

December 22, 1999

Mr. John H. Mueller
Chief Nuclear Officer
Niagara Mohawk Power Corporation
Nine Mile Point Nuclear Station
Operations Building, 2nd Floor
P.O. Box 63
Lycoming, NY 13093

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION FOR NIAGARA MOHAWK POWER CORPORATION (NMPC) REGARDING NINE MILE POINT UNIT 2 (NOED No. 99-1-006)

Dear Mr. Mueller:

By letter dated December 18, 1999 (see enclosure), NMPC requested that the NRC exercise discretion to not enforce compliance with the actions required in Nine Mile Point Unit 2 Technical Specification (TS) 3.6.2.3, Action a, (i.e., allow continued operation of Unit 2 with one suppression pool cooling loop inoperable in excess of 72 hours). Your letter documented information previously discussed in a telephone conversation on December 17, 1999, at 7:00 p.m., with NRC staff members, including Elinor Adensam, Director, Project Directorate 1, Division of Licensing Project Management (DLPM), Office of Nuclear Reactor Regulation, Brian Holian, Deputy Director, Division of Reactor Safety, Region I, and me. During the teleconference, you stated that on December 15, 1999, at approximately 4:00 a.m., Operations personnel entered TS 3.6.2.3, Action a, to perform planned preventive maintenance on the Division II residual heat removal (RHR) system. At approximately 10:00 a.m., on December 16, 1999, your staff determined that the RHR heat exchanger service water inlet isolation valve, 2SWP*MOV90B, was inoperable. Because of the potential for not completing the necessary valve repairs within the Action a, 72-hour Allowed Outage Time (AOT), NMPC requested that a Notice of Enforcement Discretion (NOED) be issued for TS 3.6.2.3, Action a, to extend the AOT by an additional 96 hours, pursuant to the NRC's policy regarding exercise of discretion for an operating facility, set out in Section VII.c, of the "General Statement of Policy and Procedures for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600. This letter documents our telephone conversation when we orally issued this NOED for the period of 48 hours, beginning at 4:00 a.m., on December 18, 1999, and ending not later than 4:00 a.m. on December 20, 1999. We understand that the repairs to 2SWP*MOV90B and the required post-maintenance testing were successfully completed by 1:17 a.m. on December 18, 1999, and that the Division II RHR system was restored to an operable status prior to the need for implementing this NOED.

While conducting planned preventive maintenance on the Division II RHR system, NMPC maintenance personnel discovered the packing gland follower bolts severed on valve 2SWP*MOV90B (an 18-inch diameter butterfly valve). Assessment by NMPC identified that the carbon steel components of the packing gland assembly corroded and the gland follower seized

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to the valve stem. Subsequent cycling of the valve via the motor-actuator applied sufficient force to shear the gland follower studs. A combination of incompatible material selection for the application (carbon steel to stainless steel stem interface exposed to packing gland water leakage) and the close tolerance between the packing gland follower and valve stem contributed to the gland follower adhering to the valve stem.

TS 3.6.2.3, Action a, requires that with one suppression pool cooling loop inoperable, restore the inoperable loop to operable status within 72 hours or be in at least Hot Shutdown within the next 12 hours and in Cold Shutdown within the following 24 hours. In order to preclude a TS required plant shutdown on December 18, 1999, NMPC orally requested that an NOED be issued to extend the allowed outage time (AOT) by 96 hours. This additional 96 hours would make the total AOT (a total of 168 hours or seven days for one loop of the suppression pool cooling mode of the RHR system being inoperable), consistent with NMPC's Improved Technical Specification submittal, which is currently under NRC staff review. NMPC requested this NOED to provide additional time to complete the needed valve repairs and after concluding that there was less risk in continuing plant operation than in forcing an unnecessary plant challenge by taking the unit to a shutdown condition to comply with the requirements of TS 3.6.2.3, Action a. NMPC also completed an extent of condition review which identified other service water valves with similar degraded, but acceptable, material condition. These valves were demonstrated or evaluated to be operable by the NMPC staff. During the period for which the NOED was requested, NMPC specified no activities would be conducted on the redundant suppression pool cooling train which could adversely impact its operability.

The NRC reviewed and granted this NOED request based, in part, on NMPC's determination (and independent verification by the Region I Senior Reactor Analysts) that there was minimal increase in the plant's probabilistic risk assessment for extending the AOT by 48 hours (less than the $2.6 \text{ E-}06$ increase in the Core Damage Probability, calculated by NMPC to support their original 96-hour request). The NRC staff reasoned that 48 hours was a reasonable extension of the AOT to allow completion of the in-progress valve repairs and necessary post-work testing. In addition to the NOED resulting in no appreciable increase in risk or safety impact, the NRC staff concluded that NMPC's NOED request was consistent with the enforcement policy and staff guidance of NRC Inspection Manual, Part 9900: Technical Guidance, "Operations - Notices of Enforcement Discretion," and had no adverse impact on public health and safety. Accordingly, we exercised discretion not to enforce compliance with TS 3.6.2.3 for the period from 4:00 a.m., on December 18, 1999, and ending not later than 4:00 a.m., December 20, 1999. This letter documents our telephone conversation on December 17, 1999, when we orally issued this NOED.

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This NOED and the cause(s) for the valve failure which prompted NMPC to seek enforcement discretion will be discussed further in NRC Inspection Report 50-410/99-11. As stated in the Enforcement Policy, the NRC will normally take action, to the extent that violations were involved, for the root cause(s) that led to the potential noncompliance for which this NOED was requested.

Sincerely,

ORIGINAL SIGNED BY:

Richard V. Crlenjak, Deputy Director
Division of Reactor Projects

Docket No. 05000220

NOED No. 99-01-006

Enclosure: As stated

cc w/encl:

G. Wilson, Senior Attorney

M. Wetterhahn, Winston and Strawn

J. Rettberg, New York State Electric and Gas Corporation

P. Eddy, Electric Division, Department of Public Service, State of New York

C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law

J. Vinqvist, MATS, Inc.

F. Valentino, President, New York State Energy Research
and Development Authority

J. Spath, Program Director, New York State Energy Research
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