



PECO ENERGY

PECO Energy Company
Nuclear Group Headquarters
965 Chesterbrook Boulevard
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August 30, 1995

Docket No. 50-278

License No. DPR-56

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555

SUBJECT: Peach Bottom Atomic Power Station, Unit 3
Request for Enforcement Discretion from a Portion of Facility
Operating License Condition 2.C(5)

Dear Sir:

As discussed with the NRC on August 29 and 30, 1995, PECO Energy hereby requests Enforcement Discretion (ED) from the requirements of a portion of Peach Bottom Atomic Power Station (PBAPS), Unit 3 Facility Operating License (FOL) Condition 2.C(5). PECO Energy requests that the ED be granted to cover the period from the current noncompliance with the FOL Condition 2.C(5) until such time that a permanent amendment to the FOL can be issued.

In accordance with the guidance contained in Part 9900 of the NRC Inspection Manual, dated January 5, 1995 the following information is provided:

- 1) The Technical Specification (TS) or other license condition that will be violated.

Current FOL Condition 2.C(5) states, in part, "Operation beyond the end-of-cycle (all rods out condition) thermal power is limited to seventy (70) percent minimum." PBAPS, Unit 3 is currently in the end-of-cycle coastdown at approximately 62% rated thermal power (RTP).

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

On June 23, 1995, a 10 CFR 50.59 Review and Safety Evaluation was prepared for Peach Bottom Atomic Power Station (PBAPS) Unit 3 Cycle 10 to justify power coastdown operation down to 40% of rated power.

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This Safety Evaluation also justified increased core flow operation up to 110% of rated core flow when below approximately 70% power. Review of the PBAPS Unit 3 Technical Specifications indicated that only a change to Technical Specifications Bases Figure 1.1-1 was required. This revision to the bases figure was submitted to the NRC on July 13, 1995. The Safety Evaluation was approved and power coastdown operation below 70% power commenced at a later date.

On August 29, 1995, it was discovered that the Technical Specification review for the Safety Evaluation had inadvertently overlooked the operational restriction of no less than 70% power during power coastdown in the Operating License. It had not been anticipated that this type of restriction would be specified in the Operating License. Thus the Safety Evaluation had been approved with the conflicting operating restriction still in place in the Operating License. At that time, power coastdown operation had progressed to a condition below 70% power (approximately 62% power). It was concluded that PBAPS, Unit 3 was potentially in violation of its Operating License.

PECO Energy Licensing personnel were immediately contacted and notified of the situation. It was determined that immediate action was required to restore compliance with the Operating License in order to prevent a potential shutdown of the unit. The NRC senior resident was contacted and apprised of the situation.

- 3) The safety basis for the request, including an evaluation of the safety significance and potential consequences of the proposed course of action.

The power coastdown operational restriction in the Operating License was implemented in October of 1979 in support of the first application of power coastdown at PBAPS during Unit 3, Cycle 4. At that time, the licensing basis for PBAPS (i.e. GESTAR) supported coastdown to no less than 70% of rated power. Subsequent to that time, the licensing basis for PBAPS has been re-evaluated and now supports power coastdown to no less than 40% of rated power (i.e. GESTAR II - Section 4.3.1.2.9). Thus, PBAPS has been previously analyzed for power coastdown operation below 70% power and there is no safety significance or potential consequence associated with further operation at power levels below 70% but greater than 40%. Therefore, continued operation is warranted.

The alternative to continued operation would be to place the unit in shutdown until such time that a followup amendment could be processed. This action is deemed to be of greater safety significance than continued operation since it would result in the unit undergoing an otherwise avoided cooldown and heatup cycle and would pose an additional challenge to the plant operators.

- 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 neither an unreviewed safety question nor a significant hazard consideration is involved.

The request for enforcement discretion does not constitute a significant hazards consideration in that:

- i) The proposed Enforcement Discretion does not involve a significant increase in the probability or consequences of an accident previously evaluated because operation in the current plant condition, less than 70% power, but greater than 40% power, during power coastdown has been analyzed utilizing NRC approved methods (i.e. GESTAR II). This analysis concludes that operation at less than full power during power coastdown is conservatively bounded by operation at full power; thus, the probability or consequences of an accident previously evaluated are not increased.
- ii) The proposed Enforcement Discretion does not create the possibility of a new or different kind of accident from any previously evaluated because operation in power coastdown is an approved mode of operation (GESTAR II) and does not create the possibility of a new or different kind of accident. No new system interactions are created as a result of power coastdown operation. In addition, power coastdown operation is administratively controlled by plant procedures.
- iii) The proposed Enforcement Discretion does not involve a significant reduction in a margin of safety because the margin to the MCPH safety limit is preserved as operation at less than full power is bounded by operation at full power which is the basis for the MCPH operating limit specified in the Core Operating Limits Report (COLR). In addition, the MAPLHGR limits in the COLR for the full power condition are conservative for coastdown operation since power will be decreasing. The allowable full power conditions remain unchanged.

Further, an evaluation in accordance with 10 CFR 50.59 was performed and it was determined that no unreviewed safety question exists.

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

The proposed actions do not have any adverse environmental impact since the noncompliance will not result in any increase in the amount or result in any change in the type of effluent which may be released offsite.

- 6) Any proposed compensatory measures.

As discussed previously, the plant conditions associated with the end-of-cycle coastdown have been evaluated and found to be acceptable, with no compensatory actions required.

- 7) A justification for the duration of the noncompliance.

The ED is requested to be in effect until the follow-up license amendment can be submitted to and approved by the NRC. During this period of noncompliance, coastdown limits will be governed by plant procedures which are consistent with the PBAPS, Unit 3 Cycle 10 Supplemental Reload Licensing Report.

- 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 Operations Review Committee has approved the request for Enforcement Discretion.

- 9) If the plant is in the startup mode, the request must specifically address how at least one of the three criteria specified in Section B is satisfied.

Does not apply.

- 10) If a followup license amendment is required, the request must include marked-up TS pages showing the proposed TS change.

A marked-up FOL page is provided in Attachment 1.

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

No other information is submitted.

Sincerely,



G. A. Hunger, Jr.
Director-Licensing

cc: T. T. Martin, Administrator, Region I, USNRC
W. L. Schmidt, Senior Resident Inspector, USNRC
R. R. Janati, Commonwealth of Pennsylvania

ATTACHMENT 1