

July 27, 1983

Note to: Joe Scinto, Deputy Director, Hearing Division, OELD
From: Mack Cutchin, Attorney, Hearing Division, OELD
SUBJECT: "EXIGENT" CIRCUMSTANCES JUSTIFICATION FOR
SUSQUEHANNA TS AMENDMENT

The Staff proposes to issue under the "exigent" circumstances provision of the "Sholly" rules, an amendment to the Susquehanna Unit 1 Tech Specs to increase the main steam line high radiation set point for one month. The Licensee claims that the amendment is needed to allow testing without causing additional reactor trips to resolve a problem that has resulted in three recent reactor trips on N-16 spikes following condensate demineralizer startup and rapid increases in feedwater flow. By the Licensee's own admission the last of the three trips occurred on July 5th. (See attached newspaper articles from a recent Media Monitor. It did not request the TS change until July 22nd and did not provide a basis for its NSHC determination until July 26th. It did not attempt to justify "emergency" circumstances and probably could not have, since the first two trips occurred earlier than July 5th without any request by Licensee for TS relief. Instead it made a request under the "exigent" circumstances provision of the "Sholly" rules using an "emergency" circumstances argument - without the TS change the testing will have to be conducted at less than full power to avoid the risk of additional reactor trips, i.e., the reactor will have to be derated.

An "exigent" circumstance according to the supplementary information published in the Federal Register with the "Sholly" rule is one other than an emergency where swift action is necessary. Thus, under the rules an "exigent" circumstance obviously requires a different justification than that required for an "emergency." Threat of shutdown or derating is justification for an "emergency" exception under the "Sholly" rules only where a Licensee has made a timely request for action. Thus, a Licensee cannot make an untimely request for action and use the threat of shutdown or derating to get relief under the "exigent" circumstances provision of the Sholly rules. In other words, "exigent" circumstances under the rules are those that for some reason other than a threat of shutdown or derating call for swift action. There has been no showing by the Licensee that such is the case.

Examples of "exigent" circumstances are provided in the supplementary information published with the rules. They involve actions that "clearly" improve safety and which if not taken immediately while the reactor is shut down cannot be taken until the reactor is again shutdown. The proposed TS change for Susquehanna plainly does not involve such an action.

In my view neither the Licensee nor the Staff has adequately justified either the threat of derating or the necessity for immediate action on the proposed Susquehanna TS amendment. The amendment should be noticed with 30 days for comment and hearing requests.

cc: E. Christenbury
W. Olmstead
J. Gray