

November 17, 1994

DCS

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 FOR NIAGARA MOHAWK  
REGARDING NINE MILE POINT UNIT 2

Dear Mr. Sylvia:

This letter confirms that at 8:55 a.m. on November 14, 1994, the Nuclear Regulatory Commission (NRC) orally granted Niagara Mohawk Power Corporation's request for enforcement discretion from the requirements of Nine Mile Point Unit 2 (NMP2) Technical Specification Limiting Condition for Operation (LCO) 3.8.1.1 b. Specifically, in a telephone conversation with the NRC on November 14, 1994, you requested the staff to exercise discretion with regard to exceeding the 72 hours related to NMP2 Technical Specification LCO 3.8.1.1 ACTION b for Division II Emergency Diesel Generator (Div II EDG) being inoperable. The requested enforcement discretion allows continued operation of NMP2 with Div II EDG inoperable 12 hours beyond the 72 hours allowed.

As justification for the requested enforcement discretion, Niagara Mohawk Power Corporation (NMPC) stated that the 12 hours would be needed for the anticipated additional amount of time required to complete post-maintenance testing of the Div II EDG and return the equipment to OPERABLE status following replacement of a master connecting rod. During the 12 hour period of the enforcement discretion, the entire onsite Class 1E distribution system will be energized by two OPERABLE physically independent 115 kv circuits. Additionally, NMPC will implement certain compensatory actions during this time period which will enhance the reliability of the remaining offsite 115 kv and onsite Class 1E power sources. The compensatory actions in conjunction with surveillance testing provide assurance that needed equipment will be available to support safe shutdown or accident mitigation, should either be required.

Your oral request was followed up by a written request in a letter dated November 14, 1994. We have subsequently reviewed your documented justification for the extension and have concluded that the requested action involved no significant safety impact. Furthermore, the extension of the 72 hour LCO by 12 hours was appropriate to minimize the potential safety consequences of an unnecessary plant transient (e.g., TS-required shutdown) that would otherwise have been necessary. Accordingly, we are satisfied that the exercise of enforcement discretion, i.e. not to enforce the requirements of ACTION statement b of LCO 3.8.1.1 for the period from 09:14 a.m. on November 14, 1994 to 09:14 p.m. on November 14, 1994, was warranted from a public health and safety perspective.

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Unit 2 continued to operate in OPERATIONAL CONDITION 1 with Div II EDG inoperable for greater than 72 hours to allow completion of post-maintenance testing following the replacement of a master connecting rod. We note that you satisfactorily completed post maintenance testing and restored Div II EDG to operable status at 11:55 a.m. on November 14, 1994.

Notwithstanding our granting your request for enforcement discretion, the NRC will consider the need for enforcement action for the root cause that led to the noncompliance for which the discretion was used.

Sincerely,

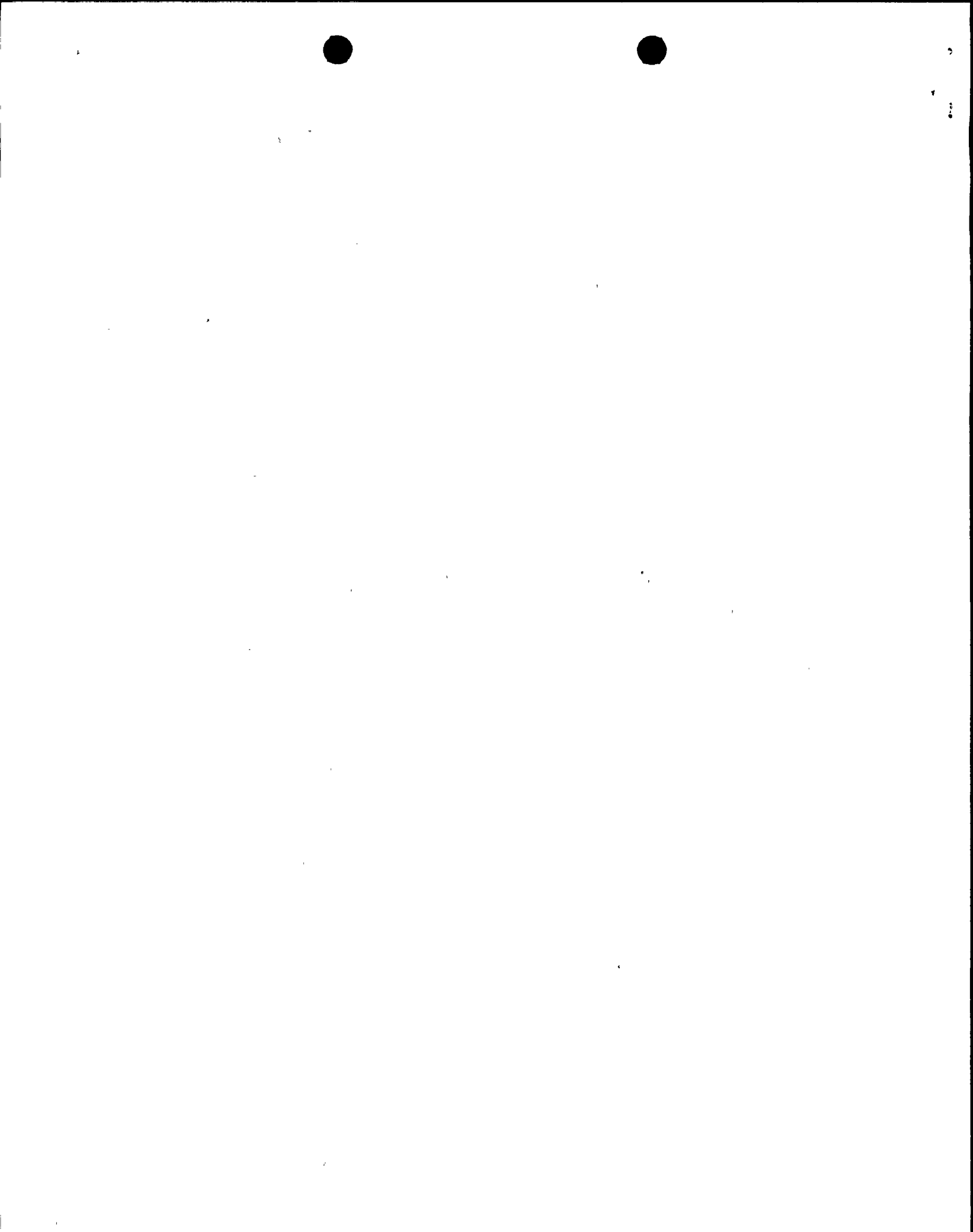
Original Signed by:

Richard W. Cooper, II, Director  
Division of Reactor Projects

Docket No. 50-410  
NOED No. 94-1-009

cc:

L. Storz, Vice President - Nuclear Generation  
C. Terry, Vice President - Nuclear Engineering  
M. McCormick, Vice President, Safety Assessment & Support  
K. Dahlberg, Unit 2 Plant Manager  
D. Wolniak, Manager, Licensing (Acting)  
J. Warden, New York Consumer Protection Branch  
G. Wilson, Senior Attorney  
M. Wetterhahn, Winston and Strawn  
Director, Energy & Water Division, Department of Public Service, State of  
New York  
C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law  
State of New York, SLO Designee



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