

ACCELERATED DISTRIBUTION DEMONSTRATION SYSTEM

REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

ACCESSION NBR: 9406020290 DOC. DATE: 94/05/25 NOTARIZED: NO DOCKET #
 FACIL: 50-316 Donald C. Cook Nuclear Power Plant, Unit 2, Indiana M 05000316
 AUTH. NAME AUTHOR AFFILIATION
 FITZPATRICK, E. Indiana Michigan Power Co. (formerly Indiana & Michigan Ele
 RECIP. NAME RECIPIENT AFFILIATION
 RUSSELL, W.T. Document Control Branch (Document Control Desk)

SUBJECT: Requests NRR exercise of enforcement discretion for TS
 4.6.1.2.d w/ regard to Type B & C leak rate testing for
 facility. Justification of request for enforcement discretion
 encl.

DISTRIBUTION CODE: A017D COPIES RECEIVED: LTR 1 ENCL 1 SIZE: 7
 TITLE: OR Submittal: Append J Containment Leak Rate Testing

NOTES:

RECIPIENT ID CODE/NAME	COPIES		RECIPIENT ID CODE/NAME	COPIES	
	LTTR	ENCL		LTTR	ENCL
PD3-1 LA	1	0	PD3-1 PD	1	1
HICKMAN, J	2	2			
INTERNAL: OC/LFDCB	1	0	OGC/HDS2	1	1
REG-ELLE 01	1	1	RES/DE/SEB	1	1
RES/DSIR/SAIB	1	1			
EXTERNAL: NRC PDR	1	1	NSIC	1	1

NOTE TO ALL "RIDS" RECIPIENTS:

PLEASE HELP US TO REDUCE WASTE! CONTACT THE DOCUMENT CONTROL DESK,
 ROOM P1-37 (EXT. 20079) TO ELIMINATE YOUR NAME FROM DISTRIBUTION
 LISTS FOR DOCUMENTS YOU DON'T NEED!

TOTAL NUMBER OF COPIES REQUIRED: LTTR 11 ENCL 9

R
I
D
S
/
A
D
D
S

AA



AEP:NRC:1204B

Donald C. Cook Nuclear Plant Unit 2
Docket No. 50-316
License No. DPR-74
REQUEST FOR EXERCISE OF ENFORCEMENT DISCRETION FOR
TECHNICAL SPECIFICATION SURVEILLANCE 4.6.1.2.d WITH
REGARD TO TYPE B AND C LEAK RATE TESTING

U. S. Nuclear Regulatory Commission
Document Control Desk
Washington, D.C. 20555

Attn: W. T. Russell

May 25, 1994

Dear Mr. Russell:

The purpose of this letter is to request an NRR exercise of enforcement discretion for Technical Specification (T/S) 4.6.1.2.d with regard to Type B and C leak rate testing for Donald C. Cook Nuclear Plant Unit 2. T/S 4.6.1.2.d requires that the leak rate tests be performed at an interval no greater than 24 months, which is in accordance with 10 CFR 50, Appendix J, III.D.2.(a) and III.D.3. T/S surveillance 4.6.1.2.d expires May 29, 1994.

On March 9, 1994, we submitted letter AEP:NRC:1204 requesting a schedular exemption to 10 CFR 50, Appendix J, and a T/S change to 4.6.1.2.d. This letter was supplemented with letter AEP:NRC:1204A, dated April 13, 1994, responding to your staff's request for additional information. The requested schedular exemption and T/S change were to allow Unit 2 to operate beyond the surveillance due date until the scheduled refueling outage, thus avoiding a forced outage to perform the surveillance.

Due to the unexpected Federal Holiday on April 27, 1994, the Federal Register was published a day later than scheduled. This moved the expiration of the 30-day public comment period to Saturday, May 28, 1994, instead of Friday, May 27, 1994. Therefore, our proposed T/S amendment of AEP:NRC:1204 cannot be issued by your staff until the day after the Memorial Day weekend, May 31, 1994. If the Federal Register had been published on its scheduled date, our proposed T/S amendment would have been issued on Friday, May 27, 1994, thus providing the surveillance extension necessary to continue operation of Unit 2.

032327
9406020290 940525
PDR ADDCK 05000316
PDR

AD17

Mr. W. T. Russell

- 2 -

AEP:NRC:1204B

The T/S surveillance extension amendment request is for a maximum of 150 days. The request for exercising enforcement discretion is for a maximum of three days (May 30, 1994, through June 1, 1994).

The justification for this request is provided in the Attachment.

Sincerely,



E. E. Fitzpatrick
Vice President

dr

attachment

cc: A. A. Blind - Bridgman
G. Charnoff
J. B. Martin
NRC Resident Inspector - Bridgman
NFEM Section Chief
J. R. Padgett

ATTACHMENT to AEP:NRC:1204B

JUSTIFICATION OF
REQUEST FOR ENFORCEMENT DISCRETION

Donald C. Cook Nuclear Plant Unit 2
T/S 4.6.1.2.d - Type B and C Leak Rate Tests

JUSTIFICATION OF REQUEST FOR ENFORCEMENT DISCRETION

- (1) A DISCUSSION OF THE T/S FOR WHICH AN EXERCISE OF ENFORCEMENT DISCRETION IS REQUESTED.

T/S 4.6.1.2.d requires that the Type B and C leak rate tests be performed at an interval no greater than 24 months, which is in accordance with 10 CFR 50, Appendix J, paragraphs III.D.2.(a) and III.D.3. The surveillance is due May 29, 1994, which is approximately three months prior to the refueling outage scheduled to begin September 2, 1994. We are requesting the enforcement discretion to allow us to avoid a shut down solely to perform Type B and C leak rate tests. The enforcement discretion will only be needed until the T/S amendment is issued as requested in our original letter, AEP:NRC:1204.

- (2) A DISCUSSION OF THE CIRCUMSTANCES SURROUNDING THE SITUATION, INCLUDING THE NEED FOR PROMPT ACTION AND A DESCRIPTION OF WHY THE SITUATION COULD NOT HAVE BEEN AVOIDED.

Due to the unexpected Federal Holiday on April 27, 1994, the Federal Register was published a day later than scheduled. This moved the expiration of the 30-day public comment period to Saturday, May 28, 1994, instead of Friday, May 27, 1994. Therefore, the proposed T/S amendment of AEP:NRC:1204 cannot be issued by your staff until the end of the business day on May 31, 1994. If the Federal Register had been published on its scheduled date, the T/S amendment would have been issued Friday, May 27, 1994. That would have provided the surveillance extension necessary to continue operation of Unit 2.

Prompt action is needed to avoid a forced shut down of Unit 2.

Since the delayed publishing of the Federal Register was an unforeseen event, and the scheduled publishing date would have supported timely issuance of the T/S amendment, the situation could not have been avoided.

- (3) A DISCUSSION OF THE SAFETY BASIS FOR THE REQUEST AND AN EVALUATION OF THE SAFETY SIGNIFICANCE AND POTENTIAL CONSEQUENCES OF THE PROPOSED COURSE OF ACTION.

As stated in 10 CFR 50, Appendix J, the purpose of the leak rate testing requirements are to ensure that leakage rates are maintained within the requirements and to assure that proper maintenance and repair are performed throughout the service life of the containment boundary components. The required leak rate tests will be completed during the refueling outage to assess compliance with the

requirements and to assure that any required maintenance or repair is performed. As stated in Appendix J paragraphs III.D.2.(a) and III.D.3, the regulation was intended for the testing to be performed during refueling outages or other convenient intervals. Extending the surveillance intervals by a small amount to reach the next refueling outage will not significantly impact the integrity of the containment boundary and, therefore, will not significantly impact the consequences of an accident or transient in the unlikely event of such an occurrence during the 150-day extension period. The 150-day extension period is the maximum duration allowed by the proposed T/S amendment. The exercise of enforcement discretion is for a maximum duration of three days and is therefore bounded by our previous analysis. Thus, it is reasonable to conclude that there is no safety significance or potential consequences of exercising the enforcement discretion on the Type B and C leak rate surveillance extension.

(4) A DISCUSSION OF COMPENSATORY ACTIONS.

There are no compensatory actions for this enforcement discretion.

(5) A DISCUSSION WHICH JUSTIFIES THE DURATION OF THE REQUEST.

The duration of the request is for a maximum of three days. This allows enough time for our original T/S amendment request (under letter AEP:NRC:1204) to be issued after the 30-day comment period as specified in 10 CFR 50.91 (a)(2)(iii), and not as an emergency or exigent T/S amendment.

(6) THE BASIS FOR CONCLUDING THAT THE REQUEST DOES NOT INVOLVE A SIGNIFICANT HAZARDS CONSIDERATION OR POSE A POTENTIAL DETRIMENT TO THE PUBLIC HEALTH AND SAFETY.

As stated in 10 CFR 50.92(c), a proposed change does not involve a significant hazards consideration if the change does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) the change does not create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) the change does not involve a significant reduction in a margin of safety.

Criterion 1

The limiting conditions for operation involving containment integrity are not altered by this proposed change. The surveillance requirement concerning the Type B and C leak rate test is slightly relaxed by the proposed change. The function of the components

affected by this surveillance is to ensure containment integrity. Delaying the surveillance approximately three months (maximum of 150 days) would not change the probability of an accident. Our significant improvement in Type B and C leak rate test results, low anticipated leak rate for the next surveillance, aggressive corrective actions taken, and excellent ILRT results indicate that there is no reason to believe that delaying the Type B and C leak rate tests approximately three months will cause serious deterioration to these components. Furthermore, similar requests by utilities to extend the surveillance beyond two years have already been found acceptable by the NRC. Therefore, it is concluded that the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2

No changes to the limiting conditions for operation for containment integrity are proposed as part of this amendment request. The proposed change does not involve any physical changes to the plant or any changes to plant operations. Thus, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3

The intent of the Type B and C leak rate surveillance is to ensure that containment integrity does not significantly deteriorate. This is established by measuring a total leak rate of less than 0.60 L_a. Our significant improvement in Type B and C leak rate test results, aggressive corrective actions taken, and excellent ILRT results indicate there is no reason to believe that delaying the Type B and C leak rate tests approximately three months (maximum of 150 days) will cause serious deterioration to these components. The "As Found" trend of the leak rates over the past three surveillances indicates that the leak rate for the next surveillance will be below the Appendix J leak rate acceptance criteria. Therefore, it is concluded that the proposed amendment does not involve a reduction in a margin of safety.

Based on the results of the significant hazards evaluation, the three day request for exercise of enforcement discretion does not pose a potential detriment to the public health and safety.

- (7) THE BASIS FOR CONCLUDING THAT THE REQUEST DOES NOT INVOLVE ADVERSE CONSEQUENCES TO THE ENVIRONMENT.

Past Unit 2 Type B and C leak rate test data have demonstrated an improving trend in the results. Although the "As Found" results for

the 1989 and 1990 outages exceeded the maximum limit of $0.6 L_a$, the 1992 "As Found" result was $0.18 L_a$, well below the limit. The improved 1992 "As Found" result, which was a minor increase from the 1990 "As Left" of $0.17 L_a$, followed several corrective actions in our program. The improving trend for the Type B and C leak rate test results provides reasonable assurance that the probability of exceeding the off site dose rates established in 10 CFR Part 100 will not be increased by extending the current Type B and C testing for a maximum of 150 days. This bounds the three day request of enforcement discretion.

- (8) A STATEMENT THAT THE REQUEST HAS BEEN APPROVED BY THE PLANT ONSITE REVIEW COMMITTEE.

The proposed T/S change which allows extending the Type B and C leak rate surveillance (4.6.1.2.d) was approved by the Plant Nuclear Safety Review Committee (PNSRC) on February 10, 1994, and by the Corporate Nuclear Safety Design Review Committee on February 15, 1994. Also, this three day request of enforcement discretion was reviewed and approved by the PNSRC on May 24, 1994.