

Monticello Nuclear Generating Plant
2807 West County Road 75
Monticello, MN 55362-9637

Operated by Nuclear Management
Company LLC

February 1, 2001

US Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555

10 CFR Part 50
Section 50.92

MONTICELLO NUCLEAR GENERATING PLANT
Docket No. 50-263 License No. DPR-22

Request for Notice of Enforcement Discretion
Monticello Technical Specification 3.15.A.1

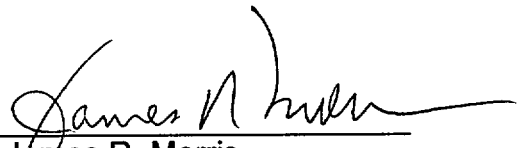
On January 29, 2001, during a review of maintenance records, it was found that contrary to the requirements of the American Society of Mechanical Engineers (ASME) Boiler & Pressure Code (hereinafter called "Code") Section XI, Subsection IWA-7140, the Authorized Nuclear Inservice Inspector (ANII) involvement was not obtained for safety relief valve (SRV) topworks replacement. Additionally, NIS-2 forms were not prepared in accordance with IWA-7520, nor submitted per IWA-6220. Thus, all eight (8) SRVs were declared inoperable in accordance with Technical Specification (TS) 3.15.A.1. When the SRVs were declared inoperable, TS 3.6.E.2 was entered. This Specification requires reducing reactor coolant pressure and temperature to less than 110 psig and 345°F within 24 hours.

Enforcement discretion is requested against TS 3.15.A.1 to maintain the Monticello SRVs as operable following completion of an evaluation demonstrating operability, contrary to the requirements of TS 3.15.A.1, until such time as an exigent license amendment is dispositioned by the Commission. It is further requested that in the interim period, additional instances of non-conformance with ASME Section XI requirements be evaluated in accordance with the guidance of NRC Generic Letter 91-18, "Resolution of Degraded and Nonconforming Conditions," as contained in the NRC Inspection Manual, Part 9900, Technical Guidance. This will allow additional non-conformances with Section XI to be evaluated in accordance with our corrective action program. An operability evaluation was reviewed by a Senior Reactor Operator and the SRVs were declared operable at approximately 0250 on January 30, 2001.

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During a telephone conversation between Mr. Byron Day, and others, of Monticello and representatives of the Commission, including Fred Lyon, NRR Project Manager for Monticello, and others of the NRR and Region III staff on January 30, 2001, we requested verbal approval for a Notice of Enforcement Discretion (NOED). The NOED would allow continued noncompliance with TS 3.15.A.1 and not declare components inoperable because of discrepancies with ASME Section XI requirements until such time as an exigent license amendment is dispositioned. This letter and attachment is submitted pursuant to Monticello's commitment to provide a follow-up written request for NOED confirming the telephone conversation within two working days of the verbal request. The proposed exigent license amendment request is being transmitted under separate cover. The amendment relocates inservice inspection (ISI) requirements to a licensee controlled document and thus removes such requirements from the Technical Specifications.

Please contact Doug Neve (763-295-1353) if you have any questions related to this letter.

By 
James R. Morris
Site General Manager
Monticello Nuclear Generating Plant

c: Regional Administrator-III, NRC
NRR Project Manager, NRC
Sr. Resident Inspector, NRC
Minnesota Department of Commerce
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Attachment: REQUEST FOR ENFORCEMENT DISCRETION REVIEW ITEMS

REQUEST FOR ENFORCEMENT DISCRETION REVIEW ITEMS

1. The TS or other license conditions that will be violated.

Technical Specification 3.15.A.1 requires the following:

To be considered operable, Quality Group A, B, and C components shall satisfy the requirements contained in Section XI of the ASME Boiler and Pressure Vessel Code and applicable Addenda for continued service of ASME Code Class 1, 2, and 3 components, respectively, except where relief has been granted by the Commission pursuant to 10 CFR 50, Section 50.55a(g)(6)(i).

During review of maintenance records it was found that proper Authorized Nuclear Inservice Inspector (ANII) involvement was not obtained for safety relief valve (SRV) topworks replacement as required by the ASME Code, Section XI. Thus, all eight SRVs were declared inoperable and Technical Specification 3.6.E.2 was entered. This Specification requires reducing reactor coolant pressure and temperature to less than 110 psig and 345°F within 24 hours.

This request for enforcement discretion against Specification TS 3.15.A.1 will allow Monticello, upon completion of a supporting operability evaluation, to consider the SRVs to be operable, rather than inoperable as required by Specification 3.15.A.1, for the condition of lack of ANII involvement in repair and replacement activities. This will allow exiting Specification 3.6.E.2 and not completing the plant shutdown. Further, this request for enforcement discretion would allow evaluation of other instances of code non-conformances to be evaluated under the guidance of NRC Generic Letter 91-18 as part of our corrective action program. As such, the non-conformances would be evaluated for operability, and Code conformance would be regained or relief requested.

It is requested that enforcement discretion remain in effect until a license amendment request is dispositioned by the Commission. The license amendment to be requested would remove the inservice inspection (ISI) requirements to a licensee controlled program.

2. The circumstances surrounding the situation, including apparent root causes, the need for prompt action and identification of any relevant historical events.

During review of extent of condition for the lack of obtaining ANII involvement and of submitting NIS-2 forms for snubbers, it was discovered that NIS-2 forms were not being filled out for SRV topworks replacements as required by the ASME Code. Further, lack of appropriate ANII involvement in the replacement activities was indicated. As discussed above, Specification 3.15.A.1 requires quality group A, B and C components to satisfy the requirements contained in Section XI of the

ASME Boiler and Pressure Vessel Code in order for the affected components to be considered operable. Monticello is committed to the 1986 Edition of the ASME Code, which was placed into effect for Monticello's third interval on May 31, 1992. Section IWA-7140 of the Code requires ANII involvement in repair and replacement activities.

The Code requires ANII to be given the opportunity to witness repairs and replacements and to raise concerns if code requirements were not met. The purpose of the NIS-2 form is to document the ANII's certification that the in repairs/replacements were performed in accordance with Section XI.

The ANII involvement was not obtained, nor were NIS-2 forms submitted for SRV replacements as required for IWA-7520, and IWA-6220 respectively.

An apparent root cause of this issue is that plant personnel misinterpreted requirements regarding repairs and replacements for Section XI systems, structures and components (SSCs).

Without the requested NOED, the plant will be required to perform an orderly shutdown, which is a significant plant evolution. Our evaluation has demonstrated that absence of third party review does not affect operability of the SRVs.

The recent investigation of ANII involvement in snubber repair and replacement resulted in entering a similar Technical Specification shutdown requirement. This issue was resolved through engineering evaluation as allowed by Technical Specification 3.6.H.2. Future review of additional SSCs for extent of condition may reveal similar situations.

3. The safety basis for the request, including an evaluation of the safety significance and potential consequences of the proposed course of action. This evaluation should include at least a qualitative risk assessment.

While appropriate ANII involvement has not been obtained for the SRV topworks replacements, the SRVs remain operable in all other respects. Review of the associated documentation to date indicates that all required testing, inspection, and surveillance requirements have been met, with the exception of the ANII requirements. Further, evaluation to date shows that Monticello work control, quality control and quality assurance programs provide assurance that the SRVs will adequately perform their functions such that they may be considered operable when evaluated in accordance with NRC GL 91-18.

The ANII involvement provides and documents third party review of technical and quality requirements of the code. The Monticello quality assurance, quality control and work control processes compensate for (but do not substitute for) the lack of ANII involvement in the repairs.

Based on the above, there is reasonable assurance that our operability determination will conclude that the SRVs remain able to perform their intended safety functions. Therefore, Monticello concludes that there is very low safety significance and potential consequences associated with the proposed course of action.

Future instances of ASME Section XI code non-conformances will be evaluated in accordance with NRC GL 91-18 to ensure that component operability is not adversely affected. Evaluation of operability per NRC GL 91-18 is consistent with practices for other instances of degraded or non-conforming conditions and is incorporated as an integral part of the Monticello corrective active program. As with other degraded conditions and non-conformances, the condition would be corrected to conform to code, accepted as-is or relief would be requested as required by NRC GL 91-18.

A bounding quantitative probabilistic risk assessment (PRA) has been performed as a sensitivity study to show that the potential increase in risk associated with failure to involve the ANII as required by the ASME code is small. The PRA analysts believe that the additional likelihood for failure of the SRVs to perform their functions, including: (1) their over pressure safety function, (2) their ability to operate given an open signal from the ADS, the Low Low Set (LLS) system, and remote manual action, and (3) their ability to reclose following an actuation, is less than 1% over their currently assumed failure rate. A result of $1.46 \text{ E-}05/\text{yr}$ core damage frequency (CDF) is obtained by assuming a 10% increase in the failure rates for their safety, relief, and reclosure functions. This can be compared to a baseline CDF of $1.44 \text{ E-}05/\text{yr}$. This amounts to less than a 1.5% increase in CDF due to the exaggerated degradation in reliability of SRVs to perform their function. In conclusion, there is less than minimal real increase in risk due to lack of the ANII involvement since the SRVs are able to perform their intended function, the sensitivity study shows that any potential increase in risk is very small.

Similar assessments for other non-conformances (where operability is demonstrated) would be expected to show similar results. Existence of degraded conditions will be factored into plant risk evaluations.

4. The basis for the licensee's conclusion that the noncompliance will not be of potential detriment to the public health and safety and that no significant hazard consideration is involved.

Overall, Monticello concludes that continued operation with components that do not conform to Section XI requirements (i.e., SRVs) that otherwise remain operable will not be of potential detriment to the public's health and safety when compared to a unit shutdown. This is because the Monticello maintenance, QA, QC, and work control programs provide reasonable assurance of the ability of the SRVs to perform their intended functions. Additional non-conformances will be evaluated

for operability in accordance with NRC Generic Letter 91-18 as part of our corrective action program.

Based on the following assessment, Monticello has determined that the noncompliance poses no significant hazard as delineated in 10 CFR 50.92. The noncompliance:

- Does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The noncompliance does not increase the probability of an accident because the operability of the SRVs is not in question. Our evaluation has demonstrated that absence of third party review does not affect operability.

Similar non-conformances involving other SSCs will not increase the probability of an accident as long as it is shown that operability is not affected.

The noncompliance does not significantly increase the consequences of an accident (both with respect to dose to the public and dose to the control room operators) because the SRVs will perform their intended functions. The SRVs have been satisfactorily tested in accordance with Technical Specification requirements and remaining Code requirements.

Similar non-conformances involving other SSCs will not significantly increase the consequences of an accident because there is high assurance that the programmatic controls provided will assure that the SSCs are capable of performing their intended functions. Operability determinations in accordance NRC GL 91-18 will be performed to confirm this conclusion.

- Does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The noncompliance will not create the possibility of a new or different kind of accident because the SRVs are capable of performing their intended functions. Our evaluation has demonstrated that absence of third party review does not affect operability.

Future non-conformances will be evaluated for operability to ensure that the affected SSCs are capable of performing their intended functions.

- Does not involve a significant reduction in a margin of safety.

This noncompliance does not significantly reduce the margin of safety because the long-term integrity of fuel cladding, containment, and reactor coolant system is reasonably ensured because the SRVs are capable of performing their intended function.

Future non-conformances will be evaluated for operability to ensure that the affected SSCs are capable of performing their intended functions.

5. The basis for the licensee's conclusion that the noncompliance will not involve adverse consequences to the environment.

Monticello has evaluated the noncompliance and determined that:

- (1) The noncompliance does not involve any significant hazards consideration,
- (2) The noncompliance does not involve any significant change in the types or significant increase in the amounts of any effluents that may be released offsite, or
- (3) The noncompliance does not involve any significant increase in the individual or cumulative occupational radiation exposure. That is, none of the proposed changes will cause an increase in the expected individual or cumulative occupational radiation exposure either during normal operation or during a postulated accident.

Thus, Monticello has concluded that noncompliance will not involve adverse consequences to the environment.

6. Any proposed compensatory measures.

An operability evaluation has been performed for the SRVs. The evaluation was reviewed by a senior reactor operator at approximately on 0250 January 30, 2001.

Root cause and extent of condition investigations concerning ASME Section XI ISI conformance, including expert review and assessment of the Monticello program are being performed. Appropriate corrective action, including training, will be performed based on the results of the review.

Future ASME Section XI ISI non-conformances will be evaluated under the Monticello corrective action process, which includes prompt operability determinations in accordance with the guidance of NRC GL 91-18. The non-conformances will be separately evaluated for restoration of qualification

7. The justification for the duration of the noncompliance.

The requested duration of the NOED is reasonable because there is no immediate threat to plant safety associated with the non-conforming SRVs. As stated above, the SRVs are in place and functional. Future non-conformances will be evaluated for operability under our corrective action program. The duration requested is that needed to facilitate dispositioning the license amendment discussed below.

8. **A statement that the request has been approved by the facility organization that normally reviews safety issues (Plant Onsite Review Committee, or its equivalent).**

The proposed action to request enforcement discretion along with the plant specific conditions requiring the need for the request were approved by the Monticello Operations Committee on January 29, 2001. The written request for NOED was approved on February 1, 2001.

9. **The request must specifically address which of the NOED criteria for appropriate plant conditions specified in Section B is satisfied and how it is satisfied.**

Monticello is currently in RUN mode, operating at 100% power. The applicable NOED criteria for this condition is:

- "1. 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 stated above, this request is made based on avoiding an undesirable transient as a result of forced compliance with the Technical Specification and thus minimize potential safety consequences and operational risks involved in performing a unit shutdown. The potential consequences of performing a shutdown are considered both an unnecessary risk and challenge to the plant under the circumstances for which the request is made.

10. **If a follow-up license amendment is required, both the written NOED request and the license amendment request must be submitted within 2 working days. The licensee's amendment request must describe and justify the exigency.**

A license amendment request will be submitted within two working days to relocate the ISI program requirements to a licensee program. (The license Amendment request was submitted via NMC letter to NRC, "License Amendment Request, Relocation of ASME Inservice Inspection Requirements to a Licensee Program," dated February 1, 2001.)

11. **For NOEDs involving severe weather or other external conditions.**

Not applicable.