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ACCESSION NBR:8903230219 DOC.DATE: 89/03/13 NOTARIZED: NO DOCKET #
 FACIL:50-410 Nine Mile Point Nuclear Station, Unit 2, Niagara Moha 05000410
 AUTH.NAME AUTHOR AFFILIATION
 RUSSELL,W.T. Region 1, Ofc of the Director
 RECIP.NAME RECIPIENT AFFILIATION
 BURKHARDT,L. Niagara Mohawk Power Corp.

SUBJECT: Discusses Safety Insp Rept 50-410/88-21 on 881203-21 & forwards notice of violation.

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D C S

March 13, 1989

Docket No. 50-410
License No. NPF-69
EA 89-04

Niagara Mohawk Power Corporation
ATTN: Mr. Lawrence Burkhardt, III
Executive Vice President - Nuclear
301 Plainfield Road
Syracuse, New York 13212

Gentlemen:

Subject: NOTICE OF VIOLATION
(NRC Inspection Report No. 50-410/88-21)

This refers to the special NRC safety inspection conducted on December 3-21, 1988, at Nine Mile Point, Unit 2, Scriba, New York to review the circumstances associated with violations of NRC requirements which were identified by your staff and promptly reported to the NRC. The report of the inspection was sent to you on January 9, 1989. On February 2, 1989, an enforcement conference was conducted with you and members of your staff to discuss the violations, their causes, and your corrective actions. Of particular concern to the staff, as discussed in the enforcement conference, was that a construction error was made and it was not identified despite preoperational testing and several subsequent operational surveillance tests.

The violations, which are described in the enclosed Notice of Violation, involve: (1) the inoperability of one of the two Automatic Depressurization System (ADS) divisions since initial operation in 1986 (contrary to the technical specifications) because of a wiring error in the logic circuitry which occurred during a construction modification in 1985; and (2) the failure to promptly identify and correct this condition adverse to quality until December 1988, even though opportunities existed to detect this error sooner.

With respect to the second violation, the procedure for performing the preoperational test of the system in May 1986, which should have identified this error, was inadequate and the error went undetected. In addition, in July 1986 during the performance of the ADS logic surveillance test, the specific step of the test procedure which would have identified this wiring error was deferred without proper justification. In May 1988, during performance of this same ADS logic test, a testing anomaly associated with the wiring error was identified; however, inadequate technical review resulted in failure to obtain proper resolution of the problem. Furthermore, this error was not identified by the Quality Assurance Program during reviews of the "as built" condition of the facility prior to startup, nor during any subsequent reviews of testing.

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The NRC recognizes that the safety significance of the inoperable ADS division was minimized because of the operability of other redundant Emergency Core Cooling System (ECCS) equipment, namely, the other automatic ADS trip system, the manual initiation capability of the ADS valves, the High Pressure Core Spray System and the Reactor Core Isolation Cooling System. Nonetheless, the two violations are classified in the aggregate as a Severity Level III problem in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1988) (Enforcement Policy) because the regulatory concern in this case was the failure to identify and correct this technical deficiency despite several previous opportunities.

Although a civil penalty is normally considered for a Severity Level III violation or problem, I have considered the escalation and mitigation factors set forth in the enforcement policy and have decided, after consultation with the Director of Enforcement and the Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support, not to issue a civil penalty in this case because: (1) the violation was identified by a member of your staff who was persistent and inquisitive in pursuing a problem during a monthly surveillance test that was not specifically designed to detect such errors; and (2) your corrective actions for these violations, when identified, were comprehensive. Although the Division I ADS trip system was inoperable for an extended duration because of failures to identify and correct the error during previous tests, the NRC has decided not to utilize this escalation factor nor prior notice since these are the fundamental bases for the NRC decision to classify the two violations in the aggregate as a Severity Level III. Furthermore, the enforcement history at Unit 2 is average, as evidenced by Category 2 ratings in the operations and surveillance areas during the last two SALP assessments, and therefore, neither escalation or mitigation of the civil penalty amount for this factor is warranted.

The NRC also recognizes that Niagara Mohawk Power Corporation (NMPC) has made extensive management and organizational changes within the Nuclear Division since Unit 1 went into an extended shutdown in December 1987. These changes were instituted to correct generally poor performance which has occurred over an extended period. The problems that led to this extended shutdown of Unit 1 included the failures, at multiple levels within the NMPC organization, to promptly identify and correct existing problems. The NRC is encouraged that the program developed in response to the Unit 1 shutdown for aggressively improving your organization's ability to resolve existing problems at both units may have contributed to the persistent and inquisitive attitude exhibited by the technician who identified this error in December 1988.

You are required to respond to this letter and the enclosed Notice 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. 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, Pub. L. No. 96-511.

Sincerely,

Original Signed By
WILLIAM T. RUSSELL

William T. Russell
Regional Administrator

Enclosure: Notice of Violation

cc w/encl:

C. Mangan, Senior Vice President, Nuclear
J. Willis, General Station Superintendent
C. Terry, Vice President, Nuclear Engineering and Licensing
W. Drews, Maintenance Superintendent
J. A. Perry, Director, Unit 1 Restart Task Force
D. Palmer, Acting Manager, QA
W. Hansen, Manager, Corporate Quality Assurance
R. G. Smith, Unit 2 Superintendent, Operations
R. Randall, Unit 1 Superintendent, Operations
C. Beckham, Manager, Nuclear Quality Assurance Operations
R. B. Abbott, Station Superintendent, Unit 2
K. Dahlberg, Station Superintendent, Unit 1
J. F. Warden, New York Consumer Protection Branch
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Niagara Mohawk Power Corporation

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