

PRIORITY 2

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ACCESSION NBR: 9506150012 DOC. DATE: 95/06/05 NOTARIZED: NO DOCKET #
 FACIL: 50-410 Nine Mile Point Nuclear Station, Unit 2, Niagara Moha 05000410
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 RECIP. NAME RECIPIENT AFFILIATION

SUBJECT: EN-95-040: on 950612, notice of proposed exercise of enforcement discretion will be issued to licensee. Action based on identification of design deficiency associated w/ adequate cooling water supplied to governors on EDG.

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OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Niagara Mohawk Power Corporation (EA 95-051)
Nine Mile Point Nuclear Power Station, Unit 2
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.6 of the Enforcement Policy and not issue a Notice of Violation for a potential Severity Level III violation. A letter on the subject will be issued on or about June 12, 1995, to the Niagara Mohawk Power Corporation (Nine Mile Point Nuclear Power Station, Unit 2). The action is based on the licensee's identification of a design deficiency associated with adequate cooling water being supplied to the governors on their emergency diesel generators (EDGs). As a result of this problem, under certain conditions, the EDGs would not have been capable of performing their safety-related function.

The exercise of enforcement discretion for this apparent Severity Level III violation is warranted because: (1) the condition was identified by the licensee's Shift Technical Advisor on his own initiative and was promptly reported to the NRC; (2) the identification was not likely by routine inspection, surveillance and QA activities; (3) prompt and comprehensive corrective actions were taken within a reasonable time period which included, but were not limited to, an adequate root cause determination, rerouting of the governor oil cooler's cooling water tubing, satisfactory testing of both EDGs, and revision of the monthly surveillance test to record governor oil temperatures with a pyrometer; and (4) the condition involved an old design issue that existed since the initial plant startup and was reflective of conduct that reasonably is not linked to the licensee's present performance.

It should be noted that the licensee has not been specifically informed of the letter and action contemplated here. The schedule of issuance and notification is:

Mailing of Letter June 12, 1995
Telephone Notification of Licensee June 12, 1995

The State of New York will be notified.

Contacts: Mark Satorius, OE, 415-3280 J. Lieberman, OE, 415-2741

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PDR I&E
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