



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

August 6, 1993

Docket No. 50-410
NOED No. 93-6-019

Mr. B. Ralph Sylvia
Executive Vice President, Nuclear
Niagara Mohawk Power Corporation
201 Plainfield Road
Syracuse, New York 13212

Dear Mr. Sylvia:

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION FOR NIAGARA MOHAWK POWER
CORPORATION REGARDING NINE MILE POINT NUCLEAR STATION, UNIT 2
(TAC NO. M87149)

By letter dated August 5, 1993, Niagara Mohawk Power Corporation (NMPC) requested the U.S. Nuclear Regulatory Commission (NRC) to exercise its discretion not to enforce compliance with the required actions in Technical Specification Limiting Condition for Operation (LCO) 3.6.3, Primary Containment Isolation Valves, ACTION a.2, for Hydrogen Recombiner System inboard containment isolation valves 2HCS*MOV 4A,B and 6A,B. NMPC informed the NRC on August 4, 1993, that these containment isolation valves had been declared inoperable after it was discovered that they had been improperly leak tested. This determination required entry into LCO 3.6.3, ACTION a.2, which states that "with one or more primary containment isolation valves inoperable, maintain at least one isolation valve OPERABLE in each affected penetration that is open and within 4 hours isolate each affected penetration by the use of at least one deactivated automatic valve secured in the isolated position or be in at least hot shutdown within the next 12 hours." Valves 2HCS*MOV 4A,B and 6A,B are located inside primary containment and cannot be leak tested as required during power operations. In addition, deactivating the outboard OPERABLE valves (2HCS*MOV 1A,B and 3A,B) in accordance with ACTION a.2 would render the hydrogen recombiner inoperable, and it is likely that the valves could not be reactivated under post design basis loss-of-coolant-accident conditions due to the potential inaccessibility of associated motor control centers. In order to support continued plant operations, NMPC proposed to deviate from the requirements of LCO 3.6.3, ACTION a.2, to the extent that the outboard valves would not be deactivated but instead would be maintained closed by administrative controls. The NRC staff granted verbal enforcement discretion to NMPC to operate in this manner at 10:04 p.m. on August 4, 1993.

NMPC's letter dated August 5, 1993, provided as justification for continued operation a discussion that concluded that primary containment integrity would be assured since the outboard containment isolation valves are OPERABLE and the hydrogen recombiner system is a closed system outside containment. NMPC also concluded that the safety-related functions of containment and the hydrogen recombiners following a design basis loss-of-coolant-accident would be minimally affected and any adverse consequences associated with the

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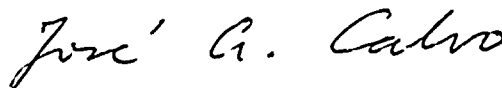
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August 6, 1993

proposed request are negligible. In addition, NMPC identified compensatory measures to include administrative controls to maintain the outboard containment isolation valves closed, make related procedure changes, and provide briefings for operations personnel.

On the basis of our review of your justification, including the compensatory measures identified above, the staff has concluded that this course of action involves minimum or no safety impact, and we are clearly satisfied that this exercise of enforcement discretion is warranted from a public health and safety perspective. Therefore, it is our intention to exercise discretion not to enforce compliance with LCO 3.6.3, ACTION a.2, for Hydrogen Recombiner System inboard valves 2HCS*MOV 4A,B and 6A,B for the period from 10:04 p.m. on August 4, 1993, until either (1) completion by NMPC of an evaluation of a change in the design basis of the Hydrogen Recombiner System to permit restoration of containment integrity based on the operable outboard valves and the closed system features of the Hydrogen Recombiner System, or (2) completion of the staff's review of a one-time emergency technical specification (TS) amendment request that will be submitted by NMPC if the issue cannot be resolved by the design basis change. The amendment will specify that the compensatory measures would provide an acceptable level of safety until the subject valves would be tested at the first outage of sufficient duration or during the next refueling outage, whichever occurs first. NMPC's letter of August 5, 1993, stated that NMPC anticipates completing evaluation of the design basis change prior to submitting a TS change request and, should the evaluation of the design basis change be insufficient to resolve the issue, NMPC will submit the request for an emergency TS change within 3 working days after receiving written approval of the request for enforcement discretion. We accept this schedular commitment from NMPC and include it as an element of this enforcement discretion.

Sincerely,



Jose A. Calvo, Assistant Director
for Region I Reactors
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

cc: See next page



Mr. B. Ralph Sylvia
Niagara Mohawk Power Corporation

Nine Mile Point Nuclear Station
Unit 2

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proposed request are negligible. In addition, NMPC identified compensatory measures to include administrative controls to maintain the outboard containment isolation valves closed, make related procedure changes, and provide briefings for operations personnel.

On the basis of our review of your justification, including the compensatory measures identified above, the staff has concluded that this course of action involves minimum or no safety impact, and we are clearly satisfied that this exercise of enforcement discretion is warranted from a public health and safety perspective. Therefore, it is our intention to exercise discretion not to enforce compliance with LCO 3.6.3, ACTION a.2, for Hydrogen Recombiner System inboard valves 2HCS*MOV 4A,B and 6A,B for the period from 10:04 p.m. on August 4, 1993, until either (1) completion by NMPC of an evaluation of a change in the design basis of the Hydrogen Recombiner System to permit restoration of containment integrity based on the operable outboard valves and the closed system features of the Hydrogen Recombiner System, or (2) completion of the staff's review of a one-time emergency technical specification (TS) amendment request that will be submitted by NMPC if the issue cannot be resolved by the design basis change. The amendment will specify that the compensatory measures would provide an acceptable level of safety until the subject valves would be tested at the first outage of sufficient duration or during the next refueling outage, whichever occurs first. NMPC's letter of August 5, 1993, stated that NMPC anticipates completing evaluation of the design basis change prior to submitting a TS change request and, should the evaluation of the design basis change be insufficient to resolve the issue, NMPC will submit the request for an emergency TS change within 3 working days after receiving written approval of the request for enforcement discretion. We accept this schedular commitment from NMPC and include it as an element of this enforcement discretion.

Sincerely,
Original signed by:
Jose A. Calvo, Assistant Director
for Region I Reactors
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

cc: See next page

Distribution:
See attached sheet

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Transmitting Notices of Enforcement Discretion

DATED August 6, 1993

◁Docket File ▷

NRC & Local PDRs

PD1-1 Reading

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