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Docket Number 50-346

License Number NPF-3

Serial Number 1-1045

June 16, 1994

Mr. J. B. Martin  
Regional Administrator  
United States Nuclear Regulatory Commission  
Region III  
801 Warrenville Road  
Lisle, Illinois 60532-4351

Subject: Request for Enforcement Discretion from Several Technical  
Specification Surveillance Requirements Due to Weather  
Conditions

Dear Mr. Martin:

The purpose of this letter is to request enforcement discretion from performing a limited number of Technical Specification surveillance tests at the Davis-Besse Nuclear Power Station (DBNPS). Enforcement discretion is being requested because the circumstances are temporary and involve one time deviations from Surveillance Requirements. Furthermore, the period for which discretion is requested is of such short duration it is not practical to obtain a license amendment. This request is being made due to the current critical need for electricity during the ongoing extremely hot weather. These surveillance tests would place the station into the situation where potentially an inadvertent reactor shutdown could result and, therefore, lead to the loss of the nearly 900 MWe being provided by the DBNPS to the power grid. The loss of this power source to a power grid already stretched to its limit could result in severe grid instability.

The need for electricity during this hot weather resulted in Toledo Edison's parent company Centerior Energy purchasing 1275 MWe on June 15, 1994, in an extremely tight supply market. Firm load is being disconnected from the grid in the Cleveland area today. As described herein, Centerior Energy has taken steps to quickly deal with the supply situation including efforts to restore two fossil plant units to the power grid.

Centerior Energy believes it to be in the best interest of the public's health and safety to extend the test intervals for certain Surveillance

Operating Companies  
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Requirements up to an additional seven days in order to minimize the potential for an inadvertent shutdown of the DENPS during the ongoing hot weather. The following provides the justification for this request including the circumstances surrounding this situation, compensatory actions, the safety significance and potential consequences, the justification for the duration for which the discretion is being requested and the conclusions that a significant hazards consideration does not exist and that no irreversible environmental consequences would result.

Toledo Edison, as operator of the DENPS, requests that the NRC grant this request for enforcement discretion prior to June 17, 1994, 0430 hours which is the due date for the first of the Surveillance Requirements. This due date, as well as the due dates cited below, include the 25% extension allowed by Technical Specification 4.0.2.

1. Requirements for Which Enforcement Discretion is Requested

Enforcement discretion is requested from the following Technical Specification Surveillance Requirements (SR):

a. SR 4.3.1.1.1 (Reactor Protection System (RPS) Instrumentation):

Each Reactor Protection System instrumentation channel shall be demonstrated OPERABLE by the performance of the...CHANNEL FUNCTIONAL TEST operations during the MODES and at the frequencies shown in Table 4.3-1 (Functional Unit 12, Control Rod Drive Trip Breakers-Monthly Test), and

SR 4.3.2.3 (Anticipatory Reactor Trip System (ARTS) Instrumentation):

The Anticipatory Reactor Trip System shall be demonstrated OPERABLE by performance of the...CHANNEL FUNCTIONAL TEST for the MODES at the frequencies shown in Table 4.3-17 (Functional Unit 3, Output Logic).

This surveillance testing (Reactor Trip Breaker "C", Reactor Protection System Channel 4 Trip Module Logic and Anticipatory Reactor Trip System Channel 4 Output Logic) is due on June 17, 1994.

This surveillance testing requirement of one channel of the redundant four channel RPS and ARTS should be deferred until June 24, 1994 in order to minimize the potential for an inadvertent reactor trip.

b. SR 4.3.2.2.1 (Steam and Feedwater Rupture Control System Instrumentation):

Each SFRCS instrumentation channel shall be demonstrated OPERABLE by the performance of the...CHANNEL FUNCTIONAL TEST during the MODES and at the frequencies shown in Table 4.3.11 (Functional Unit 1.d., Loss of Reactor Coolant Pumps-Monthly Test of Reactor Coolant Pump Monitor).

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This monthly surveillance testing of the Reactor Coolant Pump monitor/SFRCS Channels 1 and 3 is due on June 20, 1994.

This surveillance test requirement should be deferred until June 27, 1994 because it poses a potential inadvertent trip source for SFRCS and RPS.

c. SR 4.8.2.3.2.a (DC Distribution - Operating):

Each 125-volt battery and charger shall be demonstrated OPERABLE at least once per seven days by verifying that the parameters in Table 4.8-1 meet the Category A limits, and verifying total battery terminal voltage is greater than or equal to 129 volts on float charge.

This surveillance testing of the batteries and chargers is due on June 23, 1994.

This surveillance testing requirement should be deferred until June 30, 1994, because of the proximity of personnel to vital electrical equipment while performing the testing, and the associated potential to induce a plant transient.

2. Discussion of Circumstances Surrounding the Situation

The upper Midwest is presently experiencing extremely hot, unseasonable weather. In Northern Ohio, record or near record high temperatures are resulting in high customer demand for electricity. On June 15, Toledo Edison experienced record customer power demand. This weather pattern is expected to continue into the weekend.

In the Centerior Energy Corporation service area, the 580 MWe capacity fossil-fueled Avon Unit 9 is in a planned maintenance outage, and the 1191 MWe capacity Perry Nuclear Plant is in a maintenance and refueling outage. The available plant capacity from the Toledo Edison (TE) and Cleveland Electric Illuminating (CEI) operating companies is unable to meet the unexpectedly high demand. As a result considerable amounts of power are being purchased from outside suppliers. For example, on June 15 with temperatures near 100° F and high humidity, Centerior Energy's System Operations Center reported that 1275 MWe was being purchased to supply customer needs in an extremely tight supply market. Firm load is being disconnected from the grid in the Cleveland area today.

With the DBNPS operating at full capacity, supplying nearly 900 MWe to the grid, the System Operations Center has requested the station forego any activities that may place continued operation of the station in jeopardy, at least until the current power supply situation has been abated. Efforts are underway to return Avon Unit 9 to service and to restart Acme Unit 2, a 75 MWe fossil unit which was mothballed in 1993.

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### 3. Compensatory Actions

During the period for which enforcement discretion is requested, the following compensatory measures will be taken:

- a. No preventive maintenance activities will be performed on redundant equipment for which surveillance testing is to be deferred.
- b. Electrical distribution equipment, either normal, standby or reserve will not be taken out of service.
- c. Operating personnel will be notified by Standing Order to ensure that these actions are maintained.

### 4. Preliminary Evaluation of Safety Significance and Potential Consequences of the Proposed Request

The following systems and components are directly affected by the proposed request:

- a. 125 V Station Batteries and associated Battery Chargers;
- b. Reactor Trip Breaker "C", Reactor Protection System Channel 4 Trip Module Logic and Anticipatory Reactor Trip System Channel 4 Output Logic, and
- c. The Reactor Coolant Pump Monitors Channels 1 & 3.

Each of these systems has been designed, built, and licensed with inherent redundancy and, where feasible, diversity.

Testing is performed on each of the systems in order to verify that they are capable of performing their assigned safety functions, and to increase the likelihood of discovering a random failure. Failure to perform a surveillance on safety related equipment (although prohibited by station Technical Specification operability requirements) does not imply the equipment is no longer capable of performing its safety functions(s). As stated in Generic Letter 87-09 (in the context of missed surveillances): "It is overly conservative to assume that systems or components are inoperable when a surveillance requirement has not been performed. The opposite is in fact the case; the vast majority of surveillances demonstrate that systems or components in fact are operable." The Generic Letter discussion is applicable in this case since a one-time, rather than routine, extension of surveillance testing is requested. A review of the results from the surveillance testing conducted since the last refueling outage completed in April 1993 indicates that these components have functioned reliably.

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Due to the redundancy built into each system, the potential consequences of an undiscovered random failure have already been minimized, as analyzed in the Updated Safety Analysis Report. Therefore, it is concluded that the safety significance of not testing the affected equipment for an additional seven days is negligible.

The DBNPS Probabilistic Safety Assessment (PSA) was reviewed to determine the relative impact on the plant core damage frequency (CDF), with the following noted:

- a. The effects of equipment being out-of-service for testing has been explicitly factored into the PSA. These effects include contributions to plant-specific initiating event frequencies (such as reactor trips) due to testing, and system and component unavailability during accident sequences due to routine testing. Therefore, during the period of reduced testing for the previously identified systems, both initiating event frequencies and "maintenance unavailabilities" will decrease. Although not directly proportional, this results in an associated decrease in the overall plant CDF.
- b. As utilized in the PSA, equipment failure rates are assumed to be constant with respect to time. These failure rates are estimated from historical site-specific data, generic industry data, or an appropriate combination of the two (such as use of Bayesian updating techniques). For the plant systems under consideration, tested equipment is actuated often enough that estimated failure probabilities can be assumed to not be dependent on the duration between "demands." As such, a one-time short duration delay in testing these components has no real effect on estimated equipment failure rates in the PSA.

Given the above PSA considerations, for a one-time short duration delay in the previously described plant testing, no increase in the plant CDF would be expected if explicitly calculated.

#### 5. Justification for Enforcement Discretion Duration

Due to the expected duration of the adverse weather pattern, the corresponding expected continued high demand for electrical power, and the expected continued need for power to be purchased from outside suppliers due to a shortage of available capacity, TE is requesting that the surveillance testing identified above be deferred for seven days.

#### 6. Basis for Conclusion of No Significant Hazards Consideration

After evaluating the safety significance and potential consequences of the proposed request, it has been concluded that there would be no detrimental effect on public health and safety as a result of this activity. This is based on the conclusion that failure of the

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affected equipment is no more likely than at any other time, and that any random failure which may occur has been shown to have acceptable consequences on public health and safety in the USAR.

The Nuclear Regulatory Commission has provided standards in 10CFR50.92(c) for determining whether a significant hazard exists due to a proposed action. A proposed action involves no significant hazards consideration if operation of the facility in accordance with the proposed changes would: (1) Not involve a significant increase in the probability or consequences of an accident previously evaluated; (2) Not create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Not involve a significant reduction in a margin of safety. Toledo Edison has reviewed the proposed action and determined that a significant hazards consideration does not exist because operation of the DBNPS in accordance with this action would:

- 1a. Not involve a significant increase in the probability of an accident previously evaluated because no change is being made to any accident initiator or assumption. A limited extension to the period between testing components does not affect the probability of experiencing an accident.
- 1b. Not involve a significant increase in the consequence of an accident previously evaluated because the random failures which might go undetected have already been analyzed. Since the failures are the same, the consequences of those failures are unchanged. Furthermore, the proposed action does not alter the source term, containment isolation, allowable radiological releases, or invalidate the assumptions used in evaluating radiological releases.
- 2a. Not create the possibility of a new kind of accident from any other accident previously evaluated because the station will be operated in the same way as before and, therefore, no new accident scenarios are postulated.
- 2b. Not create the possibility of a different kind of accident previously evaluated because the station will be operated the same as before and no new failure modes or effects are being introduced. Therefore, no different accident scenarios are postulated.
3. Not involve a significant reduction in a margin of safety as defined in the basis for any Technical Specification because any random failures which may result during the extended test interval have been included in the safety analyses which form the bases for the Technical Specifications. Furthermore, the proposed action does not involve any new changes to the initial conditions contributing to accident severity or consequences, and consequently there are no reductions in a margin of safety.

7. Basis for Conclusion of No Irreversible Environmental Consequences

This request does not involve a change in the installation or use of the facilities or components located within the restricted areas as defined in 10 CFR Part 20. Toledo Edison has determined that this request for enforcement discretion involves no increase in the amounts, and no change in the types, of any effluents that may be released offsite and that there is no increase in individual or cumulative radiation exposure. Accordingly, the request for enforcement discretion meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the granting of the enforcement discretion.

This request for enforcement discretion has been reviewed and approved by DBNPS Station Review Board.

In conclusion, Toledo Edison requests that the NRC grant this request for enforcement discretion on June 16, 1994. If weather conditions improve and the current system power shortage abates, Toledo Edison does not intend to utilize the full seven day surveillance testing extension authorized by the enforcement discretion, and would conduct the testing expeditiously.

Should you have any questions or require additional information, please contact Mr. William T. O'Connor, Manager - Regulatory Affairs, at (419) 249-2366.

Sincerely yours,

  
John K. Hood for  
DC Shelton

DRW/eld

cc: S. Stasek, DB-1 NRC Senior Resident Inspector  
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