

February 26, 2003

Mr. Robert M. Bellamy
Site Vice President
Entergy Nuclear Operations, Inc.
Pilgrim Nuclear Power Station
600 Rocky Hill Road
Plymouth, Massachusetts 02360-5599

SUBJECT: REQUEST FOR ENFORCEMENT DISCRETION FOR PILGRIM NUCLEAR
POWER STATION [TAC NO. MB7785, NOED No. 03-01-001]

Dear Mr. Bellamy:

This letter documents our verbal denial, for the reasons outlined herein, of your request for enforcement discretion on February 20, 2003 at 1500 hours. Entergy Nuclear Operations, Inc. (Entergy) in teleconference discussions with the NRC staff, requested that the NRC exercise discretion not to enforce compliance with the actions required by a license condition and the Technical Specifications. By letter dated February 24, 2003, you documented the information previously discussed by teleconference with the NRC. Specifically, Facility Operating License Condition 3.E, requires that if one recirculation loop is out of service, the plant shall be placed in a hot shutdown condition within 24 hours unless the loop is sooner returned to service. The principal NRC staff members who participated in that telephone conference included:

NRC Region I Staff

- A. Randolph Blough, Director, Division of Reactor Projects (DRP)
- Wayne Lanning, Director, Division of Reactor Safety (DRS)
- Clifford Anderson, Branch Chief, DRP Branch 5
- Lawrence Doerflein, Branch Chief, DRS
- Eugene Cobey, Senior Reactor Analyst
- Chris Welch, Resident Inspector
- Wayne Schmidt, Senior Reactor Analyst
- Frank Arner, Project Engineer, DRP Branch 5
- Josephine Talieri, Reactor Inspector, DRS

NRC Headquarters Staff

- Stuart Richards, Project Director, Division of Licensing Project Management
- James Clifford, Section Chief, Division of Licensing Project Management
- Travis Tate, Project Manager, Division of Licensing Project Management
- Rich Guzman, Project Manager, Division of Licensing Project Management
- Ralph Caruso, Section Chief, Reactor Systems Branch
- George Thomas, Reactor Engineer, Reactor Systems Branch
- Carl Schulten, Senior Reactor Engineer, Technical Specifications Section

Entergy personnel indicated that with one recirculation system loop out of service the plant would be required to be in hot shutdown by 0525 hours on February 21, 2003. Entergy 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. This request would allow Pilgrim Nuclear Power Station an additional seven days of operation with a recirculation loop out of service.

The Operating License Condition and the Technical Specifications (TS) from which relief was requested were the following:

- A. Facility Operating License Condition 3.E
- B. TS Table 3.1.1, "Reactor Protection System," APRM High Flux Trip Level Settings
- C. TS 3.2.C.1, "Control Rod Block Actuation," APRM Upscale Trip Setpoints
- D. TS 4.6.E, "Jet Pumps"

As indicated in our call with your staff on February 20, 2003, and acknowledged in your letter dated February 24, 2003, the NRC staff denied your request for enforcement discretion. During the teleconference it was apparent that your staff had devoted extensive effort in a short period of time to initially evaluate the recirculation motor generator set failure, develop a safety assessment for continued operation, and propose compensatory actions to minimize risk. However, on the basis of the staff's evaluation of your verbal request, we concluded that issuance of a NOED in this particular case was not consistent with the Enforcement Policy and staff guidance, given the complexity of the issue and limited time for staff review. Additionally, the staff noted that at the time of the NOED request, there was still substantial uncertainty with the root cause and scope of repairs required for the failed equipment.

Single-loop recirculation pump operational limits are typically addressed in plant specific analyses to support Technical Specification amendments which receive detailed NRC staff review. Further, although you proposed administrative controls (i.e., operating restrictions) to address stability issues, your plant equipment did not fully support the full scope of typical single loop adjustments such as resetting of the setpoints for the flow-biased scram function.

Notwithstanding our ultimate denial of this request, the staff noted that Entergy presented a good level and depth of technical information in a clearly understandable manner, during our discussions of your request.

Should you have any questions, please feel free to call Cliff Anderson at (610-337-5227). We understand that Pilgrim determined that the loop would not be returned to service in the timeframe available without the requested enforcement discretion and commenced a normal shutdown at 0025 hours on February 21, 2003.

Sincerely,
/RA/

A. Randolph Blough, Director
Division of Reactor Projects

Enclosure: Entergy Nuclear Operations, Inc. letter sent via email on February 24, 2003

Docket No. 50-293
License No. DPR-35
NOED No. 03-01-001

cc w/encl: M. Krupa, Director, Nuclear Safety & Licensing
W. Riggs, Director, Nuclear Assessment Group
D. Tarantino, Nuclear Information Manager
B. Ford, Regulatory Affairs Department Manager
J. Fulton, Assistant General Counsel
R. Hallisey, Department of Public Health, Commonwealth of Massachusetts
The Honorable Therese Murray
The Honorable Vincent deMacedo
Chairman, Plymouth Board of Selectmen
Chairman, Duxbury Board of Selectmen
Chairman, Nuclear Matters Committee
Plymouth Civil Defense Director
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