



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

November 18, 1998

Mr. M. Reddemann
Site Vice President
Point Beach Nuclear Plant
6610 Nuclear Road
Two Rivers, WI 54241

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION FOR WISCONSIN ELECTRIC
POWER COMPANY REGARDING POINT BEACH UNIT 1, NOED 98-3-1

Dear Mr. Reddemann:

By letter dated November 13, 1998 (enclosed), you requested that the NRC exercise discretion not to enforce compliance with the actions required in Technical Specification 15.4.0.3 because you identified that you did not conduct inservice inspection (ISI) surveillance tests on portions of three systems. These systems included portions of the main steam, chemical and volume control, and component cooling water systems outside of containment. That letter documented information previously discussed with the NRC in a telephone conversation on November 13 at approximately 7:30 p.m. (CST). You stated that on November 14 at 8:47 a.m., Point Beach Unit 1 would not be in compliance with Technical Specification 15.4.0.3, which would require that "if it is discovered that a surveillance was not performed within its specified frequency . . . then the requirement to declare the system or component inoperable and entering the LCO [Limiting Condition for Operation] may be delayed from the time of discovery for 24 hours." You requested that a Notice of Enforcement Discretion (NOED) be issued pursuant to the NRC's policy regarding exercise of discretion for an operating facility, set out in Section VII.c, of the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, and be effective for the period of 24 hours.

The missed ISI surveillances were identified by you during a review of the use of an ASME code allowable extension that was determined to be inappropriate for application on November 13. This placed the licensee in Technical Specification 15.4.0.3 and required that the missed ISI surveillance tests be performed within 24 hours, the LCO. The licensee was unable to complete the surveillance tests within the allowed 24 hours, prompting the request to extend the LCO by 24 hours.

The safety rationale for granting this NOED include the fact that each of the three systems are easily accessible, in continuous operation at power, and periodically inspected by the system engineer. Any through-wall leakage would be detected during these activities.

Compensatory measures taken included instructions to operating crews to inform them that the pressure testing of the three systems has not been completed within the code allowable interval. Operators were also directed to be particularly sensitive to an indication of leakage or

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degradation of pressure boundaries associated with these systems. In addition, a night order was issued to require the trending of the component cooling water surge tank level, volume control tank level, and main steam system rounds in the areas not tested until testing is completed.

The NRC evaluated the licensee's safety rationale and agreed that the walkdowns performed by the system engineer and the fact that each of the systems identified are in continuous use provided assurance that these system were not experiencing gross leakage. The staff also evaluated the length of time requested and determined that the short duration of the request was also appropriate. Based on the above, the staff concluded that the Criterion 1 of Section B to NRC Manual Chapter 9900, "Technical Guidance, Operations - Notice of Enforcement Discretion," was met. This criteria states that for an operating plant, the NOED is intended to avoid an undesirable transient as a result of forcing compliance with the license condition, and thus minimize the potential safety consequences and operational risks.

On the basis of the staff's evaluation of your request, including the compensatory measures described above, the staff has concluded that a NOED is warranted because we are clearly satisfied that this action involves minimal or no safety impact and has no adverse radiological impact on public health and safety. Therefore, it is our intention to exercise discretion not to enforce compliance with Technical Specification 15.4.0.3 for the period from November 14 at 8:47 a.m. until November 15 at 8:47 a.m., a period of 24 hours. This letter documents our telephone conversation on November 13, 1998, at 8:45 p.m. (CST) when we verbally issued this NOED. We understand that the condition causing the need for this NOED was corrected by you, causing you to exit from Technical Specification 15.4.0.3 and from this NOED on November 14 at 8:03 p.m. (CST).

However, as stated in the Enforcement Policy, action will normally be taken, to the extent that violations were involved, for the root cause that led to the noncompliance for which this NOED was necessary.

Sincerely,

Original signed by

Geoffrey E. Grant
Division of Reactor Projects

Docket No.: 50-266
License No.: DPR-24

Enclosure: As stated

See Attached Distribution

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6610 Nuclear Rd., Two Rivers, WI 54241

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November 13, 1998

NPL 98-0964

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Ladies/Gentlemen:

DOCKET 50-266
REQUEST FOR ENFORCEMENT DISCRETION
FOR EXTENSION OF THE 24 HOURS ALLOWED
TO COMPLETE MISSED ASME REQUIRED PRESSURE TESTS
POINT BEACH NUCLEAR PLANT, UNIT 1

Wisconsin Electric Power Company, licensee for the Point Beach Nuclear Plant, as discussed with your Region III staff on November 13, 1998, hereby requests enforcement discretion from specific Point Beach Nuclear Plant Technical Specifications requirements related to missed 40 month pressure tests on three systems. The potential inoperability of the chemical volume and control system (CVCS), the component cooling water system (CCW) and portions of the main steam system (MS), all outside containment, is due to not performing an ASME Section XI pressure test in accordance with the Pressure Test Program frequency. The three systems are fully functional in all other respects. This request is made in accordance NUREG-1600, Rev. 1, "General Statement of Policy and Procedures for NRC Enforcement Actions," with the guidance contained in NRC Inspection Manual, Part 9900: Technical Guidance, "Operations - Notices of Enforcement Discretion."

Unit 1 is presently operating at 100% reactor power.

Requirement(s) For Which Discretion Is Requested

Technical Specification 15.4.0. SURVEILLANCE REQUIREMENTS Section 3, requires that:

"If it is discovered that a surveillance was not performed within its specified frequency, ..., then the requirement to declare the system or component inoperable and entering the LCO may be delayed from the time of discovery for 24 hours, if the surveillance frequency is greater than 24 hours, or up to the limit of the

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specified surveillance frequency, whichever is less. This delay is permitted to allow performance of the surveillance."

We are requesting enforcement discretion from the requirements of Technical Specification Table 15.4.0.3 to allow Point Beach Nuclear Plant Unit 1 to continue to operate for up to 24 hours beyond the 24 hours allowed by the Technical Specifications. We believe maintaining the Unit in operation, pending the completion of the pressure testing will reduce potential risks incurred by a shutdown of the Unit and therefore provide an overall safety benefit.

A one-time enforcement discretion for extension of the 24 hours allowed for completion of testing is requested until 0800 hours CST on November 15, 1998, to allow time for completion of the testing. Should the pressure testing not be completed by 0800 hours CST on November 15, 1998, Unit 1 will be shut down in accordance with TS 15.3.0.

Circumstances Surrounding The Situation

The Point Beach engineering staff discovered this past spring that the testing was delinquent. Due to further review of the past testing in light of Section IWA 2430, "Inspection Intervals," of ASME Section XI an extension of the frequency for the testing was deemed to be not possible. It was therefore determined that the pressure testing must be completed as prescribed by Technical Specification 15.4.0.3.

The Point Beach Nuclear Plant Manager's Supervisory Staff (on-site nuclear safety review committee) has reviewed this issue and recommended that a request for enforcement discretion be made. A one time Technical Specification change is considered to be impractical because we expect to return to compliance with the existing license requirements in so short a time that a license amendment could not be issued before compliance is required.

Safety Basis For The Request

This request is made in accordance with the guidance contained in NRC Inspection Manual, Part 9900: Technical Guidance, "Operations - Notices of Enforcement Discretion," Criterion B.1 of this guidance states:

"For an operating plant, the NOED is intended to (a) avoid undesirable transients as a result of forcing compliance with the license condition and thus minimize potential safety consequences and operational risks..."

As discussed below, shutdown of Point Beach Unit 1, in accordance with the cited Technical Specification action requirements for the main steam system, CCW and CVCS outside containment inoperability may be detrimental in that certain transients possible during a shutdown may provide additional risk.

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In each case, the missed pressure test is considered an inservice test which requires the performance of a visual examination (VT-2) when the system is at nominal operating pressure (NOP). Each of the systems have demonstrated pressure boundary integrity at NOP during normal system operation at power, during quarterly inservice testing, particularly in the case of MS supply to the turbine driven auxiliary feedwater pumps (TDAFWP), or during operation of the system at cold shutdown or refueling which specifically is the case with CCW supply to the RHR heat exchangers which remains isolated at power. The following discussion addresses each system individually.

Unit 1 CVCS outside containment is easily accessible, in continuous operation at power and frequently inspected during operator rounds and periodically walked down by the system engineer. Any through wall leakage would likely be detected during these activities. In addition, the CVCS pressure boundary is monitored for leakage as part of the Leakage Reduction and Preventive Maintenance Program as required by NUREG-0578, Item 2.1.6.a. IT-550 is performed during each refueling cycle as part of the program to evaluate the integrity of post-accident recovery systems outside containment as required by TS Table 15.4.1-2(22). The test requires the collection and measurement of any external leakage from the letdown, purification and charging system piping and components. The system is visually inspected, but not by a VT-2 certified examiner. IT-550 was last performed on 12/20/97. In further support of system integrity and operability, Inservice Testing of the charging pumps is performed quarterly by IT-21 which was last performed on 8/20/98. It should be noted, that the recommendation has been made to declassify all portions of CVCS unrelated to the closed system outside containment and the Class 1 to Class 2 boundary barriers.

Unit 1 CCW outside containment is easily accessible, in continuous operation at power, except for RHR heat exchangers' supply, and frequently inspected during operator rounds and periodically walked down by the system engineer. Any through wall leakage would likely be detected during these activities. In addition, CCW inventory is continuously monitored by surge tank level. Any loss of inventory would require operator action to provide makeup by manually opening ICC-773. This continuous monitoring activity ensures the pressure boundary is maintained and the system remains operable. In regards to CCW supply to the RHR heat exchangers, flow is provided to the heat exchangers each time the plant is placed in cold shutdown; any through wall leakage would likely be detected at that time. In addition, Class 2 CCW piping outside containment is included in the ISI long term plan with a percentage of welds subject to surface and volumetric examination thereby monitoring degradation of pressure boundary. In further support of system integrity and operability, Inservice Testing of the CCW pumps is performed quarterly by IT-12 which was last performed on 8/20/98.

Unit 1 Class 2 Main Steam system piping outside containment is easily accessible, in continuous operation at power, except for steam supply to TDAFWP 1P-29, and

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frequently inspected during operator rounds and periodically walked down by the system engineer. Any through wall leakage would likely be detected during these activities. In regards to MS supply to the TDAFWP 1P-29, steam flow is provided to the turbine during quarterly pump testing as performed by IT-08A which was last performed 8/28/98. Any through wall leakage would likely have been detected at that time. In addition, Class 2 MS piping outside containment is included in the ISI long term plan with a percentage of welds subject to surface and volumetric examination thereby monitoring degradation of pressure boundary.

Based on the above discussion, there is reasonable assurance that all of the associated systems and components are capable of performing their design safety functions as analyzed in the safety analysis report.

Basis For No Unreviewed Safety Question or Significant Hazards Consideration

As defined in 10 CFR 50.59, a proposed change results in an Unreviewed Safety Question (USQ); 1) if the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased, 2) if a possibility for an accident or malfunction of a different type than any evaluated previously in the safety analysis report may be created, or 3) if the margin of safety as defined in the basis of any technical specification is reduced.

As defined in 10 CFR 50.91, a change involves no significant hazards consideration if the change 1) does not involve a significant increase in the probability or consequences of an accident previously evaluated, 2) does not create the possibility of a new or different kind of accident from any accident previously evaluated, or 3) does not involve a significant reduction in a margin of safety.

Operation in accordance with the proposed enforcement discretion does not result in an Unreviewed Safety Question nor a Significant Hazards Consideration. The proposed discretion provides additional allowed time to complete the testing and for plant operation as analyzed and as described in the safety analysis report. Structures, systems and components relied on for accident mitigation as assumed in the Final Safety Analysis Report are not being altered by continued operation or the proposed testing. Therefore, the probability or consequences of previously analyzed accidents do not increase, and the possibility of an accident or malfunction of a different type is not created, nor is a margin of safety reduced.

The health and safety of the public is not affected by operation in accordance with the provisions of the requested enforcement discretion.

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Environmental Consequences

We have determined that continued operation during the testing of these systems does not involve a significant hazards consideration, authorize a significant change in the types or total amounts of any effluent release, or result in any significant increase in individual or cumulative occupational radiation exposure. Therefore, we conclude that no environmental impact results.

Compensatory Measures

During the duration of the enforcement discretion, the following compensatory measures have been implemented:

Instructions to the operating crews have been provided to inform them that the pressure testing of the systems has not been completed within the code required interval. They have been directed to be particularly sensitive to any indication of leakage or abnormal degradation of pressure boundaries associated with these systems.

A night order has been issued to require the trending of CCW surge tank level, volume control tank level, and main steam system rounds in the area not tested until the testing is completed.

Justification For Duration Of Non-Compliance

Enforcement discretion is requested for the extension of the requirements of TS 15.4.3 Technical Specification requirements until 0800 hours CST on November 15, 1998, to allow time to complete the testing of the three systems. The enforcement discretion duration requested, is based on the estimate of the time it will take to assemble VT-2 inspectors, review and revise as necessary applicable procedures and work plans, complete the testing and formal reviews.

Allowing for contingencies, a completion of the testing by 0800 hours CST on November 15, 1998, provides for a high probability that the testing will be successful and be performed in a safe manner.

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Summary Of Communications And Approvals

The PBNP Manager's Supervisory Staff (on-site nuclear safety review committee) met and discussed this enforcement discretion action on November 13, 1998. The Manager's Supervisory Staff concurred with the decision to request this enforcement discretion, and with the content of this request.

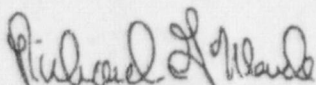
Prior implementation of Improved Standard Technical Specifications

Prior implementation of Improved Standardized Technical Specifications would not have obviated the need for this enforcement discretion application

Discussions were held with NRC Region III, Point Beach resident inspectors, and Projects staff on November 13, 1998, at approximately 1930 hours CST. Verbal approval of this request was received at approximately 2045 hours CST.

If you have any questions or require additional information, please contact us.

Sincerely,



Richard Mende
Plant Manager,

cc: NRC Regional Administrator, Region III
NRC Resident Inspector