

# CATEGORY 1

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SUBJECT: Responds to violations noted in insp repts 50-220/97-03 & 50-410/97-03. Corrective actions: installed temporary battery powered emergency lights & initiated comprehensive review of App R related deficiencies.

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August 11, 1997  
NMP1L 1240

U. S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555

RE: Nine Mile Point Unit 1  
Docket No. 50-220  
DPR-63

Nine Mile Point Unit 2  
Docket No. 50-410  
NPF-69

*Subject: Reply to Notice of Violation Contained in NRC Inspection Report 97-03,  
Dated July 10, 1997*

Gentlemen:

This letter responds to the Notice of Violation regarding 1) the failure at Nine Mile Point Unit 2 (NMP2) to include fire protection program owner contact regarding a procedure change Applicability Review, and 2) the failure at the Nine Mile Point Nuclear Station to maintain vehicle access control in accordance with plant procedures. The attachment to this letter addresses the specific items required by the Notice of Violation.

Sincerely,

*B. Ralph Sylvia*  
B. Ralph Sylvia  
Chief Nuclear Officer

*IEDI/*

BRS/TWP/cmK  
Attachment

xc: Mr. H. J. Miller, Regional Administrator, Region I  
Mr. B. S. Norris, Senior Resident Inspector  
Mr. A. W. Dromerick, Acting Director, Project Directorate I-1, NRR  
Mr. D. S. Hood, Senior Project Manager, NRR  
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ATTACHMENT

NIAGARA MOHAWK POWER CORPORATION  
NINE MILE POINT UNIT 1 AND UNIT 2  
DOCKET NO. 50-220/50-410  
DPR-63/NPF-69

REPLY TO NOTICE OF VIOLATION DATED JULY 10, 1997  
AS CONTAINED IN INSPECTION REPORT  
50-220/97-03 AND 50-410/97-03

A. VIOLATION 50-410/97-03-04

Nine Mile Point Unit 2 Technical Specifications, Section 6.8.1, requires procedures to be written and implemented that meet the requirements of NRC Regulatory Guide (RG) 1.33, "Quality Assurance Program Requirements (Operation)." RG 1.33, Appendix A, identifies procedure review and approval as one of the safety related activities that should be covered by written procedures.

Nine Mile Point Procedure NIP-SEV-01, "Applicability Reviews and Safety Evaluations," Revision 03, Attachment 1 ("Applicability Reviews"), Part 4.C, requires the program owner be contacted for a proposed revision or activity involving a change to the Fire Protection Program.

Contrary to the above, on May 14, 1997, Applicability Review #21767 was processed for a change to the NMPC Procedure N2-OP-78, "Remote Shutdown System," Revision 10. The change involved an activity affecting the Fire Protection Program, but the program owner was not contacted.

This is a Severity Level IV violation (Supplement 1) -- Unit 2 only.

I. Explanation of Disagreement with Violation

Niagara Mohawk Power Corporation (NMPC) disagrees with the violation, as cited. The violation states that the procedure change to N2-OP-78 was processed without contacting the program owner. The Licensing guideline procedure permits two courses of action: the preparer may contact the owner organization or perform a detailed review. NMPC maintains that the change was performed in accordance with Nine Mile Point Unit 2 (NMP2) procedures in that the preparer performed the required review and thus no violation occurred. The specific circumstances are discussed below.

The need for a procedure change resulted from NMPC identifying a deficiency with the remote shutdown panel (RSP) valve position indication for the "A" and "B" Residual Heat Removal



(RHR) pump minimum flow valves (2RHS\*MOV4A/B). It was determined that a fire-induced short circuit could cause the circuits to fail and thus cause a loss of valve position indication and/or spurious actuation. Procedure N2-OP-78, "Remote Shutdown System," previously required the operators to verify the minimum flow valve position at the RSP. A loss of indication could inhibit the operator's ability to determine valve position. To correct the deficiency, a revision to the procedure was proposed that would provide an alternate minimum flow path for the RHR pumps that would not be susceptible to the above failure. The impact of the minimum flow valves (2RHS\*MOV4A/B) failing open was also evaluated and compensated for in the revision.

For the affected sections of the procedure, valves 2RHS\*FV38A/B were selected and approved by Engineering to provide the alternate minimum flow path for the RHR pumps because they satisfied Appendix R criteria and thus would be available in case of a fire-induced short circuit. A procedure revision which would add steps to manually isolate the RHR pump minimum flow valves (2RHS\*MOV4A/B) and to throttle valves 2RHS\*FV38A/B to control flow was proposed.

Procedure NIP-PRO-04, "Procedure Change Evaluations," requires an Applicability Review (AR) be performed per procedure NIP-SEV-01. An AR documents the review of a proposed change or activity to determine the applicable regulatory requirements which must be satisfied prior to implementing the proposed change or activity. An AR was performed for the procedure change. NIP-SEV-01 provides direction for performing an AR to determine if a procedure change requires a safety evaluation and/or effectiveness review to meet the requirements of 10CFR50.59, 10CFR50.54 or appropriate license conditions. The basic screening criteria (AR) is used to determine if the change or activity changes the procedures or facility as described in the safety analysis report or NRC approved plans and programs. NIP-SEV-01 goes far beyond meeting this regulatory requirement. Procedure NIP-SEV-01, "Applicability Reviews and Safety Evaluations," states the preparer should use the Guidelines for Applicability Reviews. This guideline document is maintained by Licensing and is controlled as procedure NLAP-SEV-0101, "Guidelines for Applicability Reviews." NLAP-SEV-0101 requires the preparer to determine whether the proposed change affects various NRC approved plans and programs, including the Fire Protection Program. The procedure describes that the intent of this review is to determine if a proposed change or activity may impact these items based on basic understanding of the purpose and scope of the plans and programs. The criteria provided in Attachment 1 of the NLAP procedure describe the types of changes or activities that may have an effect. The procedure states "If a change or activity fits any of these criteria, the preparer may contact the owner organization or perform a detailed review." [emphasis added]

Thus, the procedure gives the preparer two alternatives if the change potentially impacts the program. One of the criteria listed that relates to the Fire Protection Program is whether the change "involves a safe shutdown system." The preparer was aware that this change involved a safe shutdown system and as a result chose the alternative to perform a detailed review. He performed a review of USAR Appendix 9B, which is the NMP2 Appendix R Review and Safe Shutdown Evaluation. The details of his review included, for example, the effects on the





system flow path, operation of the system, and the available controls and indications at the Remote Shutdown Panel. In addition, other sections of the USAR regarding the Remote Shutdown System and procedures dealing with operation of the RHS system were reviewed for impact as well. Thus, an appropriate review was performed per the procedural requirement.

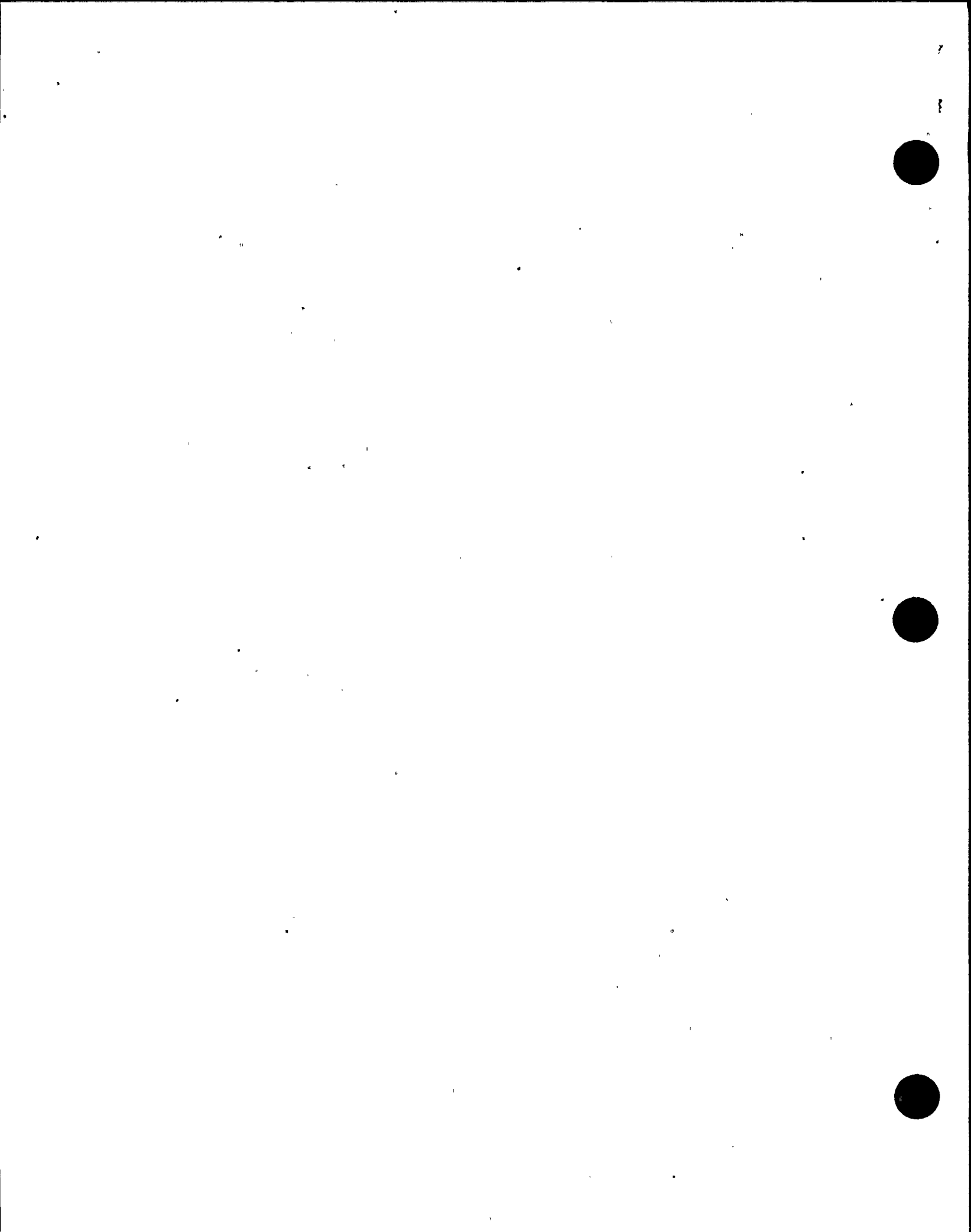
In developing the procedure change, it was determined that valves 2RHS\*MOV4A/B were not required to be closed in the affected section of the procedure to achieve cold shutdown. The valve closure actions were an enhancement to the procedure to maximize system capability and were similar to actions already in the procedure for initiation of shutdown cooling. The addition of these steps did not change the Fire Protection Program. Valves 2RHS\*FV38A/B were already listed in the USAR as Appendix R valves and therefore the addition of these valves and steps to the procedure also did not change the Fire Protection Program.

As noted in the NRC Inspection Report, this review did not identify the need for emergency lighting. During a walkdown conducted by a non-licensed operator and the NRC inspectors during the procedure review, the inspectors noted that the installed emergency lights were inadequate for the access and egress pathways and that no emergency lights were installed in the vicinity of the RHR minimum flow valves. We disagree with the conclusion in the Inspection Report that failure to complete the fire protection program review contributed to the licensee's failure to identify the need for emergency lights. NMPC acknowledges that a deficiency in emergency lighting existed, but this deficiency was not related to the implementation or review of the procedure change.

The AR focused on the proposed changes that were being made to the procedure and their effect on system operation and the safe shutdown path. Manual operation of valves 2RHS\*MOV4A/B was already included in the shutdown cooling section of the procedure. No program changes were identified by the preparer during the review of the various documents. It was reasonably believed that other issues, unrelated to the procedure, such as the need for emergency lighting, had previously been addressed.

The RSP was originally designed to General Design Criteria (GDC) 19. The position indication at the RSP for the RHR minimum flow valves (2RHS\*MOV4A/4B) was based on this GDC as well. When Appendix R was later implemented (1984), the minimum flow valves were not included in USAR Table 9B.8-3 and therefore emergency lights were not installed. Procedure N2-OP-78, Remote Shutdown System, however, required that these valves be closed manually to initiate shutdown cooling. The cause of this deficiency as reported in LER 97-02 was a design error when the Appendix R modifications were designed in 1984, and a failure to adequately evaluate the procedures to implement those modifications when they were developed in 1986 and revised in 1987. As described in LER 97-02, there were no safety consequences as a result of this deficiency.

In conclusion, the AR included a review of the Fire Protection Program for impact as required by the procedure. This review was performed by the preparer of the proposed change. The AR was marked appropriately that no change to the Fire Protection Program was involved.



**II. Corrective Actions Taken and Results Achieved**

While no procedural violation occurred, the following actions were implemented to address the lighting deficiency.

Temporary battery powered emergency lights were installed. If required, a permanent modification will be completed as described in LER 97-02, Supplement 1, dated June 9, 1997.

**III. Actions Taken to Prevent Recurrence**

Based on a number of Appendix R related deficiencies, a comprehensive review of the program has been initiated. In LER 97-02, dated May 7, 1997, NMPC committed to perform a confirmatory evaluation of plant design to verify that the systems required to achieve safe shutdown during a control room exposure fire are in accordance with the requirements of 10CFR50 Appendix A, Criterion 3. Additional information was provided in Supplements 1 and 2 to LER 97-02, dated June 9, 1997 and July 7, 1997, respectively.

**IV. Date When Full Compliance Was Achieved**

Full compliance for the emergency lighting deficiency was achieved on July 7, 1997, after temporary emergency lights were installed.



**B. VIOLATION 50-220/97-03-07 and 50-410/97-03-07**

Nine Mile Point Physical Security Plan, Revision 5, dated April 8, 1996, Section 4.11, "Access Controls - Vehicles," states that designated vehicles may only exit the protected area for reasons of operational necessity, maintenance, repair, security or emergency.

Nine Mile Point Security Procedure 3.3, "Vehicle Access Control," Section 7.25, Revision 16, dated February 7, 1997, states that all vehicles listed on the current Designated Vehicle List, regardless of ownership, are considered site vehicles and may leave the protected area only for the reasons of operational necessity, maintenance, security, emergency, or repair of the vehicle.

Contrary to the above, on April 10, 1997, the NRC identified four vehicles listed on the licensee's Designated Vehicle List that were being maintained outside the protected area for reasons other than allowed by procedure.

This is a Severity Level IV Violation (Supplement III).

**I. The Reason for the Violation**

Niagara Mohawk admits to the violation. The reason for the violation was Nuclear Security's failure to properly manage the implementation of procedures NIP-SEC-02 and S-SEC-3.3 with regard to control of designated vehicles.

To support the Nine Mile Point Unit 1 (NMP1) outage, Materials Management supervision approached Nuclear Security management to ascertain if it would be allowable for certain warehouse designated vehicles to be parked outside the protected area at the warehouse. This would make vehicles immediately available for use any time a delivery of parts or materials was needed. Since the warehouse was staffed 24 hours per day during the outage, it was anticipated that such a need would be frequent. Delivery time would be reduced by minimizing the delays associated with vehicle exit from the protected area to the warehouse and reentry into the protected area. Nuclear Security management perceived this to be an "operational necessity" and therefore, allowed Materials Management to park their designated vehicles at the warehouse in readiness for anticipated outage-related deliveries.

During the inspection of the Security Program in April, the NRC inspector questioned Nuclear Security as to why the vehicles were permitted to remain parked outside the protected area, and the above rationale was provided. However, the vehicle gate transaction logs showed that some of the warehouse vehicles had not entered the protected area for a matter of days. Leaving the protected area to pick up materials from the warehouse for direct delivery inside the protected area did constitute an operational need. However, leaving the protected area and remaining outside for an extended period of time in order to be "on standby" did not. Therefore, it was determined that their operational need to be parked "on standby" at the



warehouse was insufficient and that their use could not be said to be "limited to on-site plant functions", as required by procedures NIP-SEC-02 and S-SEC-3.3.

## **II. Corrective Actions Taken and Results Achieved**

Following discussion with the NRC inspector on April 8, Nuclear Security directed that the four vehicles that were outside the protected area for deliveries be searched and brought back into the protected area.

Nuclear Security management met with Materials Management supervision to communicate the expectations regarding the control of designated vehicles. Specifically, warehouse vehicles were to remain inside the protected area until there was an immediate need for pickup and delivery of materials. In addition, vehicles were no longer allowed to remain parked outside the protected area in anticipation of a delivery. On April 9, Materials Management communicated this policy to all warehouse personnel via an inter-office memorandum.

On April 23, 1997, the General Supervisor of Security Operations reviewed the details associated with the improperly controlled warehouse vehicles with the Security Shift Supervisors.

## **III. Actions Taken To Prevent Recurrence**

On August 1, 1997, correspondence from the Manager, Nuclear Security was forwarded to all Security Site Supervisors for their review and communication to Security Force Members on their shift. The correspondence reinforced that the intent of section 3.4.4 of NIP-SEC-02 is that designated vehicles may exit the protected area for one of the five authorized reasons listed in the NIP, provided the need for exit is an existing one (not a future or potential need). The correspondence also clarified that designated vehicles are to be returned to the protected area once their need for exit has been satisfied. The correspondence was communicated to all Security shifts by August 8, 1997.

The Manager Nuclear Security will meet with all Security management and supervisory personnel in order to communicate the details of this event. The need to ensure that decisions are appropriately reviewed against applicable procedural requirements, as well as the need to manage the results of those decisions to verify continuing procedural compliance, will be stressed as lessons learned from this event. This action will be completed by August 29, 1997.

## **IV. Date When Full Compliance Will Be Achieved**

Full compliance was achieved on April 8, 1997 when the four vehicles in question were searched and brought back into the protected area.

