

Docket



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 3, 1995

Mr. Douglas R. Gipson
Senior Vice President
Nuclear Generation
Detroit Edison Company
6400 North Dixie Highway
Newport, Michigan 48166

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION (NOED) FOR DETROIT EDISON COMPANY
REGARDING FERMI 2 (TAC NO. M93736)

Dear Mr. Gipson:

By letter dated September 29, 1995, as revised October 2, 1995, you requested that the NRC exercise discretion not to enforce compliance with the actions required in Technical Specification (TS) Action Statement 3.8.1.1.d, "A.C. Sources - Operating," and TS 4.0.3, "Failure to Perform a Surveillance Requirement Within the Allowed Surveillance Interval," which require shutdown within 14 hours after the allowed TS 4.0.3 surveillance performance extension. That letter documented information previously discussed with the NRC in a telephone conversation on September 29, 1995, at 11:00 a.m. EDT. You stated that on September 29, 1995, at 5:00 p.m. EDT, Fermi 2 would exceed the allowed 24-hour extension of TS 4.0.3 for completing the missed diesel TS surveillances and would be required by the TS 3.8.1.1.d Action Statement to be shut down within the next 14 hours. You requested that an NOED be issued and be effective for the period from 5:00 p.m. EDT, September 29, 1995, until an emergency TS change could be approved or until the next plant outage, at which time the surveillances will be properly completed.

At 5:00 p.m. EDT on September 28, 1995, all four emergency diesel generators were declared inoperable at Fermi 2 due to missed TS surveillance requirements of incomplete control switch and relay contact position verification during surveillance testing. You stated that the existing surveillance procedures do not provide positive verification that the proper logic path has provided the energization of the relay coils associated with the diesel generator breaker reclosure circuitry and the 480-volt emergency bus load sequencer control relay logic circuitry. The electrical surveillance overlap drawings used for the surveillance were created as a response to Licensee Event Report (LER) 94-003. An independent review of the drawings was performed and identified concerns of contact ambiguity with regard to certain portions of the diesel generator output breaker and 480-volt emergency load sequencer surveillance tests. Contacts in parallel with those to be functionally tested were not verified to be open. This could result in a false satisfactory test of the contact function. The testing procedure establishes all of the required conditions to fully test the functionality of these devices but does not include sufficient verification steps to confirm all required contacts function as intended. You stated that this situation could not have been avoided because it was only discovered during the recent independent review effort to validate the overlap drawings.

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You stated that the testing deficiencies did not and would not prevent the surveillance testing from demonstrating that the emergency diesel generators are functional and will perform their intended safety functions. For the diesel generator output breaker logic, the function of the inadequately tested contact is not needed (bypassed) when the output breaker CMC switch in the control room is in the normally open position. Additionally, a failure of the contact during surveillance testing could only have gone undetected if a parallel contact in the output breaker CMC switch or 52XX relay had failed closed. If this had occurred, the output breaker would still function as needed because the 52XX relay would reset via the failed closed parallel contact(s) and provide the required breaker closing coil permissive logic.

For the inadequately tested load sequencer contacts, you stated that any hypothetical failure of the subject contacts could have gone undetected during surveillance only if a parallel contact in the control room CMC switch or the control relay had failed closed. If this had occurred, the associated load would still function as needed because the logic would be completed via the failed closed parallel contact(s) and the 480-volt emergency bus loads would load onto the bus when the emergency diesel generator breaker closes. You stated that in the worst case represented by concurrent failure of all incompletely tested contacts (up to 15 individual contacts on 15 separate loads), up to 185 horsepower (hp) of additional load would be immediately connected to that diesel when the output breaker closes. You concluded, based on engineering evaluation from pre-operational test results (the loading of a core spray and residual heat removal pump to approximately 800 hp above normal sequenced loading) that the diesels would be capable of accepting this additional loading. You also indicated that the surveillance testing did verify that the diesel generators were able to adequately respond to the connection of all loads, and that any undetected failure of any contacts during previous testing had no impact on the functioning of the diesels. You also stated that preliminary risk analysis shows that removal of the diesels from service during operation to complete the surveillance would increase instantaneous core damage risk. You further stated your basis for determining that the proposed action would have no adverse effect on the environment nor involve an unreviewed safety question. This request has been reviewed by your onsite safety review organization.

As compensatory actions until the proper testing is complete, you stated that control room night orders are being issued to explain the nature of the inadequate surveillances to heighten operator awareness to the diesel loading response and control room switch positions. You also committed to submit your request for emergency TS change by October 3, 1995. Your faxed request for emergency TS change was received on October 2, 1995.

The staff reviewed your basis for requesting enforcement discretion. The staff determined that the performance of the required surveillance would involve an unnecessary plant transient or the increased risk associated with performing the surveillance at power while removing safety systems from service. The staff has reviewed the associated electrical drawing excerpts provided with your request and your analysis of the safety impact of a postulated worst-case failure of the improperly tested contacts and agrees that there is minimal or no safety impact associated with the proposed action.

D. R. Gipson

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The completion of the surveillance testing would not provide an overall safety benefit because of the potential safety consequences and operational risks associated with either performing the surveillance at power or shutting down the plant to perform the surveillance. The staff determined that the exercise of enforcement discretion would involve minimal or no safety impact and is consistent with protecting public health and safety.

On the basis of the staff's evaluation of your request, including the proposed compensatory measures described above, the staff has concluded that the exercise of enforcement discretion was warranted because we are clearly satisfied that this action involves minimal or no safety impact and has no adverse impact on public health and safety. It is our intention to exercise enforcement discretion not to enforce compliance with the TS 3.8.1.1.d Action Statement for the missed diesel generator surveillances for the period from 5:00 p.m. EDT September 29, 1995, until issuance of an emergency license amendment. This letter documents our telephone conversation on September 29, 1995, 4:35 p.m. EDT when we orally issued this notice of enforcement discretion.

However, as stated in NUREG-1600, "General Policy and Procedures 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,

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Brian E. Holian, Acting Director
Project Directorate III-I
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket No. 50-341

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November 1994