



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 2, 1994

Mr. B. Ralph Sylvia
Executive Vice President, Nuclear
Niagara Mohawk Power Corporation
Nine Mile Point Nuclear Station
P.O. Box 63
Lycoming, NY 13093

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION REGARDING PLANT SERVICE WATER
SYSTEM FOR NINE MILE POINT NUCLEAR STATION, UNIT 2 (NMP-2)
(TAC NO. M90255)

Dear Mr. Sylvia:

By letter dated August 31, 1994, 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 (TS) 3.0.3 and Action of TS 3.7.1.1 regarding inoperable plant service water system pumps and inoperable deicing heaters. NMPC informed the NRC staff on August 30, 1994, that all of the plant service water system pumps and both divisions of intake deicing heaters had been declared inoperable because TS Surveillance Requirements 4.7.1.1.1.d.4, 4.7.1.1.1.d.5, 4.7.1.2.1.d.4, and 4.7.1.2.1.d.5 had not been performed at least once per 18 months during shutdown as required by the TSs. Rather, these surveillance requirements had been performed at least once per 18 months during power operations.

The failure to perform the required surveillance requirements during shutdown had been discovered by NMPC personnel at 2:30 p.m. on August 30, 1994. TS 3.0.3 and Action f of TS 3.7.1.1 require that for the observed inoperability, action be initiated within 1 hour to place the unit in cold shutdown within the following 36 hours. However, TS 4.0.3 provides that these shutdown requirements may be delayed for up to 24 hours when the inoperability is due to failure to perform a surveillance requirement within the allowed surveillance interval. Therefore, initiation of a plant shutdown would have been required by 3:30 p.m. on August 31, 1994.

TSs 4.7.1.1.1.d and 4.7.1.2.1.d each contain five identical test requirements to be performed at least once per 18 months during shutdown with TS 4.7.1.1.1.d being applicable during OPERATIONAL CONDITIONS 1, 2, and 3 while TS 4.7.1.2.1.d is applicable during OPERATIONAL CONDITIONS 4 and 5. The first three test requirements of each of these two TSs require verification of automatic functions on simulated test signals. NMPC stated that these test requirements should continue to be performed during shutdown. NMPC verified that these three test requirements have been properly performed in the past during shutdowns. The NRC staff reviewed these testing requirements and concluded that these tests should continue to be required to be performed

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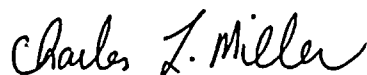
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during shutdowns. The other two test requirements of TSs 4.7.1.1.1.d and 4.7.1.2.1.d concern verification of the service water system pumps performance and verification of deicing heater integrity. NMPC stated that performance of these two test requirements is unaffected by the operational condition of the unit. The NRC staff reviewed these two testing requirements and concluded that performance of these two test requirements is unaffected by the operational condition of the unit. Therefore, we concluded that performance of these two tests at the specified test frequency in any operational condition provides adequate demonstration of the pumps performance and the integrity of the deicing heaters.

Based on their evaluation, NMPC requested enforcement discretion to provide relief from the shutdown requirements of TS 3.0.3 and the requirements of Action f of TS 3.7.1.1 until the NRC could approve an emergency TS amendment request, to be submitted by September 2, 1994. The emergency TS amendment request would delete the "during shutdown" requirement for TSs 4.7.1.1.1.d.4, 4.7.1.1.1.d.5, 4.7.1.2.1.d.4, and 4.7.1.2.1.d.5. After review of NMPC's request, the NRC staff granted verbal enforcement discretion to NMPC to operate NMP-2 in the requested manner at 10:22 p.m. on August 30, 1994. However, we will consider enforcement action, as appropriate, for the conditions that led to the need for this exercise of enforcement discretion.

Sincerely,



Charles Miller, Acting Assistant Director
for Region I Reactors
Division of Reactors Projects - I/II
Office of Nuclear Reactor Regulation

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NOED No. 94-6-016

cc: See next page



B. Ralph Sylvia
Niagara Mohawk Power Corporation

Nine Mile Point Nuclear Station
Unit 2

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during shutdowns. The other two test requirements of TSs 4.7.1.1.1.d and 4.7.1.2.1.d concern verification of the service water system pumps performance and verification of deicing heater integrity. NMPC stated that performance of these two test requirements is unaffected by the operational condition of the unit. The NRC staff reviewed these two testing requirements and concluded that performance of these two test requirements is unaffected by the operational condition of the unit. Therefore, we concluded that performance of these two tests at the specified test frequency in any operational condition provides adequate demonstration of the pumps performance and the integrity of the deicing heaters.

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Sincerely,

Original signed by:

Charles Miller, Acting Assistant Director
for Region I Reactors
Division of Reactors Projects - I/II
Office of Nuclear Reactor Regulation

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NOED No. 94-6-016

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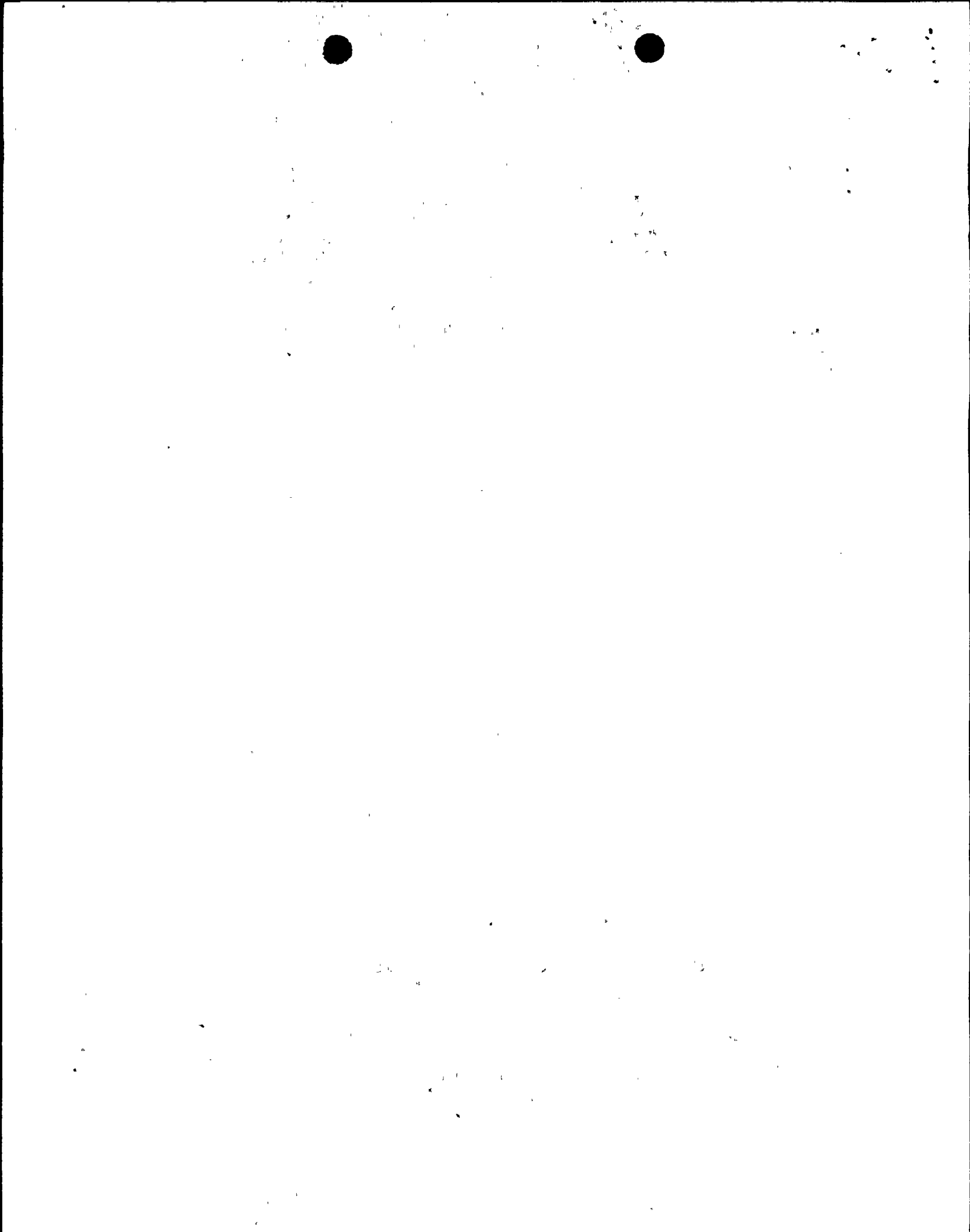
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*See previous concurrence

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