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

June 28, 1994

Docket No. 50-323
NOED No. 94-6-011

Mr. Gregory M. Rueger
Pacific Gas and Electric Company
Nuclear Power Generation B14A
77 Beale Street, Room 1451
P. O. Box 770000
San Francisco, California 94177

Dear Mr. Rueger:

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION FOR DIABLO CANYON UNIT 2

On June 24, 1994, at approximately 16:15 EDT, you requested the U. S. Nuclear Regulatory Commission (NRC) to exercise its discretion not to enforce compliance with the requirement of Technical Specification (TS) 4.0.3 to test the full stroke of residual heat removal (RHR) system check valves 8730A, 8730B, 8742A, and 8742B during the last cold shutdown of the Diablo Canyon Nuclear Power Plant Unit 2. Your June 25, 1994, letter documented this request for enforcement discretion.

On June 23, 1994, at 17:00 PDT, Pacific Gas and Electric Co. (PG&E) discovered that Surveillance Test Procedure (STP) V-4B, "Functional Test of the ECCS Check Valves at Cold Shutdown," performed on April 1, 1994, on RHR system check valves 8730A, 8730B, 8742A, and 8742B did not verify full stroke as required by TS 4.0.5, ASME Section XI, and Generic Letter 89-04. TS 4.0.3 allows a delay of up to 24 hours for completion of a surveillance requirement for allowed outage time limits of less than 24 hours. Testing of the RHR check valves cannot be performed safely in Modes 1 through 4. Therefore, to prevent a forced shutdown of Unit 2, PG&E requested enforcement discretion for the period it takes the NRC to grant temporary relief from the cold shutdown full-stroke tests of RHR check valves 8730A, 8730B, 8742A, and 8742B. This relief was requested in your separate letter of June 25, 1994. As a compensatory measure, PG&E proposed to notify the NRC of any problems with a potential to affect equipment operability in the RHR system until temporary relief is approved.

Your request provided the following justifications for your conclusion that the valves are operable: (1) the valves were full flow tested satisfactorily during the last Unit 2 refueling outage; (2) both RHR trains were in operation during a March 1994, cold shutdown, which verified that the valves did open; (3) a partial stroke test has been satisfactorily performed quarterly on these valves; and (4) industry operating experience was reviewed and no information was identified which would indicate that these valves are not reliable. The valves are made of stainless steel and are installed in a system controlled by a foreign material exclusion program. Also, the system uses reactor quality water, which minimizes the corrosion of valve internals and the corrosion products that can affect the moving parts of the valves.

9407060154 940628
PDR ADOCK 05000323
P PDR

NRC FILE CENTER COPY

DF01

Based on our review of your justification, including the compensatory measure identified above, we have concluded that this course of action involves minimal or no safety impact, and we are satisfied that this exercise of enforcement discretion is warranted from a public health and safety perspective. Therefore, we intend to exercise discretion not to enforce compliance with TS 4.0.3 regarding RHR system check valves 8730A, 8730B, 8742A, and 8742B for the period it takes the NRC to process a temporary relief request. This letter confirms our verbal granting of enforcement discretion during a telephone call at 18:35 EDT on June 24, 1994. However, we will consider enforcement action, as appropriate, for the conditions that led to the need for this exercise of enforcement discretion.

Your request for a one-time temporary relief from the ASME Section XI requirement for the subject valves is currently under review.

Sincerely,

Elinor G. Adensam, Assistant Director
for Region IV Reactors
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

cc: See next page

DISTRIBUTION:

Docket File	NRC & Local PDRs
PDIV-2 Reading	WRussell
FMiraglia	RZimmerman
AThadani	JRoe
EAdensam	TQuay
DFoster-Curseen	LTran
OGC	DHagan
GHill (2)	CGrimes
MThadani	ACRS (10)
OPA	OC/LFDCB
JLieberman, OE	KPerkins, RIV/WCFO
ABBeach, RIV	SPeterson
MPadovan	

J. DYER VIA EMAIL 6/21/94

OFC	LA:DRPW	PM:PD4-2	D:PD4-2	EMEB	RIV	ADR4
NAME	DFoster-Curseen	LTran:pk	TQuay	RWessman	ABBeach	EAdensam
DATE	6/29/94	6/28/94	6/28/94	6/28/94	6/27/94	6/28/94

OFFICIAL RECORD COPY Document Name: DCRelief.R3

Based on our review of your justification, including the compensatory measure identified above, we have concluded that this course of action involves minimal or no safety impact, and we are satisfied that this exercise of enforcement discretion is warranted from a public health and safety perspective. Therefore, we intend to exercise discretion not to enforce compliance with TS 4.0.3 regarding RHR system check valves 8730A, 8730B, 8742A, and 8742B for the period it takes the NRC to process a temporary relief request. This letter confirms our verbal granting of enforcement discretion during a telephone call at 18:35 EDT on June 24, 1994. However, we will consider enforcement action, as appropriate, for the conditions that led to the need for this exercise of enforcement discretion.

Your request for a one-time temporary relief from ASME Section XI requirement for the subject valves is currently under review.

Sincerely,

Elinor G. Adensam

Elinor G. Adensam, Assistant Director
for Region IV Reactors
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

cc: See next page

cc:
NRC Resident Inspector
Diablo Canyon Nuclear Power Plant
c/o U.S. Nuclear Regulatory Commission
P. O. Box 369
Avila Beach, California 93424

Dr. Richard Ferguson, Energy Chair
Sierra Club California
6715 Rocky Canyon
Creston, California 93432

Ms. Nancy Culver
San Luis Obispo
Mothers for Peace
P. O. Box 164
Pismo Beach, California 93448

Ms. Jacquelyn C. Wheeler
P. O. Box 164
Pismo Beach, California 93448

Managing Editor
The County Telegram Tribune
1321 Johnson Avenue
P. O. Box 112
San Luis Obispo, California 93406

Chairman
San Luis Obispo County Board of
Supervisors
Room 370
County Government Center
San Luis Obispo, California 93408

Mr. Truman Burns
Mr. Robert Kinosian
California Public Utilities Commission
505 Van Ness, Room 4102
San Francisco, California 94102

Mr. Steve Hsu
Radiologic Health Branch
State Department of Health Services
Post Office Box 942732
Sacramento, California 94234

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
Harris Tower & Pavillion
611 Ryan Plaza Drive, Suite 400
Arlington, Texas 76011-8064

Mr. Peter H. Kaufman
Deputy Attorney General
State of California
110 West A Street, Suite 700
San Diego, California 92101

Christopher J. Warner, Esq.
Pacific Gas & Electric Company
Post Office Box 7442
San Francisco, California 94120

Mr. John Townsend
Vice President and Plant Manager
Diablo Canyon Power Plant
P. O. Box 56
Avila Beach, California 93424

Diablo Canyon Independent Safety
Committee
ATTN: Robert R. Wellington, Esq.
Legal Counsel
857 Cass Street, Suite D
Monterey, California 93940