



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

September 1, 1995

NOED 95-6-013

Mr. George A. Hunger, Jr.
Director-Licensing, MC 62A-1
PECO Energy Company
Nuclear Group Headquarters
Correspondence Control Desk
P.O. Box No. 195
Wayne, PA 19087-0195

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION FOR PECO ENERGY COMPANY REGARDING
PEACH BOTTOM ATOMIC POWER STATION, UNIT 3

Dear Mr. Hunger:

By letter dated August 30, 1995, you requested that the NRC exercise discretion not to enforce compliance with the actions required in License Condition 2.C.(5). This request was issued pursuant to Section VII.C of the "General Statement of Policy and Procedure for Enforcement Actions," published in the Federal Register on June 30, 1995 (60 FR 34381). Your letter documented information previously discussed with the NRC in telephone conversations on August 29, 1995, at 5:00 p.m., and on August 30, 1995, at 10:00 a.m. Our basis for approval of your request, which was granted verbally on August 30, 1995, at 10:35 a.m., is documented herein.

You stated that you had discovered on August 29, 1995, that you were operating Peach Bottom Atomic Power Station (PBAPS), Unit 3, in a condition that was in violation of License Condition 2.C(5) of the facility operating license (FOL). According to your August 30, 1995 letter, the situation developed following a June 1995 analysis by PECO Energy Company (PECO) staff which evaluated operation of Unit 3 in a coastdown condition down to 40% rated power. During the evaluation, PECO staff determined that a change to Technical Specification Bases Figure 1.1-1 was required to implement the extended coastdown operation. However, PECO staff failed to realize that an additional restriction on coastdown operation existed in FOL License Condition 2.C(5). On August 29, 1995, during additional review of plant operation, PECO staff determined that FOL License Condition 2.C(5) limited coastdown operation to not less than 70% rated power. Your staff realized simultaneously that Unit 3 was operating at a coastdown power level of 62% in violation of the license condition.

In requesting enforcement discretion for this license condition, you stated that the alternative was to shutdown Unit 3 until such time as a change to the license could be obtained and implemented and that such an alternative would

9509060296 950901
PDR ADOCK 05000278
P PDR

NRC FILE CENTER COPY

DF01/0

result in the unit undergoing an avoidable heatup and cooldown cycle and additional challenges to plant operators. In the August 29 and August 30 discussions, you described the potential safety significance of continued operation in violation of the license condition.

You stated that the 70% coastdown limitation in FOL License Condition 2.C(5) had been implemented in 1979 and was based on the analysis conducted according to the existing licensing basis methodology (GESTAR). You stated that subsequent changes to the licensing basis methodology and resulting analysis, captured in GESTAR II (NEDE-24011-P-A-10) supported coastdown to 40% rated power.

The NRC staff has evaluated your safety rationale and finds that it adequately addressed the criteria in Section VII.C of the "General Statement of Policy and Procedure for Enforcement Actions," since your requested discretion minimizes the potential consequences of unnecessary plant transients associated with shutting down the unit. The staff concluded that coastdown to power levels below 70% power have been analyzed and found acceptable and that no safety concern exists about operation of PBAPS Unit 3 below the 70% specified in FOL License Condition 2.C(5). Our evaluation included a review of the licensing history associated with the FOL license condition as well as related controls in the Technical Specifications. In addition, the staff reviewed the referenced GESTAR-II document and confirmed its reference to coastdown analyses down to 40% rated power.

On the basis of the NRC staff's evaluation of your request, the staff has concluded that exercising enforcement discretion was warranted because we were clearly satisfied that the exercise of discretion involves minimal or no safety impact and has no adverse radiological impact on public health and safety. Therefore, we exercised discretion not to take enforcement action for noncompliance with FOL License Condition 2.C(5) for the period of 10:35 a.m., August 30, 1995, until such time that the staff dispositions your license change request as preliminarily discussed in your August 30, 1995 letter. Per the August 30 telephone conversation, the staff expects that you will submit a formal license amendment change request regarding this matter by close of business on September 1, 1995.

However, as stated in the NRC's, "General Statement of Policy and Procedure for Enforcement Actions," enforcement action will normally be taken to the extent that violations were involved, for the root cause that led to the noncompliance for which this discretion was used.

Sincerely,

original signed by D. Brinkman for
John F. Stolz, Project Director
Project Directorate I-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-278

cc: See next page

DISTRIBUTION

Docket File
PUBLIC
PDI-2 Reading
WRussell/FMiraglia
RZimmerman/ATHadani
SVarga/JZwolinski
JStolz
MO'Brien
JShea
OGC
GHill(2)
CGrimes
RJones
ACRS(4)
JLieberman
JWhite, RGN-I

*Previously Concurred

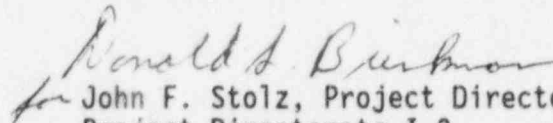
OFF	PDI-2/LA	PDI-2/PM	SRXB*	RGN-I/DRP*	PDI-2/D	DRPE/DB
NAME	MO'Brien	JShea:rb	RJones	RCooper	JStolz	JZwolinski
DATE	9/1/95	9/1/95	08/31/95	08/31/95	9/1/95	9/1/95

OFFICIAL RECORD COPY
DOCUMENT NAME:

September 1, 1995

However, as stated in the NRC's, "General Statement of Policy and Procedure for Enforcement Actions," enforcement action will normally be taken to the extent that violations were involved, for the root cause that led to the noncompliance for which this discretion was used.

Sincerely,


for John F. Stolz, Project Director
Project Directorate I-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-278

cc: See next page

Mr. George A. Hunger, Jr.
PECO Energy Company

Peach Bottom Atomic Power Station,
Units 2 and 3

cc:

J. W. Durham, Sr., Esquire
Sr. V.P. & General Counsel
PECO Energy Company
2301 Market Street, S26-1
Philadelphia, Pennsylvania 19101

Mr. Rich R. Janati, Chief
Division of Nuclear Safety
Pennsylvania Department of
Environmental Resources
P. O. Box 8469
Harrisburg, Pennsylvania 17105-8469

PECO Energy Company
ATTN: Mr. G. R. Rainey, Vice President
Peach Bottom Atomic Power Station
Route 1, Box 208
Delta, Pennsylvania 17314

Board of Supervisors
Peach Bottom Township
R. D. #1
Delta, Pennsylvania 17314

PECO Energy Company
ATTN: Regulatory Engineer, A4-5S
Peach Bottom Atomic Power Station
Route 1, Box 208
Delta, Pennsylvania 17314

Public Service Commission of Maryland
Engineering Division
Chief Engineer
6 St. Paul Centre
Baltimore, MD 21202-6806

Resident Inspector
U.S. Nuclear Regulatory Commission
Peach Bottom Atomic Power Station
P.O. Box 399
Delta, Pennsylvania 17314

Mr. Richard McLean
Power Plant and Environmental
Review Division
Department of Natural Resources
B-3, Tawes State Office Building
Annapolis, Maryland 21401

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, Pennsylvania 19406

Dr. Judith Johnsrud
National Energy Committee
Sierra Club
433 Orlando Avenue
State College, PA 16803

Mr. Roland Fletcher
Department of Environment
201 West Preston Street
Baltimore, Maryland 21201

A. F. Kirby, III
External Operations - Nuclear
Delmarva Power & Light Company
P.O. Box 231
Wilmington, DE 19899