



50-445/446

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 27, 1998

Mr. C. Lance Terry
TU Electric
Senior Vice President & Principal Nuclear Officer
Attn: Regulatory Affairs Department
P. O. Box 1002
Glen Rose, TX 76043

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION REQUEST FROM TEXAS UTILITIES
ELECTRIC REGARDING COMANCHE PEAK STEAM ELECTRIC STATION -
UNITS 1 AND 2 (TAC NOS. MA1079 AND MA1080)

Dear Mr. Terry:

During the process of conducting reviews in accordance with Generic Letter 96-01, you discovered that the closed contact from a time delay relay (62-2) had not been tested in accordance with the Comanche Peak Steam Electric Station (CPSES) Technical Specification (TS) Surveillance Requirement (SR) 4.3.2.1, Table 4.3-2 Channel Functional Units 8d, 8e, and 8f. This omission in the surveillance program at CPSES had been present since the time of initial license and was identified on March 3, 1998, at 10:10 a.m. CST. By letter dated March 3, 1998, you requested that the NRC exercise discretion not to enforce compliance with the actions required in CPSES TS SR 4.3.2.1 to allow Units 1 and 2 to remain in MODE 1, POWER OPERATION, for the purpose of crediting the performance of the SR. You requested that a Notice of Enforcement Discretion (NOED) be issued pursuant to the NRC's policy regarding exercise of discretion for an operating facility, set out in Section VII.c, of the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, and be effective for the period of 24 hours to allow for a one time credit for the performance of each train within the allotted time of SR 4.0.3.

SR 4.3.2.1 requires, in part, that the TRIP ACTUATING DEVICE OPERATIONAL TEST (TADOT) for Channel Functional Units 8d, 8e and 8f; 6.9kV Degraded Voltage, 480V Degraded Voltage and 480V Low Grid Undervoltage, respectively, be performed "Whenever the plant is in COLD SHUTDOWN for 72 hours or more and if the surveillance testing has not been performed in the previous 92 days." Failure to perform the surveillance requirement within the allotted surveillance interval allowed per SR 4.0.2, would result in failure to perform a SR. In accordance with SR 4.0.3, this failure to perform the SR would constitute a noncompliance with the OPERABILITY requirements for the LCO. Further, in accordance with SR 4.0.3, the ACTION requirements may be delayed for up to 24 hours to permit completion of the surveillance when the allowable outage time limits of the ACTION requirements are less than 24 hours.

You stated that to perform the SRs during MODE 1, POWER OPERATIONS, would result in the inoperability declaration of both A.C. Offsite Power Sources for each unit in accordance with Table 3.3-2 Action Statement 23e. That ACTION requires in part, that CPSES "declare both Offsite Power Sources inoperable, take the Action required by Specification 3.8.1.1, and open both offsite power breakers to the affected bus within 6 hours." Further, you verified the continuity of the portion of the circuit which had not previously been tested while at power. As

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such, you considered the TADOTs to be complete with the exception of literal compliance with the COLD SHUTDOWN requirement. Further you stated that testing of differing magnitude would not be required at COLD SHUTDOWN conditions and would serve the same purpose as the testing already completed.

At approximately 5:00 p.m. EST on March 3, 1998, a phone call between your staff, Region IV and NRR staff, your request was discussed. The TADOT portion of Table 4.3-2 specifies the frequency at which a test is performed; not plant conditions at which it must be performed. Other TS sometimes specify both a frequency and a plant condition such as "At least once per 18 months during shutdown by..." The staff determined that SR Table 4.3-2 Note 2 which states, "Whenever the plant is in COLD SHUTDOWN for 72 hours or more and if the surveillance testing has not been performed in the previous 92 days," specifies the test frequency and not the plant condition for the performance of the test. Therefore, the testing of the time delay relay (62-2) at power was allowable. At 6:08 p.m. EST the staff stated that testing of the time delay relay (62-2) was allowable at power and the licensee did not need the requested NOED.

However, as stated in the Enforcement Policy, action will normally be taken, to the extent that violations were involved, for the root cause that led to the noncompliance for which this NOED was necessary.

During the discussions with the licensee the definition of TADOT in the CPSES TS was discussed. The definition as stated in the CPSES TS does not address how a TADOT should be performed and whether an integrated test is required. It is the staff position that TADOTs may be performed by means of any series of sequential, overlapping, or total integrated tests so that the entire function is tested. This understanding is currently documented in the Standard Technical Specifications (STS) for Combustion Engineering, Boiling Water Reactor - 4, and Boiling Water Reactor - 6 plant designs, but has not been documented in the Babcock and Wilcox or Westinghouse STS. The staff is currently reviewing the changes to the definition for plants from all vendors to allow sequential, overlapping, or total integrated tests.

Sincerely,
 ORIGINAL SIGNED BY:
 Timothy J. Polich, Project Manager
 Project Directorate IV-1
 Division of Reactor Projects III/IV
 Office of Nuclear Reactor Regulation

Docket Nos. 50-445 and 50-446

cc: See next page

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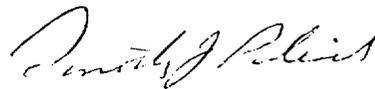
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Sincerely,



Timothy J. Polich, Project Manager
Project Directorate IV-1
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

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cc: See next page

Mr. C. Lance Terry
TU Electric Company

Comanche Peak, Units 1 and 2

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