

performed on all 5 EDGs during the DUO and repeated for the 2A and 2B EDGs during the Unit 2 refueling outage (RFO) in 1995. When this noncompliance was identified, both units were at 100% power. The licensee requested and was granted a Notice of Enforcement Discretion (NOED) verbally on June 13, 1995. The written request for the NOED and a request for a license amendment were submitted on June 14, 1995. To restore compliance with the TSs as quickly as possible and maintain public participation in the license amendment process as much as practical, the staff is exercising the exigent provisions of 10 CFR 50.91(a)(6).

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of occurrence of any accident previously evaluated.

The proposed changes to the Technical Specifications will change the sequence of testing of EDGs that is performed on a refueling cycle basis. The proposed changes will decouple the hot restart test from the 24 hour EDG test. The proposed testing requirements satisfy the underlying purpose of the EDG hot restart test, in that the testing as proposed will verify the ability of the EDG to complete the start up sequence from an equilibrium temperature immediately following operation at full load (continuous rating) for a period of time long enough to stabilize operating temperature. Since the proposed changes impact only surveillance requirements used to periodically verify the operability of a required safety system, and since the proposed changes provide an equivalent level of testing and eliminate redundant testing, the proposed changes will not impact the operability or availability of a required system.

Operation in accordance with the revised requirements will not increase the likelihood that a transient initiating event will occur since transients are initiated by equipment malfunction and/or catastrophic system failure. The revised requirements affect testing that is performed during refueling. Testing in accordance with the proposed requirements will not increase the probability of failure of the EDGs since the testing will provide an equivalent level of testing to verify the operability of the EDGs. In addition, failure of an EDG to start or failure of an EDG while operating is not assumed to be an initiating event of an accident considered in the Updated Final Safety Analysis Report (UFSAR).

Based on the above, operation in accordance with the proposed requirements will not significantly increase the probability of occurrence of any accident previously evaluated.

The proposed requirements will meet the underlying purpose of the existing testing requirements. The proposed testing will ensure the ability of the EDG to start from a hot condition in the unlikely event of an accident. The proposed testing requirements will only decouple the hot restart test of the EDG from the 24 hour test of the EDG that is performed during each refueling outage. Since the proposed changes will not adversely affect the operability or availability of the EDGs, the ability of the EDGs to operate and power equipment important to safety will not be impacted and the ability to mitigate the consequences of accidents previously evaluated will not be affected. Based on the preceding discussion, the consequences of accidents previously evaluated will not significantly increase.

2. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes to the Technical Specifications do not involve the addition of any new of [or] different types of safety related equipment, nor do they involve the operation of equipment required for safe operation of the facility in a manner different from those addressed in the UFSAR. No safety related equipment or function will be altered as a result of the proposed changes. Also, the procedures that govern normal operation and recovery from an accident are not affected by the proposed changes. The proposed changes only decouple the hot restart test of the EDG from the 24 hour test of the EDG that is performed each refueling outage. Testing in accordance with the revised requirements will provide an equivalent level of confidence in the reliability of the EDG systems to complete the start up sequence from a hot condition. The proposed testing requirements satisfy the intent of Regulatory Guide 1.108 in that the testing requirements will ensure EDG operability and reliability. In addition, the proposed changes are consistent with the intent of the changes recommended by the NRC in Generic Letter 93-05 and are consistent with the requirements of NUREG-1431. Since no new failure modes or mechanisms are introduced by the proposed changes, the possibility of a new or different kind of accident is not created.

3. The proposed changes do not involve a significant reduction in a margin of safety.

Plant safety margins are established through LCOs (Limiting Condition for Operation), limiting safety system settings, and safety limits specified in the Technical Specifications.

There will be no changes to either the physical design of the plant or to any of these settings or limits as a result of the proposed changes. The proposed testing requirements will only decouple the hot restart test of the EDG from the 24 hour test of the EDG that is performed during each refueling outage. Testing in accordance with the proposed requirements will verify the ability of the EDGs to complete the start up sequence from a hot condition as is intended by the recommended testing in Regulatory Guide 1.108. In addition, the proposed changes are consistent with the intent of the changes recommended by the NRC in Generic Letter 93-05. Since the proposed changes will not impact the availability or operability of the EDGs to perform their intended function and since no LCOs, safety limits, or safety system settings are affected by the proposed changes, there is no significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission,