

Docket file



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

June 13, 1994

Docket Nos. 50-295  
and 50-304  
NOED No. 94-6-010

Mr. D. L. Farrar  
Manager, Nuclear Regulatory Services  
Commonwealth Edison Company  
Executive Towers West III, Suite 500  
1400 OPUS Place  
Downers Grove, Illinois 60515

Dear Mr. Farrar:

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION FOR COMMONWEALTH EDISON COMPANY  
REGARDING ZION NUCLEAR POWER STATION, UNITS 1 AND 2 (TAC NOS. M89612  
and M89613)

This letter documents our discussion, on June 9, 1994, of our intention to exercise discretion not to enforce compliance with the Technical Specifications (TS) for Zion Nuclear Power Station, Units 1 and 2.

On June 9, 1994, a conference call was conducted between the members of the NRC staff and Zion Station to discuss the requirement of TS 4.10.1.A.2 to perform Type B and C tests (except airlock tests) at  $P_a$  (postulated peak accident pressure) or above in accordance with the provisions of the appropriate section of 10 CFR Part 50, Appendix J. TS 4.0.2 requires that each Surveillance Requirement (SR) be performed within the specified surveillance interval with a maximum allowable extension not to exceed 25 percent of the specified surveillance interval. TS 4.0.3 specifies that failure to perform a SR within the allowed surveillance interval, defined by TS 4.0.2, shall constitute noncompliance with the OPERABILITY requirements for a limiting condition for operation (LCO). The time limits of the ACTION requirements are applicable at the time it is identified that a SR has not been performed. The ACTION requirements may be delayed for up to 24 hours to permit the completion of the surveillance when the allowable outage time limits of the ACTION requirements are less than 24 hours.

The basis for TS 4.0.3 states that the purpose of the 24 hour allowance is to permit the completion of either the surveillance requirement or other remedial measures. In this case, remedial measures included a request for enforcement discretion and submittal of a schedular exemption to the requirements of 10 CFR Part 50, Appendix J and a TS amendment request.

This same circumstance existed in 1991, except that at that time, other penetrations and their associated valves in addition to the one causing this request were also involved. In 1991, the staff issued a temporary waiver of compliance and an emergency TS amendment to preclude a shutdown of Unit 2 and permit startup of Unit 1. The NRC staff believed that subsequent plant modifications and testing allowed Zion Station to be in compliance with the Type C testing requirements of 10 CFR Part 50, Appendix J. However, although,

100088

9406210273 940613  
PDR ADOCK 05000295  
P PDR

NRC FILE CENTER COPY

DFOL  
1/0

in 1991, 1(2) MOV-CC685 were included in the list of valves requiring Type C testing, the appropriate modifications and subsequent testing were never accomplished. 1(2) MOV-CC685 are containment isolation valves for the component cooling water (CCW) return from the reactor coolant pump (RCP) thermal barriers and are the first isolation valves outside containment for penetration P-33. The second isolation valves outside containment for penetration P-33 are 1(2) MOV-CC9438 and these valves were appropriately modified and tested. On June 8, 1994, Zion Station's System Engineering Department identified that the Type C surveillance tests of TS 4.10.1.A.2 had not been performed for valves 1(2) MOV-CC685. As a result, Zion Station, Units 1 and 2, which were in Mode 3 (Hot Shutdown) and Mode 1 (Power Operation), respectively, started on a 24 hour clock pursuant to TS 4.0.3.

Discussions with your staff on June 9, 1994, provided an evaluation of the safety significance and consequences of granting the enforcement discretion that demonstrated that enforcement discretion would not create an unsafe condition or increase the potential consequences for postulated events while a schedular exemption and TS amendment request were being submitted and reviewed. In addition, the following commitments for compensatory actions were made: 1) a problem identification form was completed to identify and document the issue, 2) an investigation would be performed to determine factors contributing to the need for enforcement discretion and the corrective actions required to prevent recurrence of a similar situation, 3) a request for schedular exemption to 10 CFR Part 50, Appendix J testing requirements and an associated TS amendment for 1(2) MOV-CC685 would be submitted to the NRC staff on or before June 16, 1994, to defer the testing of 1(2) MOV-CC685 to the next refueling outage for each unit, 4) the limit for allowable containment Type B and C leak rate would be administratively reduced from the 10 CFR Part 50, Appendix J limit of 0.60 L<sub>a</sub> (285 SCFH) to a limit of 0.40 L<sub>a</sub> (190 SCFH), and 5) periodic walkdowns of the piping between the penetration into the containment at P-33 and valves 1(2) MOV-CC9438 would be performed to verify the integrity of the piping and 1(2) MOV-CC9438.

Your staff indicated that it was uncertain what decisions had been made that resulted in the design of the modifications being changed such that the installed modifications did not allow Type C leak rate testing of 1(2) MOV-CC685 as was intended and required. Your staff acknowledged that there had been a breakdown in communications or processes regarding the design and installation of the modifications that would have allowed performance of the required test for 1(2) MOV-CC685.

At the conclusion of our discussions, I agreed with the proposed actions, including the restart of Unit 1. The assurance that the actions taken involved minimal safety significance was of paramount importance in arriving at my decision. At that time, I considered the submission of a request for a schedular exemption to the requirements of 10 CFR Part 50, Appendix J to be sufficient. During internal NRC discussions on June 10, 1994, the NRC staff determined that a TS amendment would also be required. The results of these internal NRC staff discussions were conveyed to Commonwealth Edison Company (CECo) on June 10, 1994. The staff position is that since the Zion Station TSs do not address testing in accordance with 10 CFR Part 50, Appendix J and

all approved exemptions, both a TS amendment request and a request for schedular exemption are required. CECO subsequently submitted a written request for the NOED and a justification supporting it on June 10, 1994.

In summary, based on our evaluation of the NOED request and justification, including the aforementioned compensatory actions, we concluded that this course of action involved minimal or no safety impact, and we were clearly satisfied that the exercise of enforcement discretion was warranted from a public health and safety perspective. Therefore, this letter documents our intention to exercise discretion not to enforce compliance with TS 4.10.1.A.2 for the period beginning 4:00 PM (EDT) on June 9, 1994, until your staff submits and the NRC staff acts on the TS amendment request and the schedular exemption request. Notwithstanding our granting of enforcement discretion, we will consider enforcement action, as appropriate, for the conditions that led to the need for this enforcement discretion.

Sincerely,

Original Signed By

John A. Zwolinski, Assistant Director  
for Region III Reactors  
Division of Reactor Projects - III/IV  
Office of Nuclear Reactor Regulation

cc: see next page

DISTRIBUTION

Docket File	NRC & Local PDRs	PDIII-2 r/f	WRussell
FMiraglia	LReyes	AHadani	JRoe
JZwolinski	RCapra	CShiraki	GDick
CHawes	OGC	DHagan	GHill(4)
CGrimes	RBarrett	ACRS(10)	OPA
OC/LFDCB	JLieberman, OE	EGreenman, RIII	Region IV, WCFO(4)

\*See previous concurrence

v.2 telecom  
3:15pm 6/13/94

OFC	LA:PDIII-2	PM:PDIII-2	D:PDIII-2	BC:SCSB*	D:DRP:R3	ADR3:NBR
NAME	CHAWES <i>CH</i>	GDICK <i>GD</i>	RCAPRA <i>RC</i>	RBARRETT	EGREENMAN <i>EG</i>	JZWOLINSKI
DATE	6/13/94	6/13/94	6/13/94	06/13/94	6/13/94	6/13/94
COPY	(YES/NO)	(YES/NO)	(YES/NO)	YES/NO	YES/NO	YES/NO

Mr. D. L. Farrar  
Commonwealth Edison Company

Zion Nuclear Power Station  
Unit Nos. 1 and 2

cc:

Michael I. Miller, Esquire  
Sidley and Austin  
One First National Plaza  
Chicago, Illinois 60603

Dr. Cecil Lue-Hing  
Director of Research and Development  
Metropolitan Sanitary District  
of Greater Chicago  
100 East Erie Street  
Chicago, Illinois 60611

Phillip Steptoe, Esquire  
Sidley and Austin  
One First National Plaza  
Chicago, Illinois 60603

Mayor of Zion  
Zion, Illinois 60099

Illinois Department of Nuclear Safety  
Office of Nuclear Facility Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704

U.S. Nuclear Regulatory Commission  
Zion Resident Inspectors Office  
105 Shiloh Blvd.  
Zion, Illinois 60099

Regional Administrator  
U. S. NRC, Region III  
801 Warrenville Road  
Lisle, Illinois 60532-4351

Station Manager  
Zion Nuclear Power Station  
101 Shiloh Blvd.  
Zion, Illinois 60099-2797

