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DEC 11 1990

Docket No. 50-271

Vermont Yankee Nuclear Power Corporation
ATTN: Mr. Warren P. Murphy
Senior Vice President, Operations
RD 5, Box 169
Ferry Road
Brattleboro, Vermont 05301

Gentlemen:

Subject: **Vermont Yankee Response to Notice of Violation in NRC Inspection Report 50-271/90-09**

This letter is in response to your letter dated October 29, 1990 (BVY 90-104) to the NRC regarding the Notice of Violation (NOV) in NRC Inspection Report 50-271/90-09. In that response you outlined your corrective actions to the violation which included proposed changes to your administrative procedures regarding equipment operability and controlling system valve and breaker lineups.

We have reviewed your response and feel that, while the changes you propose constitute a concerted effort to address the concerns noted in the report, we disagree with your approach and conclusions. First, for the examples noted in the NOV as well as future similar examples, we believe that a written safety evaluation needs to be conducted prior to performance of these activities in accordance with 10 CFR 50.59 to ensure they do not constitute unreviewed safety issues. While we agree that the conduct of certain maintenance activities may not be the subject of 10 CFR 50.59, per se, the configuration of valves and circuit breakers for any reason (whether during maintenance or other corrective actions) may constitute a change to the facility as described in the FSAR. For example, if the FSAR shows two ECCS injection valves (one normally open and one normally shut) and you chose to operate the plant and consider the system(s) operable, then you would be required to conduct a safety evaluation of this configuration in accordance with 10 CFR 50.59 prior to implementing the change. If, however, the system(s) were considered inoperable, then operation could continue provided that the action statements of the applicable Technical Specifications Limiting Condition for Operation were complied with.

Secondly, we do not agree that your proposed program or "guidelines" for evaluating off-normal conditions are acceptable. You describe cases where a) "operability determinations" and b) "basis for maintaining operation" may be used in lieu of c) "safety evaluations". This approach does not appear consistent with the regulatory requirements of 10 CFR 50.59. We believe that safety evaluations may be required to be conducted and approved in all three of these cases. Finally, we do not necessarily agree that an evaluation of off-normal conditions within 24-hours,

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in all cases, is necessarily prompt. For example, certain activities related to the Technical Specifications, the Emergency Plan and 10 CFR 50.72 are required to be conducted within time periods much shorter than 24 hours.

To address your concerns regarding the need for 50.59 evaluations for plant and procedural changes in response to plant conditions or actions taken to provide for maintenance or off-normal equipment performance, we discussed this matter at our November 19, 1990 meeting in the Region I Office. At that time, our staff noted that NRC guidance would be promulgated regarding operability determinations in the near future. Your program should incorporate this guidance when it becomes available.

As stated above, we are supportive of your efforts to prescribe definitive guidelines for use by plant personnel in assessing operability; however, because we believe your proposed pilot program requires relief from current regulatory requirements, we are unable to approve your proposal and stipulated corrective actions. Therefore, please provide a revised response within 30 days of this letter which incorporates the views discussed at the November 19, 1990 meeting and the subject matter of this letter.

Should you have any questions in this matter, please contact John Rogge of my staff at (215) 337-5146.

Sincerely,

ORIGINAL SIGNED BY:

Charles W. Hehl, Director
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cc:

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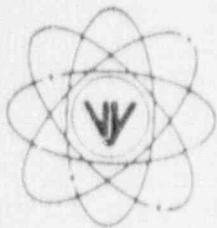
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BVY 90-104

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October 29, 1990

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Attn: Document Control Desk

References: a) License No. DPR-28 (Docket No. 50-271)
b) Letter, USNRC to VYNPC, dated 9/28/90
c) Letter, VYNPC to USNRC, dated 12/4/84

Dear Sir:

Subject: **Response to Inspection Report 50-271/90-09, Notice of Violation**

This letter is written in response to Reference b), which indicates that certain of our activities were not conducted in full compliance with NRC requirements. The alleged violation, classified at Severity Level IV, was identified as a result of an inspection conducted by the NRC Senior Resident Inspector during the period July 3-August 12, 1990. Our response to this violation is provided below.

VIOLATION

10CFR50.59(a) states that changes in the facility as described in the Final Safety Analysis Report (FSAR) may be made without prior Commission approval if the proposed change does not involve an unreviewed safety question. 10CFR50.59(b) requires a written safety evaluation which provides the basis for the determination that the change does not involve an unreviewed safety question. Additionally, Technical Specification 6.2.6.d states, in part, that the Plant Operations Review Committee (PORC) shall review proposed changes to plant systems which would require a change in normal operating procedures.

Contrary to the above, Vermont Yankee Procedure AP 0155, Revision 13, Current System Valve and Breaker Lineup and Identification, allows changes to the facility to occur prior to the preparation and PORC reviews of written safety evaluations following the implementation of a valve lineup deviation from that specified in normal operating procedures. As a result:

1. On April 8, 1989, Core Spray Valve CS-11B was placed in the closed position and the required safety evaluation was not prepared and reviewed by PORC until February 21, 1990. FSAR Section 6.4.3 describes that this valve is normally open to limit the equipment needed to operate in an accident condition; and

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2. On April 21, 1990, High Pressure Core Injection Valve HPCI-19 was opened and HPCI-20 was closed and the required safety evaluation was not prepared until April 25 and reviewed by PORC until April 27. FSAR Figure 7.4-1a describes HPCI-19 as normally closed and HPCI-20 as normally open.

The two examples collectively demonstrate an unacceptable practice of making facility changes as described in the FSAR prior to preparing a written safety evaluation that the change does not constitute an unreviewed safety question.

RESPONSE

Vermont Yankee agrees that if a 10CFR50.59 evaluation is required to support a change to this facility, then the safety evaluation must be completed and approved prior to the change being implemented. Contrary to this, as discussed above, our procedure AP 0155 currently allows a 10CFR50.59 evaluation to be performed following implementation of a valve lineup deviation from normal operating procedures.

However, Vermont Yankee does not consider actions that are taken by the control room personnel in response to plant conditions or actions that are taken to provide for maintenance of plant components or systems to require a formal safety evaluation. Provided the subject "changes" do not result in a physical modification to the facility or result in actions contrary to the procedural information provided in the FSAR, a safety evaluation in accordance with 10CFR50.59 would not be required in order to implement those actions. Rather, we believe that such conditions are governed by 10CFR50 Appendix B, Criteria XVI, Corrective Actions. This regulation requires that conditions contrary to quality be evaluated and/or corrected in a timely manner. We, therefore, do not believe that changing valve positions or breaker positions or tagging out equipment for maintenance are the types of changes contemplated by 10CFR50.59.

The Vermont Yankee operating philosophy requires that safe operation of the plant is the foremost consideration in achieving minimum risk to the health and safety of the public. This philosophy requires that the licensed operator have a level of authority and flexibility consistent with this responsibility along with the appropriate management guidance necessary to achieve this goal. The corrective actions discussed below are directed at improving and clarifying that management guidance and focus specifically on timely and consistent treatment of off normal conditions.

The intent of AP 0155 was that an Operability Determination be performed by the Senior Reactor Operators on shift to ensure continued safe plant operation whenever it was necessary to deviate from the normal system lineup outside of proceduralized controls. A formal evaluation would be performed subsequently, and presented to PORC to ensure that all long-term operability concerns were addressed. The chosen method for conducting and documenting this evaluation was originally specified to be procedure requirements consistent with Reference c) but later was revised to inappropriately specify procedure AP 6002, "Preparing 50.59 Safety Evaluations". This was done since it was believed to require a more rigorous review of the condition than that which was specified in Reference c).

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In order to avoid future misunderstanding and to provide a consistent set of guidelines to be used whenever an off normal condition is identified, and also to rectify the identified implementation weaknesses, the following changes will be made:

- a) A program will be developed which will describe when and how the following should be performed:
 1. Operability Determinations - This process will be conducted within the expertise and knowledge of the Control Room staff and will result in a determination that a safety class component/system is capable of performing its function. It will be completed within 24 hours of the identification of an off-normal condition for Tech Spec referenced equipment.
 2. Basis for Maintaining Operation (BMO) - This process will be conducted using expertise of applicable engineering personnel outside of the operating staff. This will result in a determination that an off-normal condition can exist for a certain time period and with certain additional compensatory actions, if required, provided that during this interim condition the risk to public health and safety is not adversely affected.
 3. Safety Evaluations (SE's) - This process will be conducted prior to a physical plant change being implemented or actions different from the procedural description in the FSAR being taken. To allow these changes/actions to take place, the safety evaluation must first result in a determination that no unreviewed safety question exists or that no change in the Technical Specifications is required.
- b) The applicable procedures, including AP 0155, "Current System and Valve Breaker Lineup and Identification," will be revised to reflect the above program.
- c) The FSAR will be reviewed and, to the extent possible, any description including drawings that would appear to add unnecessary confusion or detail to either Control Room Operator actions or maintenance actions will be reconsidered under 10CFR50.59.

Following completion of the above efforts, a process will be in place that will:

- o Continue to ensure that the safety of the plant is the foremost objective.
- o Provide a clear and consistent set of guidelines for evaluating off-normal plant conditions in a timely manner.
- o Insure that operators have sufficient flexibility and freedom to take the actions necessary to optimize the safe operation of the plant.
- o Avoid any potential confusion concerning when a maintenance or operational activity constitutes a "change" per 10CFR50.59.

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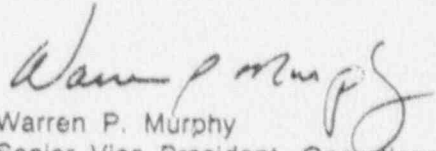
It is our desire to meet with you and review our intended implementation guidelines prior to fully incorporating them into our procedures and other administrative processes. This will assure that we obtain a mutual upfront understanding of our intended process and under which conditions they are applicable.

This philosophy will be implemented immediately following your approval on a "pilot" basis directed at valve and breaker lineup deviations. "Lessons learned" from the pilot effort will be factored into an integrated implementation schedule by February 1, 1991. This schedule will be forwarded to the NRC for their information.

We trust the information provided above adequately addresses your concerns; however, should you have any questions or desire additional information, please do not hesitate to contact us.

Very truly yours,

Vermont Yankee Nuclear Power Corporation


Warren P. Murphy
Senior Vice President, Operations

/dm

cc: USNRC Regional Administrator, Region I
USNRC Resident Inspector, VYNPS

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