



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

JAN 24 1990

Docket No. 50-346

Toledo Edison Company
ATTN: Mr. Donald Shelton
Vice President
Nuclear
Edison Plaza
300 Madison Avenue
Toledo, OH 43652

Gentlemen:

SUBJECT: DISCRETIONARY ENFORCEMENT RELATING TO AN INOPERABLE REACTOR
PROTECTION SYSTEM INSTRUMENT

This letter is in response to your verbal request on January 18, 1990 and your January 18, 1990 letter requesting that the NRC exercise discretionary enforcement in the case of Technical Specification (TS) 3.3.1.1 regarding operation of the plant with one of four Flux-Delta Flux-Flow instruments in the Channel 2 Reactor Protection System (RPS) declared inoperable.

We have reviewed the basis for your request noting that RPS Channel 2 would be reset thus maintaining the two-out-of-four logic for all RPS parameters except for the flux-delta flux-flow parameter, which becomes the equivalent of a two-out-of-three logic. We also note that while the flux-delta flux-flow parameter would be declared inoperable, it would not be tripped and thus would still provide a trip function, but approximately 0.07% full reactor power above the required trip setpoint limit. We also understand that, should any other component in the flux-delta flux-flow logic in channels 1, 3 or 4 degrade beyond its TS limit, you will follow the appropriate actions of T.S. 3.0.3. Verbal authorization to proceed with the above condition was granted on January 18, 1990.

The period of time for which this enforcement discretion will remain in effect will be until commencement of the refueling outage scheduled for February 1, 1990.

Sincerely,

A. Bert Davis
Regional Administrator

Attachment: Ltr TE to NRC
dtd 1/19/90

See Attached Distribution

9001310157 900124
PDR ADOCK 05000346
PDC

IEO1
1/1

Toledo Edison Company

2

JAN 24 1990

Distribution

cc w/attachment:

L. Storz, Plant Manager

DCD/DCB (RIDS)

Licensing Fee Management Branch

Resident Inspector, RIII

James W. Harris, State of Ohio

Robert E. Owen, Ohio

Department of Health

A. Grandjean, State of Ohio,

Public Utilities Commission