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July 12, 1989

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

Gentlemen:

Subject: Docket Nos. 50-361 and 50-362
Reply to a Notice of Violation
San Onofre Nuclear Generating Station
Units 2 and 3

Reference: Letter, Mr. R. P. Zimmerman (NRC) to Mr. Kenneth P. Baskin (SCE),
dated June 2, 1989

The Reference forwarded NRC Inspection Report Nos. 50-206/89-06, 50-361/89-06 and 50/362/89-06 and a Notice of Violation resulting from the routine inspection conducted by Messrs. F. R. Huey, J. E. Tatum, and A. L. Hon during the period of February 19 through April 1, 1989. In accordance with 10 CFR 2.201, the enclosure to this letter provides the Southern California Edison Company (SCE) reply to the Notice of Violation. As discussed on June 13, 1989, with Mr. P. Johnson of your staff, due to the delayed receipt of the referenced letter, the due date for this response was extended until July 12, 1989.

If you require any additional information, please do not hesitate to call me.

Very truly yours,

Enclosure

cc: J. B. Martin, Regional Administrator, NRC Region V
F. R. Huey, NRC Senior Resident Inspector, San Onofre Units 1, 2 and 3

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ENCLOSURE

REPLY TO A NOTICE OF VIOLATION

Appendix A to Mr. Zimmerman's letter, dated June 2, 1989, states in part:

A. "10 CFR 50.73(a)(1) states in part:

'The holder of an operating license for a nuclear power plant (licensee) shall submit a Licensee Event Report (LER) for any event of the type described in this paragraph within 30 days after the discovery of event.'

"10 CFR 50.73(a)(2)(B) states that the licensee shall report:

'Any operation or condition prohibited by the plant's Technical Specifications.'

"Contrary to the above requirements, the licensee did not report to the NRC within 30 days after discovery that, due to coil decay times longer than previously assumed, control rod drop times observed for Units 2 and 3 prior to August 1988 had exceeded the 3 seconds allowed by Section 3.1.3.4 of the Technical Specifications.

"This is a Severity Level V violation applicable to Units 2 and 3 (Supplement I)."

RESPONSE TO ITEM A

1. Reasons for the violation, if admitted.

SCE admits that an LER was not submitted to the NRC within 30 days after the discovery on August 15, 1988, that control rod drop times measured for Units 2 & 3 had exceeded the 3 second Technical Specification limit prior to August 1988. SCE admits that a judgmental error in determining reportability was made by cognizant personnel in August 1988.

The judgmental error occurred on or about August 18, when cognizant personnel assessed whether the violation of the Technical Specification limit for CEA drop times prior to August 15, 1988, was reportable. Cognizant personnel believed that the reportability of CEA drop time need only be viewed in the context of the current (i.e., August 18, 1988) Technical Specification limit.

On August 15, 1988, License Amendment Nos. 65 and 54 for Units 2 and 3, respectively, increased the drop time limit from 3.0 to 3.2 seconds. Since the drop time limit had been extended to 3.2 seconds, cognizant personnel believed that the Technical Specification was satisfied and an LER was not required.

SCE notes that notwithstanding that an LER was not submitted within 30 days, the facts and circumstances of this event were promptly discussed with the NRC on August 17, 1989. Furthermore, this subject was discussed in a letter, M. O. Medford to the NRC, dated January 6, 1989, and in LER 2-88-031, dated January 9, 1989.

2. Corrective steps that have been taken and the results achieved.

As corrective action, Compliance personnel responsible for reportability determinations have been instructed on the need to make reportability determinations based on the Technical Specifications in effect at the time of the tests/events being evaluated, particularly if a current test method or procedure is discovered to be invalid. In addition, augmented reportability guidance used by Compliance personnel has been supplemented by this example.

3. Corrective steps that will be taken to avoid further violations.

The corrective actions taken to date should be sufficient to ensure full compliance.

4. Date when full compliance will be achieved.

Full compliance was achieved on January 9, 1989, when LER 2-88-031-00 was submitted to the NRC.

Appendix A to Mr. Zimmerman's letter, dated June 2, 1989, states in part:

B. "Technical Specification 3.7.9 'Fire Rated Assemblies' states that:

'All fire rated assemblies separating redundant equipment or cable which could affect the ability to achieve and maintain safe shutdown in the event of a fire, Section F requirements, and all penetration sealing devices" in the above barriers shall be OPERABLE.

'" Fire doors, fire windows, fire dampers, seismic gap seals, cable ventilation ducts and piping penetration seals.'

"Action statement a. requires that certain compensatory measures, including a continuous or hourly fire watch, be established within one hour when a fire rated assembly is inoperable.

"Contrary to the above requirement, on March 29, 1989, three Technical Specification fire doors were open in the Unit 3 Safety Equipment Building, Elevation 8', and the required compensatory measures were not established within one hour.

"This is a Severity Level IV violation applicable to Unit 3 (Supplement I)."

RESPONSE TO ITEM B

1. Reasons for the violation, if admitted.

SCE admits that on March 29, 1989, three Technical Specification fire doors in the Unit 3 Safety Equipment Building were found open and were immediately closed by an NRC inspector. The investigation into this event was unable to establish who left the doors open or whether these Technical Specification fire doors had been in the open position for greater than the one hour permitted by the Technical Specifications prior to discovery.

SCE has reviewed applicable NRC guidance contained in the NRC Inspection Manual, Part 9900, Technical Guidance. The Technical Interpretation dated July 22, 1987, "Standard Technical Specifications, Sections 3.0 and 4.0", states in part:

"In a July 15, 1985 memorandum to NRR, Region I requested clarification on when the time limitation for a technical specification action statement started. A response was provided to Region I by NRR in a August 9, 1985 memorandum. In that response, NRR stated that the time limitation is applicable from the time it is recognized that the limiting condition for operation is not met." (emphasis added)

This position is consistent with the NRC Interpretation provided on April 1, 1979, involving Degraded Mode, which states in part:

"A distinction is drawn between what constitutes violation of the LCO and other events which require a report. In short, except for surveillance testing and preventative maintenance, whenever a parameter or system enters an action mode described in the related LCO, no violation of the specification has occurred..." (emphasis added)

Therefore, SCE believes that: (1) Action Statements are invoked at the time of discovery that the LCO is not met; and (2) in the absence of evidence that the time limitation of the Action Statement has expired, the timing of entry into an Action Statement does not constitute, by itself, a violation of the Technical Specification. SCE applies this guidance uniformly, whether the LCO involves a pump, valve or fire door.

As discussed with the Senior Resident Inspector on July 12, 1989, SCE believes it should have been allowed the time permitted by the Action Statement to implement the required compensatory actions before considering the condition a violation. Because the fire doors were promptly closed and there is no evidence the doors had been open for an hour prior to discovery, SCE does not believe this event constituted a violation of technical specifications.

Notwithstanding the above, SCE is committed to ensuring the operability of technical specification fire doors. Accordingly, a rigorous program is in effect to minimize the number and duration of instances where personnel inadvertently leave Technical Specification fire doors open. For example:

- (a) Once per day, all Technical Specification fire doors are checked to ensure they are performing their intended safety function. Appropriate corrective actions are instituted based on this surveillance, including disciplinary actions for individuals identified as leaving/blocking fire doors open. The frequency of Technical Specification fire doors found left open has been generally decreasing. The daily routine Technical Specification fire door surveillance would have identified the subject deficiency.
- (b) Every individual granted unescorted access to the protected area attends an annual training session. During this annual training session, for the past several years, the importance of keeping Technical Specification fire doors closed is stressed.
- (c) On April 15, 1988, the Station Manager issued a letter stressing the importance of adhering to the Technical Specification fire door impairment program.

2. Corrective steps that have been taken and the results achieved.

An April 3, 1989 letter from the Operations Manager was distributed to all site personnel which reemphasized the importance of ensuring that Technical Specification fire doors are shut at all times.

3. Corrective steps that will be taken to avoid further violations.

For these three doors (and a number of others), the fire door signs when exiting through the doors were placed next to the doors and may not have been sufficiently visible as a reminder that the doors are fire doors. In order to assure maximum visibility, the location of the signs will be relocated to the doors rather than adjacent to them.

In addition, all fire doors will be painted red to color code them as fire doors. This color change will be performed as part of the next scheduled repainting of the doors.

4. Date when full compliance will be achieved.

Full compliance was achieved on March 29, 1989, when the Technical Specification fire doors were closed.