

March 18, 2005

EA-05-025

Mr. James A. Spina
Vice President Nine Mile Point
Nine Mile Point Nuclear Station, LLC
P.O. Box 63
Lycoming, NY 13093

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT 1-2004-005
(Nine Mile Point Nuclear Station)

Dear Mr. Spina:

This letter refers to an investigation initiated by the NRC's Office of Investigations (OI), Region I, on February 3, 2004, at Nine Mile Point Nuclear Station. This investigation was initiated to determine whether employees of Nine Mile Point deliberately violated conditions of the Nine Mile Point Unit 2 license by compromising an unannounced fire drill in June 2000. The NRC initiated the investigation after receiving specific information in early 2004 regarding this potential violation.

Based on the evidence developed during its investigation, OI substantiated that a former Fire Protection Supervisor deliberately violated conditions of the Unit 2 license by compromising an unannounced fire drill in June 2000. This was contrary to the 10 CFR Part 50, Appendix R, requirement that persons planning and authorizing an unannounced drill shall ensure that the responding shift fire brigade members are not aware that a drill is being planned until it is begun. In this case, the planned unannounced drill never occurred. Approximately 5 minutes before it was to start, the fire brigade actually responded to a smoke condition in the Unit 1 Administration Building. Due to the required response of the fire brigade, the Fire Brigade Leader (who was not supposed to be aware of the drill) called the control room and requested to delay or cancel the unannounced drill. A factual summary of the OI investigation is enclosed.

Nine Mile Point Unit 2 Technical Specification 6.4, "Training," required (in June 2000) that the Fire Brigade Training Program shall meet or exceed the requirements of Appendix R to 10 CFR Part 50. 10 CFR Part 50, Appendix R, requires that persons planning and authorizing an unannounced drill shall ensure that the responding shift fire brigade members are not aware that a drill is being planned until it is begun. As noted in the enclosed OI Factual Summary, the evidence indicates that the former Fire Protection Supervisor intentionally informed a responding shift fire brigade member (the Fire Brigade Leader) of the time and location of a planned unannounced fire drill prior to its start on June 14, 2000. This caused an apparent violation of Nine Mile Point Nuclear Station Technical Specification 6.4.

At this time, the NRC is considering this matter for appropriate enforcement action. You will be advised by separate correspondence, at a later date, of the results of our deliberations on this matter. No response regarding this apparent violation is required at this time.

Mr. James A. Spina

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You should note that final NRC documents, including the final OI report, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information pursuant to the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Requests for Records.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). Should you have any questions regarding this letter, please feel free to contact Mr. James Trapp at (610) 337-5186.

Sincerely,

/RA/ BHolian for

A. Randolph Blough, Director
Division of Reactor Projects

Docket No. 50-410
License No. NPF-69

Enclosure: Factual Summary, OI Case No. 1-2004-005

cc w/encl:

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Enclosure

FACTUAL SUMMARY - OFFICE OF INVESTIGATIONS CASE NO. 1-2004-005

On February 3, 2004, the NRC Office of Investigations (OI), Region I Field Office, initiated an investigation to determine whether employees of Nine Mile Point Nuclear Station deliberately violated conditions of the NRC license by compromising an unannounced fire drill. Based on the evidence developed during its investigation, OI substantiated that a former Fire Protection Supervisor at Nine Mile Point deliberately violated conditions of Nine Mile Point Unit 2's NRC license by compromising an unannounced fire drill.

On June 14, 2000, an unannounced fire drill was planned at Nine Mile Point Unit 2. Approximately 5 minutes before the drill was to start, the fire brigade responded to a smoke condition in the Unit 1 Administration Building. Due to the required response of the fire brigade, the Fire Brigade Leader (who was not supposed to be aware of the drill) called the control room Chief Shift Operator (CSO) and requested to delay or cancel the unannounced drill. After the CSO contacted the training instructors who were conducting the drill, the instructors cancelled the drill since they believed it had been compromised, based on the Fire Brigade Leader's call to the CSO.

A meeting was conducted the following day between the training instructors and the drill participants, including the Fire Brigade Leader and the Fire Protection Supervisor, to identify how the drill was compromised. Based on information provided during this meeting, the fire protection training staff concluded that the drill was unintentionally compromised by fire brigade personnel because they either observed or knew that fire protection training personnel were/would be on site and assumed a drill would be conducted. The fire protection training staff indicated that they implemented changes to avoid future unintentional compromises of unannounced fire drills. However, the NRC received specific information in early 2004 and initiated the OI investigation which concluded that prior to the drill, the Fire Protection Supervisor had intentionally informed the responding Fire Brigade Leader of the time and location of the fire drill.

During questioning by OI, the Fire Brigade Leader admitted that he had been informed of the time and location of the planned unannounced fire drill prior to its start. He stated that the Fire Protection Supervisor had called him early in the morning of June 14, 2000, to provide the time and location of the drill. Other fire protection personnel also attested that the Fire Brigade Leader knew both the drill time and location beforehand. After the phone call with the Fire Protection Supervisor, the Fire Brigade Leader directed two workers to verify that a hose reel, at the location of the drill, was working properly. Of those authorized to know of the drill beforehand (Fire Protection Supervisor, control room personnel, and two training personnel), OI concluded that only the Fire Protection Supervisor could have notified the Fire Brigade Leader beforehand. This was based on (1) the Fire Brigade Leader stating he was informed by the Fire Protection Supervisor and (2) both training and control room staff being surprised when the Fire Brigade Leader called the control room to delay or cancel the drill.

During questioning by OI, the Fire Protection Supervisor did not recall that specific drill and did not admit to informing anyone of the drill prior to its start. In any case, the Fire Protection Supervisor contended that he had the authority to change a drill from unannounced to announced and would do so to protect fire protection personnel during critical surveillance testing. However, during a licensee meeting conducted the day after the unannounced drill was scheduled, to discuss how the drill was compromised, the Fire Protection Supervisor never indicated to the attendees that he had intentionally changed the drill from an unannounced to an announced drill. In addition, following this specific drill, he never informed the training staff or the drill participants that this was his intent.