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ACCESSION NBR:8810050005 DOC.DATE: 88/09/19 NOTARIZED: NO DOCKET #
FACIL:50-220 Nine Mile Point Nuclear Station, Unit 1, Niagara Powe 05000220
AUTH.NAME AUTHOR AFFILIATION
RUSSELL,W.T. Region 1, Ofc of the Director
RECIP.NAME RECIPIENT AFFILIATION
ENDRIES,J.M. Niagara Mohawk Power Corp.

SUBJECT: Discusses Insp Rept 50-220/88-15 on 880506-24 & forwards notice of violation.

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R I D S / A D D S

September 19, 1988

Docket No. 50-220
License No. DPR-63
EA 88-152

Niagara Mohawk Power Corporation
ATTN: Mr. John M. Endries
President
300 Erie Boulevard - West
Syracuse, New York 13202

Gentlemen:

SUBJECT: NOTICE OF VIOLATION (NRC Inspection Report No. 50-220/88-15)

This refers to the NRC inspection conducted on May 6-24, 1988 at Nine Mile Point Unit 1, to review the circumstances associated with a violation of fire protection requirements which was identified by your staff and reported to the NRC. The inspection report was sent to you on June 7, 1988. During the inspection, as well as a followup enforcement conference on July 11, 1988, another violation of NRC requirements was identified. During the enforcement conference, which was conducted with you and members of your staff, the violations, their causes, and your corrective actions were discussed.

The violations, which are described in the enclosed Notice, involved (1) the installation of certain fire barrier penetration seals without sufficient verification and testing to verify that the seals were properly rated as a fire barrier; and (2) the failure to correct this deficiency, even though similar fire protection deficiencies had been identified during an independent audit of the fire protection program, during QA audits, and in your evaluation of Licensee Event Reports (LERs). These violations are classified at Severity Level IV, in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1988).

During the July 11, 1988 enforcement conference, your staff informed the NRC of the Gage Babcock & Associates, Inc. audit conducted in 1984 at Unit 1. Preliminary review of this audit report by my staff indicates that the fire barrier penetration concerns were only one of the fire protection program deficiencies and noncompliances with the July 26, 1979 Fire Protection Safety Evaluation Report (FPSER) that were identified by the audit team. By your staffs' own admission at the conference, some of the audit findings had not, at the time of the conference, been addressed.

Although the NRC acknowledges that NMPC, in general, has been implementing the fire protection upgrades required by the NRC in Branch Technical Position (BTP) 9.5-1 and 10 CFR Part 50, Appendix R, NMPC's handling of the 1984 audit findings raises some additional concerns regarding the fire protection program. Further,

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Q PDC

the failure to take prompt and effective action for identified deficiencies is an additional example of a long-standing and continuing problem at Nine Mile Point concerning the adequacy of your systems for ensuring that corrective actions are sufficiently developed and suitably implemented for identified deficiencies, and for ensuring that these actions are aggressively monitored and evaluated to completion.

As you know, since April 1987, four enforcement conferences have been held with NMPC management and three civil penalties have been issued for numerous failures by NMPC staff to take appropriate corrective actions for identified deficiencies. These failures occurred in several areas, such as inservice inspection, surveillance tracking, transportation, maintenance and radiation protection. As a result, the plant has been shut down since December 1987 and is to remain shutdown, as confirmed in Confirmatory Action Letter No. 88-17 until appropriate changes are made and implemented to ensure aggressive identification and correction of problems. The fire protection violations identified herein are additional examples of NMPC management's failure to ensure that identified deficiencies are aggressively pursued.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. In your response, you should also provide a full accounting of the findings, set forth in the Gage Babcock Audit Report dated February 1986, including a reverification of your compliance with the 1979 FPSER. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL No. 96-511.

Sincerely,

Original Signed By
WILLIAM T. RUSSELL
William T. Russell
Regional Administrator

Enclosure: Notice of Violation

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09/16/88

cc w/encl:
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J. A. Perry, Unit 1 Restart Task Force Manager
T. Perkins, Vice President, Nuclear Generation
W. Hansen, Manager Corporate Quality Assurance
T. Roman, Unit 1 Station Superintendent
R. Randall, Unit 1 Superintendent, Operations
C. Beckham, Manager Nuclear Quality Assurance Operations
W. Drews, Technical Superintendent
J. Willis, General Station Superintendent
C. Terry, Vice President Nuclear Engineering and Licensing
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R. Benedict, NRR
B. Clayton, EDO

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09/19/88	09/19/88	09/19/88	09/21/88	09/19/88	09/19/88

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Rec'd by phone fm J. Luehman, OE 9/16/88