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United Stated Nuclear Regulatory Commission
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Subject: Response to Inspection Report 89023

Gentlemen:

Toledo Edison (TE) has received Inspection Report 89023 (Log Number 1-2180) and provides the following response. Toledo Edison requests that the two violations be consolidated. The basis for this request is provided below.

Violation 89023-02: Technical Specification 4.11.1.1.1 requires that radioactive liquid wastes be sampled and analyzed in accordance with Table 4.11.1.

Table 4.11.1 specifies that each batch of condensate demineralizer backwash be sampled and analyzed.

Contrary to the above, on September 17, 1989, a condensate demineralizer was backwashed to the settling pond without being sampled and analyzed.

89023-03: 10CFR50.73(a)(2)(i)(B) requires that a Licensee Event Report (LER) be written for any operation or condition prohibited by the plant's technical specifications.

Contrary to the above, no LER was written for a September 17, 1989, violation of Technical Specification 4.11.1.1.1 where a condensate polishing demineralizer was backwashed to the settling basin without the contents having been sampled and analyzed.

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Response: Acceptance or Denial of the Alleged Violation

Toledo Edison acknowledges the alleged violations.

Reason for Violation

On September 17, 1989, an improper valve lineup resulted in the release of condensate polisher backwash to the onsite settling basin after performing a backwash of the Number 1 condensate polisher. Due to primary to secondary leakage, the condensate polisher resin contained low levels of radioactive material and was being directed to the condensate holdup tank where it would have been sampled prior to being processed as low-level waste. However, the improper valve lineup caused an unintentional release to the onsite settling basin. This incident was investigated and documented in PCAQR Number 89-0453.

The release to the settling basin was a result of personnel error on the part of the equipment operator who performed the prerequisite system valve verification. The equipment operator did not properly follow DB-CH-06017, Condensate Polisher Demineralizer Backwash Operating Procedure, and as a result three valves were incorrectly positioned when the backwash operation started. This allowed the polisher resins to be backwashed to the settling basin rather than the condensate holdup tank. The root cause of this event was identified as personnel error in not following the procedure to perform the appropriate valve lineup. A subsequent evaluation determined the procedure was unnecessarily complex. Contributing to the personnel error was the allowed use of a controlled copy (considered acceptable for routine operation) of the procedure rather than a working copy requiring signatures. The resins are transferred to the backwash tank where they are sampled and analyzed to determine appropriate processing. Because there was no intent to backwash the polisher resins to the settling basin, no samples were collected and analyzed. Condensate polisher resins are not normally discharged directly to the settling basin. Following the release to the settling basin, Toledo Edison sampled the settling basin outfall to verify no resin had been released from the settling basin.

Toledo Edison's initial reportability evaluation, made on September 26, 1989, concluded that no Technical Specification violation occurred since sampling the resin was not a requirement for the planned activity to sluice the resin to the condensate polisher holdup tank. The release concentrations did not exceed those levels which require reporting as an LER for an unplanned release. Toledo Edison planned to report the release in the next semi-annual effluent release report.

Technical Specification 3.11.1.1 requires that the concentration of radioactive material released in liquid

to UNRESTRICTED AREAS be limited to the concentrations specified in 10CFR Part 20.106. For estimating the release, Toledo Edison assumed that no resin escaped the settling basin ponds. Only the backwash liquid with tritium present in the water was released to the normal liquid effluent pathway. Using conservative estimates, which assume that all activity from the backwash was released to the settling basin, the maximum potential concentration (a maximum tritium concentration of 9.52E-10 Ci/ml was observed in the secondary coolant for September) was still well below the limits of 10CFR50.73(a)(2)(viii)(B) (2 times 10CFR20 limits). The maximum decant volume for the backwash is approximately 12,000 gallons. Toledo Edison's reportability evaluation concluded that other paragraphs of 10CFR50.73 did not apply. Toledo Edison did not believe the failure to sample and analyze prior to release was reportable under 10CFR50.73(a)(2)(i)(B) as a condition prohibited by Technical Specifications since the surveillance was specifically for pre-release sampling. Toledo Edison never planned to release the backwash to the basin. Since no batch release was planned no sample was required. This subject, in general, was discussed during an October 4, 1989, industry seminar with NRC AEOD Staff in attendance and it was Toledo Edison's understanding based on an AEOD response that unplanned releases below specified limits were not reportable as Licensee Event Reports.

However, after discussion with NRC Region III, AEOD and NRR Staff on October 31, 1987, Toledo Edison agreed to report this event as a condition prohibited by Technical Specifications. This is based on the interpretation that the intent of the surveillance is to provide sampling prior to releasing potentially radioactive material to unrestricted areas, regardless of whether a release is planned or unintentional. Therefore, an unintentional or inadvertent effluent release caused by personnel or procedural error, regardless of the radioactive content, is a condition prohibited by Technical Specifications. An LER was not submitted since TE had not interpreted the condition as one prohibited by Technical Specifications.

Corrective Action Taken and Results Achieved

Standing Order 89-051 was issued on September 20, 1989 requiring the use of working copies of the procedure and signoff of steps for all condensate polisher backwash operations. This covers the secondary side operations that were formerly considered routine. These operations are classified as having a potential for releasing radioactive materials to the environment. The backwash procedure was revised to eliminate unnecessary information, designate which steps operators are to perform and simplify valve lineup verification lists. Inasmuch as the violation of Technical

Specification 4.11.1.1.1 and the failure to write the LER were ancillary to the failure of the operator to follow procedure, no further corrective action is considered necessary.

Actions to Prevent Recurrence

Toledo Edison has developed an Action Plan to reduce the potential for unmonitored releases. Toledo Edison is currently reviewing procedures and training dealing with the handling of radioactive effluents. This review will be completed by December 31, 1989. TE has identified potential release paths and is tagging the final release points (valves) to the environment with appropriate warnings. This action is expected to be completed by December 31, 1989.

In the future, based on TE's October 31, 1989 discussion with NRC Region III, AEOD and NRR, de facto missed surveillances will be evaluated as conditions prohibited by Technical Specifications when due to personnel or procedural error. No corrective action is needed for failure to submit an LER since an LER would have been submitted had the condition been recognized as one prohibited by Technical Specifications.

Date When Full Compliance Will Be Achieved

Full compliance will be achieved on December 31, 1989.

Request for Consolidation of Violation

Two violations were issued for one incident. One for violation of Technical Specifications and one for failure to submit an LER for the violation of Technical Specifications. Toledo Edison identified the unintentional release and the procedural violation. However, TE did not interpret the failure to sample the unintentional release as a violation of Technical Specification surveillance requirements. Contributing to this decision were recent discussions concerning the reportability of unintentional releases made during the October 4, 1989 industry seminar, with NRC AEOD Staff in attendance. The failure to submit the LER was due solely to TE's interpretation that no violation of Technical Specifications had occurred. Toledo Edison believes it would be appropriate to consolidate the two violations into one violation with two parts.

If you have any questions concerning the above please contact, Mr. R. W. Schrauder Manager - Nuclear Licensing at (419) 249-2366.

Very truly yours,

EBS/ssg

cc: P. M. Byron, DB-1 NRC Senior Resident Inspector
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