



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005**

February 21, 2003

J. V. Parrish (Mail Drop 1023)
Chief Executive Officer
Energy Northwest
P.O. Box 968
Richland, Washington 99352-0968

**SUBJECT: NOTICE OF ENFORCEMENT DISCRETION (NOED) FOR ENERGY
NORTHWEST REGARDING COLUMBIA GENERATING STATION
(NOED 03-4-001)**

By letter dated February 19, 2003, you requested that the NRC exercise discretion to not enforce compliance with the actions required in Technical Specification 3.8.1, "A.C. Sources - Operating." Specifically, you requested discretion from compliance with the completion time requirements of Technical Specification 3.8.1, Condition B.4, for an additional 11-day period beginning at 9 p.m. on February 16 and ending at 9 p.m. on February 27, 2003. If the inoperable emergency diesel generator is not restored to operable status within the Completion Time, Technical Specification 3.8.1, Condition F, must be entered. Condition F requires that the plant be placed in Mode 3 within 12 hours and Mode 4 within 36 hours. Your letter, dated February 19, 2003, documented information previously discussed with the NRC in a telephone conversation on February 16, 2003, at 9:15 a.m. (CST). Your staff stated that as of February 16, 2003, at 9 p.m. (PST) the plant would not be in compliance with Technical Specification TS 3.8.1 Condition B.4, which requires that, when in Modes 1, 2, and 3 with one of the three emergency diesel generators inoperable, the inoperable emergency diesel generator must be returned to operable status within 72 hours and 6 days from the discovery of the failure to meet the Limiting Condition for Operation. You requested that an 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 9 p.m. (PST), February 16 through 9 p.m. (PST), February 27, 2003.

Participants in the February 16, 2003, telephone conversation in which you requested enforcement discussion included Ellis Merschhoff, Regional Administrator, Region IV; Thomas P. Gwynn, Deputy Regional Administrator, Region IV; Arthur Howell III, Director, Division of Reactor Projects, Region IV; William B. Jones, Chief, Project Branch E, Division of Reactor Projects, Region IV; George Repogle, Senior Resident Inspector at Columbia Generating Station, Region IV; William H. Ruland, Director, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation; Jack Cushing, Project Manager, Division of Licensing Project Management, Office of Nuclear Reactor Regulation; J. V. Parrish, Chief Executive Officer, Energy Northwest, Rodney Webring, Vice President - Nuclear Generation, Energy Northwest; Dale Atkinson, Vice President - Technical Services, Energy Northwest, and members of their staff.

According to your staff, Diesel Generator DG-1 (DG-GEN-DG1) is inoperable due to a degraded generator bearing. Diesel Generator 1 was declared inoperable at 9 p.m. (PST) on February 13, 2003. The degraded generator bearing was identified through bearing vibration monitoring during monthly diesel generator testing. Work activities to replace the generator bearing are underway. However, replacement of the bearing and testing of DG-1 cannot be completed prior to the expiration of the applicable completion time specified in Technical Specification 3.8.1, Condition B.4.

The safety basis submitted by Energy Northwest included compensatory measures and an evaluation of the potential impact on public health and safety and the environment. The safety basis submitted indicated that the proposed enforcement discretion did not involve a net increase in radiological risk and would not be a potential detriment to public health and safety and that no significant hazard consideration was involved. This assessment was based on your implementation of the proposed compensatory measures, and other qualitative arguments involving challenges to plant systems, such as increased potential for plant transients or disturbances, which can occur during shutdown evolutions, with DG-1 inoperable. Among the compensatory measures, the most significant improvements to plant risk are: (1) no elective maintenance on risk significant systems and equipment; (2) the staging of a portable diesel generator capable of powering battery chargers for establishing the ability to maintain battery voltages necessary for reactor core isolation cooling system and the automatic depressurization system to function for a longer period during a station blackout condition; (3) restriction of the performance of elective work on offsite sources; and (4) the deferral of additional surveillance tests that can be performed after February 27, 2003.

We evaluated your request, which was reviewed and approved by the Plant Operation Committee on February 19, 2003, and agreed that maintaining the plant stable in Mode 1 for an additional 11 days was preferable to the potential for a plant transient that could occur during a plant shutdown. Also, we agreed that your compensatory measures, risk analysis, and basis considerations were appropriate to demonstrate that the additional 11 days would not involve a net increase in radiological risk and would not be a potential detriment to public health and safety.

We reviewed your letter dated February 19, 2003, in which you documented the subjects discussed in the telephone conversations of February 16, 2003. The letter accurately reflected the discussions regarding the description of the event; the basis for no net increase in radiological risk; the justification for the duration of the potential noncompliance, including apparent root cause; the basis for the determination that the potential noncompliance was not a potential detriment to public health and safety and that no significant hazard consideration was involved; the environmental evaluation; the compensatory measures proposed, as well as the review and approval by your onsite review committee; and your basis for the type of NOED requested.

On the basis of our evaluation of your request, including the compensatory measures described above, we concluded that an NOED was warranted because we were clearly satisfied that this action had no adverse radiological impact on public health and safety. Additionally, we determined that the request satisfied the NRC's policy for enforcement discretion as specified in

Section B.2.1.1.a of NRC Inspection Manual Chapter 9900. Therefore, it is our intention to exercise discretion not to enforce compliance the completion time requirements of Technical Specification 3.8.1, Condition B.4, for the 11-day period beginning at 9 p.m. (PST) on February 16 and ending at 9 p.m. (PST) on February 27, 2003. This letter documents our telephone conversation of February 16 at 7:15 a.m. (CST) during which we orally issued this enforcement discretion and our review of your written request dated February 19, 2003.

However, as stated in the Enforcement Policy, action will be taken to determine, to the extent that violations were involved, the root cause or causes that led to the request for this NOED.

Sincerely,

/RA/

Ellis W. Merschoff
Regional Administrator

Docket: 50-397
License: NPF-21

cc:
Rodney Webring (Mail Drop PE04)
Vice President, Nuclear Generation
Energy Northwest
P.O. Box 968
Richland, Washington 99352-0968

Albert E. Mouncer (Mail Drop PE01)
Vice President, Corporate Services/
General Counsel/CFO
Energy Northwest
P.O. Box 968
Richland, Washington 99352-0968

Chairman
Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, Washington 98504-3172

Douglas W. Coleman (Mail Drop PE20)
Manager, Performance Assessment
and Regulatory Programs
Energy Northwest
P.O. Box 968
Richland, Washington 99352-0968

Energy Northwest

-4-

Christina L. Perino (Mail Drop PE20)
Manager, Licensing
Energy Northwest
P.O. Box 968
Richland, Washington 99352-0968

Chairman
Benton County Board of Commissioners
P.O. Box 190
Prosser, Washington 99350-0190

Dale K. Atkinson (Mail Drop PE08)
Vice President, Technical Services
Energy Northwest
P.O. Box 968
Richland, Washington 99352-0968

Thomas C. Poindexter, Esq.
Winston & Strawn
1400 L Street, N.W.
Washington, D.C. 20005-3502

Bob Nichols
Executive Policy Division
Office of the Governor
P.O. Box 43113
Olympia, Washington 98504-3113

Lynn Albin
Washington State Department of Health
P.O. Box 7827
Olympia, WA 98504-7827

Electronic distribution by RIV:

Regional Administrator (**EWM**)

DRP Director (**ATH**)

DRS Director (**DDC**)

Senior Resident Inspector (**GDR**)

Branch Chief, DRP/E (**WBJ**)

Project Engineer, DRP/E (**DLS6**)

Staff Chief, DRP/TSS (**PHH**)

RITS Coordinator (**NBH**)

W. Kane, DEDR (**WFK**)

W. Ruland, Director, Project Directorate IV, NRR (**WHR**)

G. Shukla, Project Manager, NRR, PDIV-2 (**GSS**)

B. Sheron, Associate Director for Project Licensing & Technical Analysis, NRR (**BWS**)

W. Borchardt, Associate Director for Inspection & Programs, NRR (**RWB1**)

J. Zwolinski, Division Director, DLPM, NRR (**JAZ**)

F. Congel, Director, Office of Enforcement (**FJC**)

S. Morris, OEDO, RIV Coordinator (**SAM1**)

G. Sanborn, D:ACES, Region IV (**GFS**)

OEWEB

NOED

R:_NOED\NOED 2003\COL 03-4-001

RIV:C:DRP/EB	D:DRP	PDIV	D:ACES	DRA	RA
WBJones;dlf	ATHowell	WHRuland	GFSanborn	TPGwynn	EWMerschhoff
VGGaddy for	/RA/	F - VGGaddy			/RA/
2/21/03	2/21/03	2/21/03	NA	NA	2/21/03

OFFICIAL RECORD COPY

T=Telephone

E=E-mail

F=Fax