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GPU Nuclear Corporation  
Post Office Box 388  
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Forked River, New Jersey 07931-0388

C321-94-2011

Mr. Thomas Martin, Administrator  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406

Dear Sir:

Subject: Oyster Creek Nuclear Generating Station  
Docket No. 50-219  
Request for Enforcement Discretion - APRM

This letter provides written documentation of our request to depart from the Oyster Creek Nuclear Generating Station Technical Specifications in accordance with the recent revisions to Section VII.C of the Enforcement Policy (10 CFR, Part 2, Appendix C) as we discussed orally on Friday, January 21, 1994.

The attached enclosure includes the required information to support our request for enforcement discretion when we will not perform the Average Range Power Monitor Scram Trip Surveillance in accordance with its specified frequency.

If any additional information or assistance is required, please contact Mr. Terry Sensue of my staff at (609)971-4680.

Post-It™ brand fax transmittal memo 7571		# of pages = 4
To: Alex Dromatich	From: TSensue	
Co: USNRC	Co: GPUN	
Dept:	Phone: 609 971-4680	
Ext: 301-504-2260	Fax: 609 971-4739	

Very truly yours,

John J. Barton  
Vice President and Director  
Oyster Creek

JJB/TS:jc  
cc: Assistant Director for Projects, NRR  
Senior NRC Resident Inspector  
Oyster Creek Project Manager

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## Enclosure

This enclosure provides a discussion of the following nine items stated within 10 CFR Part 2 Appendix C, Enforcement Discretion, Section E: Request for Enforcement Discretion.

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

O.C.N.G.S. TS 4.1, Protective Instrumentation Surveillance Requirements, specifically, Item 11 from Table 4.1.1. The Average Power Range Monitor (APRM) scram trips are to be tested and calibrated once per week. We request that this week's test be delayed past its drop dead date.

2. The circumstances surrounding the situation, including the need for prompt action.

As a result of severe cold weather conditions, the Pennsylvania, New Jersey, and Maryland (PJM) electrical grid is experiencing difficulty in meeting electrical demands of its customers causing grid instabilities. PJM has asked all generating stations to avoid loss of or reduced generation. The weekly APRM scram trip surveillance is a high risk activity to perform that has the potential to cause a plant shutdown. This surveillance is scheduled to be performed on Sunday and has a drop date on Monday.

3. The safety basis for the request that enforcement discretion be exercised, including an evaluation of the safety significance and potential consequences of the proposed course of action.

The safety significance of this request is considered minimal for the following reasons:

- a. Past surveillance data of the APRM trip system indicates the system will perform its intended function, if called upon to do so. Potential Consequences of the proposed course of action would be instrument drift. However, a review of the last eight weeks of surveillance data exhibits no sufficient drift trends associated with APRM setpoints.
- b. There is sufficient redundancy should one or more of the APRM channels become inoperable. The logic for the APRM trips is one out of four twice with four APRM channels in each reactor protection system. Currently, all eight APRM channels are operable.

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- c. Other scram functions such as the reactor anticipatory scram and reactor high pressure scram would cause a reactor shutdown should all the APRM channels fail to perform their intended function. Additionally, no design basis accident analysis considers the APRM High Flux Scram in determining the consequences of the accident. The only design basis transient relying on the APRM scram function is a loss of feedwater heating. The consequences of this transient are less than half as severe as for a turbine trip without bypass valves, which is the limiting transient relative to the fuel cladding integrity safety limit. If the APRM scram function is not considered in the analysis, a loss of feedwater heating is still less limiting than a turbine trip without bypass.
  - d. The Control Room operators would take manual control and scram the reactor in accordance with approved station procedures when required.
4. Any proposed compensatory measure(s).  
None.
  5. The justification for the duration of the noncompliance.  
OCNGS requests the APRM Scram Trip surveillance be delayed approximately one week or less until such time as the PJM electrical grid conditions return to normal in which the surveillance will be performed within 24 hours. This duration will avoid unnecessary plant transients and reduce operational risk to OCNGS while supporting the PJM electrical demand.
  6. The basis for the licensee's conclusion that the noncompliance will not be of potential detriment to the public health and safety and that a significant safety hazard is not involved.  
The results of the safety basis discussion provided for question 3 above indicate that no significant safety hazard is involved. Public health and safety is enhanced by ensuring the stability of Oyster Creek's generating output to the PJM electrical grid.
  7. The basis for the licensee's conclusion that the noncompliance will not involve adverse consequences to the environment.  
The APRM system has no direct interface with the environment or monitoring of environmental parameters.

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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 Plant Review Group (PRG) held meeting #94-04 and approved engineering evaluation 0042-94 which provided the technical justification for this relief request.

9. Any other information the NRC staff deems necessary before making a decision to exercise enforcement discretion.

None requested from the telephone conversation held on January 21, 1994.

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January 21, 1994  
C311-94-2010

Mr. T. T. Martin  
Regional Administrator, Region 1  
US Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406-1415

Dear Sir:

Three Mile Island Station Unit 1 (TMI-1)  
Operating License No. DPR-50  
Docket No. 50-289  
Request for a Regional Temporary Waiver of Compliance

On January 20, 1994, at 11:00 a.m., GPU Nuclear orally requested a regional temporary waiver of compliance from the requirement to conduct the Control Rod Movement surveillance test. At 12:55 p.m. on January 20, 1994, Ms. Michele Evans, TMI Senior Resident Inspector, informed Mr. Jack Wetmore, Manager, TMI Licensing, that the request had been granted. This letter is a followup to GPU Nuclear's oral request for a regional temporary waiver of compliance.

The Control Rod Movement surveillance test is a requirement of TMI-1 Technical Specification 4.1.2 (Table 4.1-2). The current due date for the surveillance is Thursday, January 20, 1994 and the late date for the surveillance (the allowable surveillance frequency of 14 days plus 25%) will be Sunday, January 23, 1994. GPU Nuclear requested a waiver of compliance be effective immediately until January 28, 1994. GPU Nuclear intends to perform the surveillance on or before January 28, 1994.

The temporary waiver of compliance was requested to minimize the possibility of a reactor power reduction or trip as a consequence of surveillance testing that is required to be performed during the extremely cold weather which the PJM grid is currently experiencing. TMI-1 has previously experienced a reactor power reduction due to an inadvertent rod drop that occurred during the performance of the biweekly control rod movement surveillance that was the result of a faulty cable/stator electrical connection (December 12, 1991). Note: The inadvertent rod drop did not affect the ability of the Control Rod Drive Mechanisms to perform their safety function.

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The requested duration for the waiver of compliance will allow GPU Nuclear to postpone the performance of the Control Rod Movement surveillance testing until the extremely cold weather has abated and the PJM grid is restored to normal conditions (no voltage reductions or blackouts).

The Commonwealth of Pennsylvania has declared a state of emergency in response to the current unprecedented extremely cold weather. The PJM grid is currently undergoing mandatory voltage reductions and rolling blackouts. It is in the public interest to minimize all activities that could jeopardize current electrical production.

The safety significance of postponing the performance of the surveillance until January 28, 1994 is minimal. The biweekly surveillance interval stated in current TMI-1 Technical Specifications is very conservative when compared to the 92 day surveillance interval specified in NUREG 1430, Revised Standard Technical Specifications (RSTS) for B&W Plants. The intent of the surveillance is to ensure control rod movement, trippability and the reliability of the control rod mechanisms. The control rod mechanism movement surveillance has been successfully performed in accordance with the surveillance interval since the plant returned to power after the 10 R outage. The reliability of the control rod mechanism can be assured during the period for which the temporary waiver of compliance has been requested by monitoring other available indicators of control rod performance that are obtained from other Technical Specification required surveillance activities and from plant instrumentation such as the asymmetric rod position indicator alarm.

We note that RSTS for B&W Plants specifies a 92 day surveillance frequency for the performance of verifying control rod freedom of movement (SR 3.1.4.2, page 3.1-9) versus the 14 day surveillance interval in the TMI-1 Technical Specifications. The Bases for the RSTS 3.1.4.2 (page 3.1-26) states the bases for the 92 day surveillance interval takes into consideration other information available to the operator in the control room and the RSTS requirement for verification that individual control rod positions are within 6.5% of their group average be performed every 12 hours with the reactor at power. Along this same line, TMI-1 Technical Specification 4.1-1.23,24 requires verification of control rod absolute/relative position comparison be performed on a shiftly (once every 12 hours) surveillance interval with the plant critical. This requirement is implemented by GPU Nuclear via TMI-1 Surveillance Procedure 1301-1.

The requested temporary waiver of compliance does not involve a significant hazards consideration because:

1. There is no significant increase in the probability or consequences of an accident previously evaluated because control rod mechanism operability is verifiable via other available information and Technical Specification required surveillance and because the specified duration of the temporary waiver of compliance is much less than the 92 day surveillance interval that would be allowed under NUREG 1430.

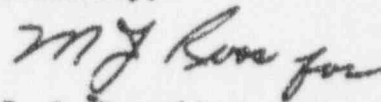
2. It will not create the possibility of a new or different kind of accident from any accident previously evaluated. A one-time change in the frequency in the performance of the control rod movement surveillance does not change plant operations or have any impact on plant systems, structures or components, and
3. It does not involve a significant reduction in a margin of safety. The frequency of Technical Specification surveillance is not a specified margin of safety in TMI-1 Technical Specifications.

The temporary waiver of compliance will not involve irreversible environmental consequences because the extension of the surveillance interval has no impact on plant operations or plant effluents.

The TMI-1 Plant Review Group reviewed and approved the action to request a temporary waiver of compliance from the specified 14 day frequency requirement for the control rod movement surveillance on Wednesday, January 19, 1994.

GPU Nuclear appreciates the prompt NRC review and approval of the temporary waiver of compliance. If you have any questions regarding this matter, please contact Mr. John Schork, TMI Licensing Engineer at (717) 948-8832.

Sincerely,



T. G. Broughton  
Vice President & Director, TMI

JSS/cmf

cc: M. G. Evans - TMI Senior Resident Inspector  
R. W. Hernan - Senior Project Manager  
Document Control Desk