



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

December 29, 1999

EA 98-554
EA 99-076

S. K. Gambhir, Division Manager
Nuclear Operations
Omaha Public Power District
Fort Calhoun Station FC-2-4 Adm.
P.O. Box 399
Hwy. 75 - North of Fort Calhoun
Fort Calhoun, Nebraska 68023-0399

SUBJECT: LICENSEE RESPONSE TO NRC INSPECTION REPORT 50-285/98-19 AND
NOTICE OF VIOLATION

Dear Mr. Gambhir:

Thank you for your letter of February 23, 1999, in response to our January 8, 1999, letter and Notice of Violation. The cover letter of your response indicated that you were denying a minor violation, which NRC identified, concerning your failure to meet a requirement of 10 CFR 50.59 for a modification that was made to the steam-driven auxiliary feedwater pump. This minor violation was discussed in the inspection report; however, because it was minor, it was not cited in the Notice of Violation, which was enclosed with the inspection report.

Regarding the applicable portion of 10 CFR 50.59, we note the exact language in the rule:

[A] proposed change, test, or experiment shall be deemed to involve an unreviewed safety question (i) if the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased; or (ii)

We determined that your change, which modified the automatic operation of the steam-driven auxiliary feedwater pump steam inlet valve, created a potential failure mode that was not previously considered. As a result, the pump single failure probability may have been increased. Therefore, you did not adhere to the regulation when you failed to determine that the modification constituted an unreviewed safety question. Consequently, you failed to obtain prior NRC approval before implementing the change.

The NRC, by its own means, primarily probabilistic risk analysis, determined that there was little risk significance related to the implementation of the modification. The current regulation, however, does not provide for quantifying the significance of a change and subsequently

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determining acceptability on the basis of a significance determination. Therefore, this change constituted a violation because the pump failure probability may have been increased irrespective of the small magnitude of that increase, thus, requiring prior NRC approval. Accordingly, you should identify any actions necessary to correct the current situation and should implement those actions in a time frame commensurate with the significance.

A revision to 10 CFR 50.59 was published in the Federal Register on October 4, 1999. The change discussed above would not require prior NRC review and approval under the guidelines of the revised rule because it would involve only a minimal increase in the likelihood of a malfunction of a structure, system, or component. The revised rule may not be effective for some time; however, the fact that the issue would not be a violation under the revised rule indicates that the existing noncompliance is not significant.

Your response also addressed a violation involving the failure to implement corrective actions that were adequate to eliminate a potential to inadvertently dilute the reactor coolant system boron concentration. As noted in NRC Inspection Report 50-285/99-03, dated May 18, 1999, NRC completed a followup inspection of Violation 50-285/9819-01 and concluded that your corrective actions for this issue were acceptable.

Should you have any questions regarding this matter, please contact Dr. Dale Powers at 817/860-8195.

Sincerely,



Arthur T. Howell III, Director
Division of Reactor Safety

cc:

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*previously concurred

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