

NOTICE OF VIOLATION

Niagara Mohawk Power Corporation
Nine Mile Point, Unit 1

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

During an NRC inspection conducted on May 6-24, 1988, NRC inspectors reviewed the circumstances associated with a violation identified by the licensee and reported to the NRC. During the inspection and a followup enforcement conference conducted on July 11, 1988, another violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1988), the violations are set forth below:

- A. Nine Mile Point, Unit 1, Operating License (DRP-63), Section 2.D.(4), issued per Amendment 33, dated July 26, 1979, requires that the licensee complete modifications by the 1981 refueling outage to upgrade penetrations per the Fire Protection Safety Evaluation Report (FPSE), dated July 26, 1979. The FPSE, Sections 4.9.3 and 4.9.4, requires that 1) electrical and piping penetrations be sealed with ratings equal to the rating of the barrier, and 2) testing of penetration configurations be conducted to determine the applicability for use as a rated barrier.

Technical Specification Limiting Condition for Operation (LCO) 3.6.10.1.a, further requires that all fire barrier penetrations protecting safety-related areas be intact. Nine Mile Point Unit 1, 10 CFR 50, Appendix R, Safe Shutdown Analysis, requires, in Supplement 1, Fire Zone analysis, pages B1A-2, C1-4, C2-4, and D2A-2, that cables and/or pipes penetrating the battery room floors, the walls of the cable spreading room, the floor and walls of the auxiliary control room and the walls and floors of the emergency diesel generator rooms, be sealed with a three hour barrier.

Contrary to the above, as of March 26, 1988, the modifications needed to upgrade certain fire barrier penetrations to ratings equal to the barrier rating (3 hour) were not completed, and actual fire barrier penetrations configurations were not tested to determine their applicability for use as a rated barrier. As a result of these deficiencies, these penetrations, located in safety-related areas, were not intact in accordance with Technical Specification 3.6.10.1.a, as evidenced by the following examples:

1. Certain penetrations of the floors of the battery rooms had wooden plugs installed in the sleeves as a seal, and these plugs had not been tested as a three hour penetration configuration.

OFFICIAL RECORD COPY

PROP SL4 NMP - 0005.0.0
09/16/88

8810050004 880919
PDR ADOCK 05000220
Q PDC

2. Penetrations of the wall between the cable spreading room and auxiliary control room were sealed with materials (duct seal) which had not been tested as a three hour penetration configuration.
3. A penetration of the wall between the two emergency diesel rooms was not installed per any presently approved and tested three hour penetration configuration.

This is a Severity Level IV Violation (Supplement 1).

- B. 10 CFR 50, Appendix B, Criterion XVI, requires that measures be established to assure that conditions adverse to quality are promptly identified and corrected.

Contrary to the above, as of March 26, 1988, adequate measures were not established to promptly correct identified deficiencies with fire protection barrier penetrations, as evidenced by the following:

1. During an audit of the fire protection program conducted by Gage Babcock & Associates Inc. in 1984, and in the audit report dated February 1986, fire protection program deficiencies and noncompliances with the July 26, 1979 FPSEER were identified, including fire barrier penetration discrepancies, and as of March 26, 1988, some of these deficiencies have not been corrected.
2. In Quality Assurance (QA) Audit Report, No. SY-RG-IN-86020, dated January 14, 1987, and Corrective Action Requests issued pursuant to this audit, a deficiency was identified involving the failure to respond to contractor identified deficiencies in a timely manner, and as of March 26, 1988, action was not taken to properly respond to this QA finding.
3. As a result of the discovery of inadequate fire barrier penetrations since December 1983, four Licensee Event Reports (Nos. 83-44, 87-07, 87-08 and 87-19) and three Special Reports (dated April 24, 1984; October 22, 1984; and December 6, 1984) were submitted to the NRC; however, as of March 26, 1988, the findings of the reports had not been properly evaluated and the root causes were not fully evaluated in order to preclude the existence of similar or repetitious deficiencies as noted in Item A above.

This is a Severity Level IV Violation (Supplement 1).

Pursuant to the provisions of 10 CFR 2.201, Niagara Mohawk Power Corporation is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector, within 30 days of the date of the letter transmitting this Notice. This reply should be clearly marked as a "Reply to a Notice of

Notice of Violation

3

Violation" and should include for each violation: (1) the reason for the violation if admitted, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good shown.

FOR THE NUCLEAR REGULATORY COMMISSION

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

Dated at King of Prussia, Pennsylvania
this 19th day of September 1988

