

OCT 02 1989

Docket No. 50-220
License No. DPR-63
EA No. 89-179

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

Gentlemen:

Subject: NRC Region I Augmented Inspection Team (AIT) Inspection (50-220/89-80) of the use of the Radwaste Building sub-basement as a long-term liquid waste retention facility at Nine Mile Point, Unit 1

This letter refers to the August 22-28, 1989, AIT review of the use of the Unit 1 Radwaste Building sub-basement as a long-term liquid waste retention facility. The AIT inspection, led by W. Pasciak of this office, was a fact-finding and safety implication determination effort. At the conclusion of the inspection, an exit interview was held with you and members of your staff to discuss the inspection findings. The AIT report is attached as Enclosure 1.

We are concerned that the sub-basement was used as a liquid radwaste holding facility since July, 1981, without adequate review of the acceptability or consequences of using the room in this manner. We are also concerned that you did not notify the NRC of the flooding of the sub-basement, of the decision to defer decontamination of the sub-basement, or of the costs and extent of the decontamination anticipated. Consistent with the telephone conversation between Mr. James Willis and myself on October 2, 1989, we have arranged an enforcement conference for October 23, 1989, at 11 a.m. in the Region I office. At that enforcement conference, please be prepared to discuss your use of the sub-basement as a long-term liquid radwaste holding facility without conducting an appropriate safety evaluation in accordance with 10 CFR 50.59; and, your failure to notify the NRC in accordance with the reporting requirements of 10 CFR 20.403. At the enforcement conference, you should also be prepared to discuss any corrective actions you have taken or propose to take, and any aggravating or mitigating circumstances of which the NRC should be aware.

Your cooperation with us is appreciated.

Sincerely,

Original Signed By:
Malcolm R. Knapp

Malcolm R. Knapp, Director
Division of Radiation Safety
and Safeguards

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PDR ADOCK 05000220
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Enclosure: NRC Region I Augmented Inspection Team Report No. 50-220/89-80

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Niagara Mohawk Power Corporation

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cc w/encls:

- J. Endries, President
- C. Mangan, Senior Vice President
- L. Burkhardt, III, Executive Vice President, Nuclear
- J. Perry, Vice President Quality Assurance
- J. Willis, General Station Superintendent
- C. Terry, Vice President Nuclear Engineering and Licensing
- J. F. Warden, New York Consumer Protection Branch
- Connor & Wetterhahn
- Troy B. Conner, Jr., Esquire
- Gary D. Wilson, Senior Attorney
- John W. Keib, Esquire
- Director, Power Division, Department of Public Service, State of New York
- State of New York, Department of Law
- F. Scullin, Jr., U.S. Attorney
- C. Benedict, Assistant U.S. Attorney
- Licensing Project Manager, NRR
- Public Document Room (PDR)
- Local Public Document Room (LPDR)
- Nuclear Safety Information Center (NSIC)
- NRC Resident Inspector
- State of New York

bcc w/encl:

- Region I Docket Room (with concurrences)
- Management Assistant, DRMA (w/o encl)
- DRP Section Chief
- PAO (2)
- J. Lieberman, OE
- J. Goldberg, OGC
- E. Jordan, AEOD
- J. Dyer, EDO
- J. Partlow, NRR
- S. Varga, NRR
- R. Capra, NRR
- R. Bernero, NMSS
- D. Holody, RI

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Loesch
9/11/89

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Hasclak
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RI:DRSS
Bellamy
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Knapp
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Russell
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