



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

February 22, 2011

Mr. Sam Belcher
Vice President
Nine Mile Point Nuclear Station, LLC
P.O. Box 63
Lycoming, NY 13093-0063

RI-2009-A-0129

Subject: NRC Office of Investigations Case No. 1-2010-009

Dear Mr. Belcher:

The Region I Field Office, NRC Office of Investigations (OI), initiated an investigation (Case No. 1-2010-009) on December 3, 2009, to determine whether a Nine Mile Point CRO and RO deliberately failed to perform a concurrent verification during equipment restoration from a maintenance activity, and whether they falsified the tag-out clearance sheet by indicating that a concurrent verification had been performed. Based on the results of the OI investigation, the NRC concluded that neither the CRO nor the RO participated in willful misconduct.

Based on the totality of evidence, the NRC concluded that the CRO believed that he had the authority to change the verification type. In addition, based on OI interviews of four other CROs and an RO who had been in their positions for a number of years, all believed that CROs either historically had or still had the authority to change the verification type for clearance tags. Lastly, the NRC concluded that neither operator willfully tried to falsify documents that a concurrent verification had been performed because records showed that the RO's second verification was done 22 minutes after the CRO's initial verification.

Nevertheless, the NRC determined that contrary to Administrative Procedure CNG-OP-1.01-1007, "Clearance and Safety Tagging," Section 5.25, Removing Tagouts, the operators failed to realign a Unit 1 circuit breaker after tag removal as required on November 19, 2009. This caused Nine Mile Point Nuclear Station, LLC to be in violation of Unit 1 Technical Specification 6.4. This violation was minor because there was no safety impact as a result of the error; the post maintenance test was merely aborted. This matter had been identified by your staff and corrected. Minor violations represent items of very low safety significance and are not subject to formal enforcement action or documentation by the NRC. Therefore, this minor violation will not be documented in an inspection report and no further regulatory action is planned.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter 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).

Mr. Sam Belcher

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Please note that final NRC investigation documents, such as the OI report described above, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information appropriate under the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Requests for Records, a copy of which is enclosed for your information.

No response to this letter is required. Should you have any questions regarding this letter, please contact Mr. G. Dentel of my staff at (610) 337-5223.

Sincerely,

/RA/

Darrell J. Roberts, Director
Division of Reactor Projects

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