

The Light company

Houston Lighting & Power

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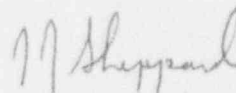
May 12, 1994
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File No.: G02.04.02
10CFR2.201

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

South Texas Project
Unit 1
Docket No. STN 50-498
Replies to Notices of Violation 94-11-01, 02
Regarding an Inadequate Understanding of Nuclear Regulatory Commission
Notification Requirements and Inadequate Verification of Information
Submitted to the Nuclear Regulatory Commission

Houston Lighting & Power has reviewed Notices of Violation 94-11-01, 02, dated April 12, 1994, regarding an inadequate understanding of Nuclear Regulatory Commission notification requirements and inadequate verification of information submitted to the Nuclear Regulatory Commission and submits the attached replies.

If you should have any questions on this matter, please contact Mr. S. M. Head at (512) 972-7136 or me at (512) 972-8757.



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JMP/esh

Attachment: 1) Reply to Notice of Violation 498/9411-01
2) Reply to Notice of Violation 498/9411-02

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Reply to Notice Of Violation 9411-01

I. STATEMENT OF VIOLATION:

10CFR50.72(a)(2), states, in part, "the licensee shall notify the NRC as soon as practical and in all cases, within four hours of the occurrence of any event found while the reactor is shut down that, had it been found while the reactor was in operation, would have resulted in the nuclear power plant, including its principal safety barriers, being seriously degraded... [We note that the citation should be to section 50.72(b)(2)]

Contrary to the above, on January 24, 1994, with the reactor shut down, the licensee determined that the Fuel Handling Building Exhaust System was not protected at the main exhaust vent from the adverse effects of a tornado as provided in the design basis, and did not notify the NRC of this condition. Had this been found while the reactor was in operation, the Fuel Handling System would have been in a seriously degraded condition.

This is a Severity Level IV violation (Supplement I).

II. HOUSTON LIGHTING & POWER POSITION:

Houston Lighting & Power agrees that the Nuclear Regulatory Commission was not notified but does not agree that 10CFR50.72(b)(2) required notification. Houston Lighting & Power has reviewed the notification requirements of 10CFR50.72 and has determined that no actual phone notification was required per 10CFR50.72.

Houston Lighting & Power believes that based on engineering judgement, because of the inoperable tornado damper, the plant was in a condition that was outside the design basis. This condition was found while the plant was shutdown. This was determined to be reportable pursuant to 10CFR50.73(a)(2)(ii)(B) and was reported in Licensee Event Report 94-003. However, since this was found while the plant was shutdown, there is no corresponding notification requirement under 10CFR50.72. The Nuclear Regulatory Commission and the industry have been aware of this difference between the two sections. Draft NUREG 1022, Revision 1 stated that any event or condition reportable under 50.73(a)(2)(ii)(B) and (C) found while the reactor is shutdown does not require an Emergency Notification System notification under 10CFR50.72(b)(2), but does require a Licensee Event Report. In addition, the Commission has recognized the use of engineering judgement and experience to determine reportability for this criteria.

Draft NUREG 1022 Revision 1, which is currently being reviewed by the industry, provides the following discussion of conditions of the nuclear power plant, including its principle safety barriers, being seriously degraded:

"As indicated in the Statements of Consideration, this paragraph includes material (e.g. metallurgical or chemical) problems that cause abnormal degradation of the principal safety barriers (i.e., the fuel cladding, reactor coolant system pressure boundary, or the containment..."

The failure of the tornado damper does not result in the serious degradation of a principle safety barrier (Cladding, Reactor Coolant System, or Containment). 10CFR50.72(b)(2) is therefore not applicable. There was not a requirement to notify the Nuclear Regulatory Commission.

III. REASON FOR VIOLATION:

As noted above, Houston Lighting & Power does not believe that a violation of 10CFR50.72(b)(2) occurred.

IV. CORRECTIVE ACTIONS:

The following corrective actions have been taken or will be taken to ensure that the Nuclear Regulatory Commission is notified of reportable matters:

1. An internal investigation was performed by Houston Lighting & Power which concluded that there was no suggestion that any individual deliberately sought to deceive the Nuclear Regulatory Commission and that no motive for deliberate deception had been postulated.
2. Appropriate personnel within Licensing who perform reportability review concurrences were provided with guidance regarding annotating the appropriate notification requirements on reportability review memorandums.
3. Although not required by regulations, Houston Lighting & Power has provided guidance to Licensing and Operations personnel to telephone the Nuclear Regulatory Commission following the identification of items reportable under 10CFR50.73 to ensure that the Nuclear Regulatory Commission is promptly made aware of such items.

V. DATE OF FULL COMPLIANCE:

Houston Lighting & Power is in full compliance.

Reply to Notice of Violation 9411-02

I. STATEMENT OF VIOLATION:

10 CFR 50.9, states, in part, "information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects . . .

Contrary to the above, on March 2, 1994, the licensee submitted Licensee Event Report 94-003, which inaccurately states that the licensee notified the NRC on January 24, 1994, of a condition which was reportable and which represented a condition that was outside the design basis of the plant.

This is a Severity Level IV violation (Supplement I).

II. HOUSTON LIGHTING & POWER POSITION:

Houston Lighting & Power agrees that the information submitted was inaccurate.

III. REASON FOR VIOLATION:

The cause of the submittal of inaccurate information was that individuals responsible for preparing and reviewing the Licensee Event Report formed erroneous understandings of events and failed to verify the accuracy of the information that was provided to the Nuclear Regulatory Commission. In addition, individuals who reviewed and concurred failed to detect and correct the wrong information.

A contributing cause was the fact that Unit 1 Licensee Event Report 94-003 was not provided to the Operations Department for review. Since Operations personnel would have made any notification, review by that department should have discovered the incorrect information.

IV. CORRECTIVE ACTIONS:

The following corrective actions have been taken or will be taken as a result of this event:

1. An internal investigation was performed by Houston Lighting & Power which concluded that there was no suggestion that any individual deliberately sought to deceive the Nuclear Regulatory Commission and that no motive for deliberate deception had been postulated.
2. Lessons Learned training was provided to appropriate Licensing personnel regarding this event.
3. Unit 1 Licensee Event Report 94-003 has been revised to correct the misinformation.

V. DATE OF FULL COMPLIANCE:

Houston Lighting & Power is in full compliance.