



John H. Mueller
Senior Vice President and
Chief Nuclear Officer

September 3, 1999
NMP2L 1895

Phone: 315.349.7907
Fax: 315.349.1321
e-mail: muellerj@nimo.com

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

RE: Nine Mile Point Unit 2
Docket No. 50-410
NPF-69

Subject: Request for Enforcement Discretion to Technical Specification 3.4.3.1

Gentlemen:

On September 3, 1999, following discussions with the NRC Staff, Nine Mile Point Unit 2 (NMP2) was granted enforcement discretion with respect to Technical Specification (TS) 3.4.3.1, Action d. The enforcement discretion became effective at 14:38 hours on September 3, 1999, and expires at 14:38 hours on September 4, 1999. The purpose of this letter is to document the basis of the verbal request and to request written confirmation of the enforcement discretion that was granted.

NMP2 TS 3.4.3.1 requires that specified reactor coolant system leakage detection systems be operable in Operational Conditions 1, 2, and 3. The specified systems include the primary containment airborne particulate radioactivity monitoring system (TS 3.4.3.1a), the primary containment airborne gaseous radioactivity monitoring system (TS 3.4.3.1b), the drywell floor drain tank fill rate monitoring system (TS 3.4.3.1c), and the drywell equipment drain tank fill rate monitoring system (TS 3.4.3.1d).

TS 3.4.3.1, Action d, requires that:

"With both drywell floor drain and the drywell equipment drain tank fill rate monitoring systems inoperable, restore either system to OPERABLE status within 24 hours or be in at least HOT SHUTDOWN within the next 12 hours and in COLD SHUTDOWN within the following 24 hours."

On September 2, 1999, at 11:12 hours, Niagara Mohawk Power Corporation (NMPC) determined that both the drywell floor drain tank fill rate monitoring system (TS 3.4.3.1c) and the drywell equipment drain tank fill rate monitoring system (TS 3.4.3.1d) were inoperable. Accordingly, TS 3.4.3.1, Action d was entered. To preclude completion of a plant shutdown, NMPC requested enforcement discretion from the requirements of TS 3.4.3.1, Action d, for 24 hours to complete repairs and restore the equipment to an operable status.

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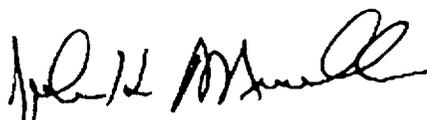
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NMPC believes there is less risk in continued operation than in forcing an unnecessary plant challenge by taking the plant to the shutdown condition to comply with the requirements of TS 3.4.3.1, Action d. Attachment 1 provides NMPC's response to the 10 criteria identified in NRC Inspection Manual 9900, Operations - Notices of Enforcement Discretion, issued June 29, 1999.

This request for enforcement discretion has been reviewed and approved by the NMP2 Station Operations Review Committee (SORC).

Very truly yours,



John H. Mueller
Senior Vice President and
Chief Nuclear Officer

JHM/JMT/kap
Attachment

xc: Mr. H. J. Miller, NRC Regional Administrator
Mr. S. S. Bajwa, Section Chief PD-I, Section 1, NRR
Mr. G. K. Hunegs, NRC Senior Resident Inspector
Mr. D. S. Hood, Senior Project Manager, NRR
Records Management

ATTACHMENT 1**REQUEST FOR ENFORCEMENT DISCRETION****1. The Technical Specification (TS) or other license conditions that will be violated.**

Nine Mile Point Unit 2 (NMP2) Technical Specification (TS) 3.4.3.1 requires that specified reactor coolant system leakage detection systems be operable in Operational Conditions 1, 2, and 3. The specified systems include the primary containment airborne particulate radioactivity monitoring system (TS 3.4.3.1a), the primary containment airborne gaseous radioactivity monitoring system (TS 3.4.3.1b), the drywell floor drain tank fill rate monitoring system (TS 3.4.3.1c), and the drywell equipment drain tank fill rate monitoring system (TS 3.4.3.1d).

TS 3.4.3.1, Action d, requires that:

"With both drywell floor drain and the drywell equipment drain tank fill rate monitoring systems inoperable, restore either system to OPERABLE status within 24 hours or be in at least HOT SHUTDOWN within the next 12 hours and in COLD SHUTDOWN within the following 24 hours."

On September 2, 1999, at 11:12 hours, Niagara Mohawk Power Corporation (NMPC) determined that the drywell floor drain tank fill rate monitoring system (TS 3.4.3.1c) and the drywell equipment drain tank fill rate monitoring system (TS 3.4.3.1d) were inoperable. Accordingly, TS 3.4.3.1, Action d was entered. To preclude completion of a plant shutdown, NMPC requested enforcement discretion from the requirements of TS 3.4.3.1, Action d, for 24 hours to complete repairs and restore the equipment to an operable status.

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

On September 2, 1999 at 11:12 hours, NMP2 unexpectedly received high drywell floor drain and high drywell equipment drain leak rate indication. Following the initial high indication, the indicators behaved erratically.

The reactor coolant system (RCS) leakage detection systems required to be operable by TS 3.4.3.1 are provided to monitor and detect leakage from the reactor coolant pressure boundary. The drywell floor drain tank fill rate monitoring system and the drywell equipment drain tank fill rate monitoring system contain a common analog input module. Proper functioning of this module is required to maintain operability of the leakage monitoring systems. Accordingly, when the module became inoperable on September 2, 1999, the drywell floor drain tank fill rate and drywell equipment drain tank fill rate monitoring systems were declared inoperable and TS 3.4.3.1, Action d, was entered. TS 3.4.3.1, Action d, requires that either one of the subject monitoring

systems be restored to operable in 24 hours or commence a plant shutdown. NMPC is currently reviewing DERs and work orders and has found to date one DER that may be indicative of erratic performance of the floor and equipment drain tank fill rate monitoring systems attributable to a similar module failure. NMPC will continue its review of these documents and report the results of this review in an LER.

3. **The safety basis for the request, including an evaluation of the safety significance and potential consequences of the proposed course of action. This evaluation should include at least a qualitative risk assessment derived from the licensee's PRA.**

Systems are provided to monitor and detect leakage from the reactor coolant pressure boundary within primary containment. These systems include: the primary containment airborne particulate radioactivity monitoring system, the primary containment airborne gaseous radioactivity monitoring system, the drywell floor drain tank fill rate monitoring system and the drywell equipment drain tank fill rate monitoring system.

The drywell floor and equipment drain tank fill rate monitoring systems are inoperable due to the failure of the capability of both of these systems to electronically (i.e., mathematically) process instrumentation sensor data and provide fill rate indications in the control room. These fill rate indications in the control room initially moved to the extreme high condition and subsequently displayed erratic indication. In response to these high indications, NMPC evaluated conditions within the primary containment and determined that the indications were not indicative of leakage in the primary containment. This evaluation included observation of the primary containment temperature and pressure. In addition, parameters displayed in the control room by the primary containment airborne gaseous and particulate radioactivity monitoring systems, which are operable, were considered in this evaluation.

NMPC has determined that the drywell floor and equipment drain tank fill rate monitoring systems, with the exception of the control room indicators and alarms, are capable of performing their intended safety function and that this enforcement discretion is consistent with protecting public health and safety. The basis for this determination is as follows:

1. Since failure of the drywell floor and equipment drain tank fill rate monitoring systems, no degradation has been observed in the leak tightness of the reactor coolant pressure boundary that would be indicative of a crack.
2. Compensatory actions, in accordance with plant procedures, include the recording and manual mathematical manipulation of instrumentation sensor data in the drywell floor and equipment drain tank fill rate monitoring systems to develop fill rate data. This action will be performed at a 4 hour frequency. In addition, one channel of either the primary containment airborne gaseous or the particulate radioactivity monitoring systems will be maintained operable with indication in the control room and will be monitored hourly.

3. **In accordance with the Improved Standard Technical Specifications (ISTS) (NUREG-1434, Rev. 1) Limiting Condition of Operation 3.4.7, titled "RCS Leakage Detection Instrumentation" (considering the NMP2 plant specific design), the drywell floor drain tank fill rate monitoring system and one channel of either drywell atmospheric particulate or atmospheric gaseous monitoring system are required to be operable. With the current complement of operable and inoperable leakage detection systems as described above, the ISTS in accordance with Condition A (i.e., an inoperable drywell floor drain tank fill rate monitoring system) requires restoration of the inoperable drywell floor drain tank fill rate monitoring system to operable status within 30 days. Otherwise, the plant would be required to be in Mode 3 in 12 hours and Mode 4 in 36 hours.**
4. **The drywell floor and equipment drain tank fill rate monitoring systems are not modeled in the PRA, and therefore do not affect the model.**
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 no significant hazards consideration is involved.**

NMPC has evaluated this request using the criteria set forth in 10CFR50.92, and determined that it does not involve a significant hazards consideration.

NMPC has evaluated the inoperable drywell floor and equipment drain tank fill rate monitoring systems and has concluded that there is no significant hazards consideration involved with the requested enforcement discretion. The significance of the inoperability of the control room indications for both monitoring systems has been found not to be of potential detriment to the public health and safety based on the evaluation provided in Item 3, which concludes that both fill rate monitoring systems, with the exception of the control room indicators and alarms, are capable of performing their safety function. Thus, there are no safety consequences associated with the request for enforcement discretion.

- a) **Operation in accordance with the enforcement discretion will not involve a significant increase in the probability or consequences of an accident previously evaluated.**

Both monitoring fill rate systems function to detect leakage in primary containment and are not initiators to an accident previously evaluated. Sufficient indication will remain operable to provide the operator with the information necessary to evaluate the potential precursor condition. Therefore, the enforcement discretion will not involve a significant increase in the probability of an accident previously evaluated.

The leakage detection systems do not provide any accident mitigation function. Accordingly, the enforcement discretion will not involve a significant increase in the consequences of an accident previously evaluated.

- b) **Operation in accordance with the enforcement discretion will not create the possibility of a new or different kind of accident from any accident previously evaluated.**

The proposed enforcement discretion does not introduce a new mode of plant operation and does not involve physical modification to the plant.

Based on the evaluation of conditions within the primary containment regarding the integrity of the reactor coolant pressure boundary, the compensatory actions, and the operability of the primary containment airborne gaseous or particulate radioactivity monitoring systems, the enforcement discretion will not create the possibility of a new or different kind of accident from any accident previously evaluated.

- c) **Operation in accordance with the proposed enforcement discretion will not involve a significant reduction in a margin of safety.**

The drywell floor and equipment drain tank fill rate monitoring systems, with the exception of the control room indicators and alarms, are capable of performing their safety function. The primary containment airborne gaseous and particulate radioactivity monitoring systems are operable and provide a diverse method of detecting leakage within the primary containment. Therefore, adequate indications are provided to the operator regarding leakage within the primary containment. The ISTS, considering the plant specific design, permits operation in the current plant configuration for 30 days before requiring initiation of actions to shut down the plant. Accordingly, the proposed enforcement discretion will not involve a significant reduction in a margin of safety.

Based on the above evaluation the request for enforcement discretion will not result in a significant hazards consideration.

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

The requested discretion does not involve an increase in the amounts or types of any effluents that may be released offsite nor an increase in individual or cumulative occupational radiation exposure. Also, the requested enforcement discretion does not physically modify the plant, increase the plant's licensed power level or involve irreversible environmental consequences.

6. **Any proposed compensatory measure(s).**

During the period of enforcement discretion, and in accordance with plant procedures, the instrumentation sensor data in the drywell floor and equipment drain tank fill rate monitoring systems will be recorded and mathematically calculated manually to provide fill rate data. This action will be performed at a

4 hour frequency. In addition, one channel of either the primary containment airborne gaseous or the particulate radioactivity monitoring systems will be maintained operable with indication in the control room and will be monitored hourly.

7. The justification for the duration of the noncompliance.

NMPC requests enforcement discretion from TS 3.4.3.1, Action d, for no greater than 24 hours. The requested duration of time is needed to complete repairs and restore the equipment to operable status.

8. A statement that the request has been approved by the facility organization that normally reviews safety issues (Plant On-site Review Committee, or its equivalent).

The request for enforcement discretion was reviewed and approved by the NMP2 Station Operations Review Committee (SORC).

9. The request must specifically address which of the NOED criteria for appropriate plant conditions specified in Section B is satisfied and how it is satisfied.

NMP2 is currently operating in Operational Condition 1. Section B.2 of Part 9900, Criteria 1, states that for an operating plant, the enforcement discretion is intended to (a) avoid undesirable transients as a result of forcing compliance with the license condition and, thus, minimize potential safety consequences and operational risks or (b) eliminate testing, inspection, or system realignment that is inappropriate for the particular plant conditions. This enforcement discretion meets criterion 1 (a) in that entry into TS 3.4.3.1, Action d, would require a plant shutdown. NMPC believes there is less risk in continued operation than in forcing an unnecessary plant challenge by taking the plant to a shutdown condition to comply with TS 3.4.3.1, Action d.

10. If a follow-up license amendment is required, the NOED request must include marked up TS pages showing the proposed TS changes and a commitment to submit the actual license amendment request within 48 hours.

No follow-up license amendment is required as part of this enforcement discretion.