

50-446



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

January 11, 1996

Mr. C. Lance Terry
Group Vice President, Nuclear
TU Electric
Energy Plaza
1601 Bryan Street, 12th Floor
Dallas, TX 75201-3411

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION (NOED) FOR TEXAS UTILITIES
ELECTRIC REGARDING COMANCHE PEAK STEAM ELECTRIC STATION, UNIT 2
(TAC NO. M94389)

Dear Mr. Terry:

By letters dated January 4 and 5, 1996, Texas Utilities Electric requested that the NRC exercise discretion not to enforce compliance with the actions required by Section 3.3.3.2.1.a of the Comanche Peak Steam Electric Station (CPSES), Unit 2 Technical Specifications (TSs). Those letters documented information previously discussed with NRC in telephone conversations on January 4 and 5, 1996. You stated that on January 7, 1996, at 2:10 AM CST the plant would not be in compliance with TS Section 3.3.3.2.1.a and a reactor shutdown would be required. During the January 4, 1996, telephone conversation, we discussed your written request that the NRC exercise enforcement discretion while a TS amendment is being processed. The staff requested that additional information be provided before enforcement discretion would be considered. Your application for an exigent TS amendment was forwarded to NRC on January 5, 1996, as was a revised written request for enforcement discretion containing the requested additional information.

TS 3.3.3.2.1, "Remote Shutdown Instrumentation" of the CPSES TSs requires that one channel of Wide Range RCS Temperature - T_h per RCS Loop be operable in MODES 1, 2, and 3. Action Statement "a" requires that an inoperable channel be restored to OPERABLE status within 7 days or be in at least MODE 4, Hot Shutdown, within the next 12 hours. Based on an engineering evaluation that was performed by the licensee, there is sufficient diverse instrumentation for monitoring subcooling margin and decreasing temperature during a potential cooldown from outside the control room.

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In evaluating the CPSES Unit 2, request, the NRC staff concurred that the TS requirement to provide one channel of Wide Range RCS Temperature - T_h instrumentation per RCS Loop can be adequately compensated for the loss of Loop 1 Wide Range RCS Temperature - T_h by the combination of Loop 2 Wide Range RCS Temperature - T_h , Loop 1 Wide Range RCS Temperature - T_c , and Loop 1 Steam Generator Pressure channels, your abnormal operating procedures, and the other compensatory measures stated in your request.

Since the basis for granting this notice of enforcement discretion (NOED) is in part the operability of Loop 2 Wide Range RCS Temperature - T_h , Loop 1 Wide Range RCS Temperature - T_c , and Loop 1 Steam Generator Pressure channels, if any subsequent inoperability of these instruments after the expiration of the 7 day action statement and prior to granting a TS amendment specified in your request were to occur, the basis for the NOED would no longer be valid. Therefore, if any of those instruments becomes inoperable during that period TS 3.3.3.2.1.a would require the plant to be placed in Hot Shutdown within the next 12 hours. Any alternative action would have to be proposed by the licensee at that time. However, inoperabilities in one or more separate instruments addressed by TS 3.3.3.2.1, not related to the basis for this NOED would constitute a separate entry into TS 3.3.3.2.1 and the 7 day action statement would apply.

The NOED enables the plant to continue operating at power rather than being subjected to the operational transient that would accompany a reactor shutdown. Continued operation is the better alternative from a safety perspective. The process described above meets NRC criteria for issuance of NOEDs. The specific criteria that applies to this NOED is the following: "For an operating plant, the exercise of enforcement discretion is intended to avoid undesirable transients as a result of forcing compliance with the license condition and, thus, minimize potential consequences and operational risks".

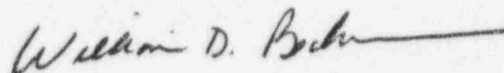
On the basis of the staff's evaluation of your request, the staff has concluded that the exercise of enforcement discretion is warranted because we are clearly satisfied that this action involves minimal or no safety impact and has no adverse impact on public health and safety. Therefore, it is our intention to exercise discretion not to enforce compliance with TS 3.3.3.2.1.a for Loop 1 Wide Range RCS Temperature - T_h for a period from January 7, 1996, at 2:10 AM CDT until issuance of the related exigent license amendment. We received your license amendment request on January 5, 1996, and expect to issue the proposed amendment no later than February 2, 1996. This letter documents our final telephone conversation on January 5, 1996, at approximately 4:45 PM EST when we orally issued this notice of enforcement discretion.

Mr. C. Lance Terry

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However, as stated in Appendix C of 10 CFR Part 2, 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,



William D. Beckner, Director
Project Directorate IV-1
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket No. 50-446
NOED No. 96-6-001

cc: See next page

Mr. C. Lance Terry
TU Electric Company

Comanche Peak, Units 1 and 2

cc:
Senior Resident Inspector
U.S. Nuclear Regulatory Commission
P. O. Box 1029
Granbury, TX 76048

Honorable Dale McPherson
County Judge
P. O. Box 851
Glen Rose, TX 76043

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011

Office of the Governor
ATTN: Susan Rieff, Director
Environmental Policy
P. O. Box 12428
Austin, TX 78711

Mrs. Juanita Ellis, President
Citizens Association for Sound Energy
1426 South Polk
Dallas, TX 75224

Arthur C. Tate, Director
Division of Compliance & Inspection
Bureau of Radiation Control
Texas Department of Health
1100 West 49th Street
Austin, TX 78756-3189

Mr. Roger D. Walker, Manager
Regulatory Affairs for Nuclear
Engineering Organization
Texas Utilities Electric Company
1601 Bryan Street, 12th Floor
Dallas, TX 75201-3411

Texas Utilities Electric Company
c/o Bethesda Licensing
3 Metro Center, Suite 610
Bethesda, MD 20814

George L. Edgar, Esq.
Morgan, Lewis & Bockius
1800 M Street, N.W.
Washington, DC 20036-5869

However, as stated in Appendix C of 10 CFR Part 2, 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
William D. Beckner, Director
Project Directorate IV-1
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket No. 50-446
NOED No. 96-6-001

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