitted to clarify the location of the R-23 radiation monitor.

Compliance Schedule

The TS revision will be submitted upon completion of the commitment tracking system reviews to determine if any other revisions may be necessary with regard to the control room ventilation system. It is anticipated that this will be completed by the end of 1997.