10 CFR 2.201

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BECo Ltr. #2.98.054

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

Docket No. 50-293
License No. DPR-35

REPLY TO NOTICE OF VIOLATIONS 98-01-07 AND 98-01-08
NRC INSPECTION REPORT NO. 50-293/98-01, DATED MARCH 24, 1998

Enclosures 1 and 2 provide Boston Edison Company's reply to Notice of Violations 98-01-07 and 98-01-08 contained in the subject inspection report.

This letter includes the following commitment addressing violation 98-01-07 (Enclosure 1):

- The circumstances surrounding this late 10 CFR 50.72 reporting will be communicated to all nuclear engineering personnel in the 2nd quarter engineering support personnel training session. This will be completed by July 30, 1998.

Violation 98-01-08 was resolved and full compliance achieved in October 1997.

Please do not hesitate to contact me if there are any questions regarding the enclosed reply.

L. J. Olivier for

WGL/298054/ltrs
Enclosure 1: Reply to Notice of Violation 98-01-07
Enclosure 2: Reply to Notice of Violation 98-01-08

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ENCLOSURE 1

Reply to Notice of Violation 98-01-07

VIOLATION 98-01-07

During an NRC inspection (investigation) conducted January 7 - February 24, 1998, two violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, violation, VIO 97-01-07, is listed below.

A. 10 CFR 50.72(b)(ii)(B) requires that a condition outside the design basis of the plant be reported to the NRC within one hour.

Contrary to the above, the NRC identified that a condition outside the design basis of the plant involving the emergency diesel generator fuel oil storage system was not reported to the NRC within 1 hour. The condition was initially identified by the licensee on January 21, 1998, but not reported to the NRC until January 27, 1998.

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

REASON FOR THE VIOLATION

The reason for the violation was non-compliance with PNPS Procedure 1.3.121, "Problem Report Program," Rev. 3. Our assessment (PR 98.0646) of the violation revealed the following.

The cause for a condition outside the design basis of the plant not being reported within one hour was a human error. The individuals involved with the evaluation of the emergency diesel generator (EDG) fuel requirement did not submit PR 98.9052 to the Nuclear Watch Engineer (NWE) in a timely manner in accordance with procedure 1.3.121.

During an engineering review of calculation S&SA 55 (Rev. 5), "Minimum On-Site Diesel Fuel Requirement" an inconsistency in an assumption was identified. A problem report (PR 98.9052) was written to document the inconsistency. An engineering evaluation (EE 98-011) dated January 21, 1998, was drafted to document the minimum fuel oil capacity was adequate. The PR 98.9052 and EE 98-011 were submitted to the NWE concurrently on January 27, 1998.

The individuals involved did not believe the issues presented in PR 98.9052 were reportable. During the review of the problem report and as a result of discussion between the NWE and the engineer, a potential single failure vulnerability in the EDG fuel oil supply system was identified. Specifically, it was discovered that failure of either main storage tank suction check valve (38-CK-101A/B) could eliminate the ability to cross-connect the tanks. This new potential single failure vulnerability in the EDG fuel oil cross-connect line was added to the PR 98.9052 on January 27, 1998. The NRC Operations Center was notified in accordance with 10 CFR 50.72(b)(ii)(B) on January 27, 1998, due to the belief that a condition was identified to be potentially outside the design basis of the plant. Licensee Event Report, LER 98-001-00, describing the event, was submitted to the NRC on March 3, 1998.

PNPS procedure 1.3.121, steps 6.1[4] and [5], require the originator of the problem report fill out the entire problem report form to the extent practical, and if the conditions on the back of the problem report exist or if the originator is uncertain, the PR shall be hand carried to the NWE. Also, step 6.1[5] requires an individual to write a problem report at the end of 72 hours if there is insufficient information to validate the need for a problem report and the concern relates to the potential operability of safety-related systems, structures and components. The procedure specifically requires the problem report be submitted if, at the end of 72 hours, the need for a problem report cannot be ruled out. PR 98.9052 was not submitted to the NWE in a timely manner as specified in step 6.1[4] of procedure 1.3.121. This led to delayed reporting of the potential condition outside the design basis of the plant.

CORRECTIVE STEPS TAKEN AND RESULTS ACHIEVED

- The NESG Group Manager held a group meeting where he reiterated his expectation that individuals must prepare a problem report and bring it to the NWE when the engineer becomes aware of the problem. The engineer cannot wait until an engineering evaluation is completed.

- Individuals involved in the EDG fuel oil requirement assessment were counseled on their failure to submit the PR 98.9052 to the NWE in a timely manner.

- Training was provided to all NESG engineers on the requirements of PNPS procedure 1.3.121. Emphasis was placed on the expectation and requirement to write a problem report per Section 6.1[4]. It was also explained, that though a problem may not pose a threat to operability, it may still be reportable as being outside the design basis. This training was given by the S&SA department manager during the weeks of March 2 and March 9, 1998.

- Engineers on the design basis information project have been made aware they must follow PNPS 1.3.121 when design basis issues are discovered. They were also given the above training.

CORRECTIVE STEPS THAT WILL BE TAKEN TO AVOID FURTHER VIOLATIONS

- The circumstances surrounding this PR will be communicated to all NESG engineers in the 2nd quarter ESP training session. This will be completed by July 30, 1998.

DATE WHEN FULL COMPLIANCE WILL BE ACHIEVED

Full compliance was achieved on January 27, 1998, when the NRC was notified in accordance with 10CFR 50.72.

ENCLOSURE 2

Reply to Notice of Violation 98-01-08

VIOLATION NO. 98-01-08 (identified as item B in the Notice of Violation)

During an NRC inspection (investigation) conducted January 7 - February 24, 1998, two violations of NRC requirements were identified. In accordance with "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, violation, VIO 98-01-08, is listed below:

B. 10 CFR 50.71(e) requires periodic updates be submitted to the UFSAR to assure information included in the UFSAR contains the latest information available. Revisions must be filed annually or six months after each refueling outage provided the interval between updates does not exceed 24 months.

Contrary to the above, prior to October 1997, FSAR updates submitted to the NRC, per BECo procedure NOP 83A17, "10 CFR 50.71(e) Update," did not include all relevant changes made to information in the UFSAR within the prescribed time limits. Instead of updating the UFSAR during the operational turnover phase of changes, the UFSAR was only updated after completion of modification close-out. This often times exceeded the time limits set forth in 10 CFR 50.71(e).

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

REASON FOR THE VIOLATION

The reason for the violation was Pilgrim Nuclear Organization Procedure, NOP83A17, "10 CFR 50.71(e) FSAR Update," did not conform to specific requirements set forth in 10 CFR 50.71(e) for updating the Final Safety Analysis Report (FSAR). Also, our assessment (PR 97.0426) showed NOP83E4, "FSAR Change Request", NOP83E1, "Control of Modifications at Pilgrim Station", and ineffective quality defense barriers in the areas of management and independent oversight created delays in FSAR updating timeliness. As such, FSAR updates submitted to the NRC did not include all relevant changes made to information in the FSAR within the prescribed time limits.

The first FSAR update took place in 1982 for compliance with the new requirements of 10 CFR 50.71(e). 10 CFR 50.71(e) required implementing a periodic update to the FSAR to assure information included in the FSAR reflects the changes made to the facility or procedures as described in the FSAR, all safety evaluations performed by the licensee either in support of requested license amendments or in support of conclusions that changes did not involve an unreviewed safety question, and all analysis of new safety issues performed by or on behalf of the licensee at Commission request. NOP83E1 and NOP83E4 provided procedural steps to make changes to the information contained in the FSAR after the update of drawings and close-out of modifications.

A PNPS regulatory relations self assessment (96-4) identified the PNPS FSAR update process did not provide timely FSAR updates. Specifically, after a plant design change (PDC) was performed, an FSAR change request was only submitted after final PDC close-out.

In some cases, even though modifications were put into operation, the PDC final close-out occurred after all drawings and other paperwork were updated, which resulted in UFSAR updates exceeding the time limit prescribed in 10 CFR 50.71(e).

NRC Inspection Report No. 50-293/96-10, dated February 7, 1997, documented the FSAR change process weakness initially identified by BECo was potentially a nonconformance with the requirements of 10 CFR 50.71(e). In response, BECo initiated problem report (PR) 97.9133, dated February 21, 1997, which was classified as a significant condition adverse to quality. The PR root cause analysis, dated September 22, 1997, concluded that procedures for updating the FSAR did not meet the intent of 10 CFR 50.71(e).

CORRECTIVE STEPS TAKEN AND RESULTS ACHIEVED

Several corrective actions were developed and implemented as part of the resolution of PR97.9133, more specifically, the following actions were implemented.

- NOP83A17, "10 CFR 50.71(e) FSAR Update," was revised to initiate UFSAR change requests at the same time modifications were considered ready for operational turnover.
- Changes to NOP83E1, "FSAR Change Request" and NOP83E1, "Control of Modifications at Pilgrim Station", were also implemented to make changes to the information in the FSAR in a timely manner.
- NOP83A3, "Regulatory Correspondence Control" was revised to include, in part, guidance on the identification of commitments that affect the Pilgrim station licensing basis.
- All fully implemented plant modification changes affecting the FSAR as of April 21, 1997, were submitted to the NRC in revision 21 of the FSAR in October 1997, in full compliance with 10 CFR 50.71(e).

DATE WHEN FULL COMPLIANCE WILL BE ACHIEVED

A full compliance with 10 CFR 50.71(e) was achieved in October 1997.