

# FORD 1

## REGULATORY INFORMATION DISTRIBUTION SYSTEM (RIDS)

ACCESSION NBR: 9405160004    DOC.DATE: 94/04/13    NOTARIZED: NO    DOCKET #  
FACIL: 50-410, Nine Mile Point Nuclear Station, Unit 2, Niagara Moha    05000410  
AUTH.NAME                      AUTHOR AFFILIATION  
BEALL, J.                      Ofc of Enforcement (Post 870413)  
LIEBERMAN, J.                  Ofc of Enforcement (Post 870413)  
RECIP.NAME                      RECIPIENT AFFILIATION

SUBJECT: EN-94-038: on 940419, notice of discretion will be issued to  
util based on licensee identification of condition that  
could have prevented HPCS sys from performing safety  
function.

DISTRIBUTION CODE: IE33D    COPIES RECEIVED: LTR 1 ENCL 0 SIZE: 1  
TITLE: Enforcement Notice (EN)

### NOTES:

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### NOTE TO ALL "RIDS" RECIPIENTS:

PLEASE HELP US TO REDUCE WASTE! CONTACT THE DOCUMENT CONTROL DESK.  
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OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Niagara Mohawk Power Corporation  
Nine Mile Unit 2 (EA 94-002)  
Docket No. 50-410

Subject: PROPOSED EXERCISE OF ENFORCEMENT DISCRETION

This is to inform the Commission that the staff intends to exercise enforcement discretion per Section VII.B.4 of the Enforcement Policy and not issue a Notice of Violation for a potential Severity Level III violation. The Notice of Discretion will be issued on or about April 19, 1994 to Niagara Mohawk Power Corporation. This action is based on the licensee's identification of a condition that could have prevented the High Pressure Core Spray system from performing its safety function. Specifically, the injection valve would not have opened with bus voltage slightly below nominal value.

The exercise of enforcement discretion for the apparent Severity Level III violation was warranted because: (1) the violation was caused by conditions which existed since initial plant startup, (2) the problem was discovered by the licensee and promptly reported, (3) the identification was not likely by routine inspection, surveillance, and QA activities, (4) comprehensive corrective actions were taken, including root cause analyses, and (5) the condition was caused by conduct that is not reasonably linked to present performance.

The schedule of issuance and notification is:

Mailing of Enforcement Discretion letter      April 19, 1994  
Telephone Notification of Licensee              April 19, 1994

The State of New York will be notified.

No licensee response is required.

Contact: J. Beall, OE, 504-3281      J. Lieberman, OE, 504-2741

Distribution:

OWFN <u>1:00</u>	OWFN <u>1:00</u>	MNBB <u>1:00</u>	PHIL <u>1:00</u>
Chairman Selin	EDO	OC	IRM
Comm. Rogers	DEDR	AEOD	
Comm. Remick	DEDS	Op Ctr	NL <u>1:00</u>
Comm. de Planque	OE		RES
SECY	NMSS	Regional Office	ADM: Doc. Mgt.
OCA	NRR	RI <u>1:00</u> RIV <u>1:00</u>	
OSP	OI	RII <u>1:00</u> RV <u>1:00</u> PDR	
GPA	OGC	RIII <u>1:00</u>	OIG

PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL  
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION

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PDR I&E  
EN-94-038 PDR

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