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September 2, 2009

U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

**ATTENTION:** Document Control Desk

**SUBJECT:** Nine Mile Point Nuclear Station  
Unit Nos. 1 and 2; Docket Nos. 50-220 and 50-410

Submittal of Report in Accordance with 10 CFR 26.719(c)(1)

**REFERENCE:** Letter from A.Verno (NMPNS) to Document Control Desk (NRC), dated March 26, 2009, Submittal of Report in Accordance with 10 CFR 26.719(c)(1)

In accordance with 10 CFR 26.719(c)(1), the following report is being submitted regarding unsatisfactory sample testing at a Health and Human Services (HHS)-certified laboratory.

**Description of Incident**

On July 28, 2009, Nine Mile Point Nuclear Station, LLC (NMPNS) received results of a sample analysis from a HHS-certified laboratory (Quest-Norristown) which reported a negative specific gravity value to only three decimal places rather than the four decimal places required by 10 CFR 26.167(c)(2)(i).

10 CFR 26.167, "Quality assurance and quality control," states in section (c)(2)(i) that "the refractometer must report and display the specific gravity to four decimal places, and must be interfaced with a laboratory information management system, or computer, and/or generate a hard copy or digital electronic display to document the numerical result."

This discrepancy was identified by NMPNS Fitness for Duty (FFD) Program personnel during receipt and verification of results prior to acceptance.

In March 2009, a report from the same laboratory related to blind sample testing showed the specific gravity value to only three decimal places. This was previously reported in the referenced letter to the NRC.

**Corrective Actions Taken or Planned**

On the day that the discrepancy was found, the HHS-certified laboratory was contacted, informed of the discrepancy and requested to re-test using the appropriate four decimal place criteria. The result of the re-test indicated a negative sample displayed to four decimal places.

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On August 3, 2009, NMPNS received confirmation from the HHS-certified laboratory director that there were practices in place to satisfy 10 CFR 26 program needs; however, the error was due to a laboratory oversight. The test results are routinely reviewed by a technician and certifying scientist prior to release to the licensee, but the discrepancy was not identified during their reviews. Following the oversight, the laboratory director indicated that the technician and certifying scientist were coached on 10 CFR 26.167 requirements.

NMPNS will continue to monitor the HHS-certified laboratory result reporting for compliance with 10 CFR 26.

Should you have any questions regarding the information in this submittal, please contact T. F. Syrell, Director, Licensing, at 315-349-5219.

Very truly yours,



Anthony Verno  
Director, Security

AV/RJC

cc: S. J. Collins, NRC  
R. V. Guzman, NRC  
Resident Inspector, NRC