NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTIES

Niagara Mohawk Power Corporation
Syracuse, New York

Docket No. 50-220
License No. DPR-63
EA 92-048

During an NRC inspection conducted on January 26 through February 29, 1992, and an NRC Augmented Inspection Team (AIT) inspection conducted from February 22 through March 4, 1992, violations of NRC requirements were identified. In accordance with the revised "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the Nuclear Regulatory Commission proposes to impose civil penalties pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalties are set forth below:

I. Technical Specifications, Section 6.8.1, states, in part, written procedures and administrative policies shall be established, implemented and maintained that meet or exceed the requirements and recommendations of Sections 5.1 and 5.3 of ANSI N18.7-1972 and Appendix A of Regulatory Guide 1.33, which includes equipment control, modification, maintenance, and post maintenance check out.

Administrative Procedure, AP-6.1, Control of Equipment Temporary Modifications, written to comply with TS 6.8.1, states, in part, that for temporary alterations made to plant equipment that do not conform to approved drawing or other design documentation, including electrical jumpers, the temporary modification originator shall request initiation of a Temporary Modification Form from the appropriate system engineer, who will ensure the modification is reviewed and the safety evaluation is performed. Step 5.3.1 of AP-6.1, states that authorization for clearance of temporary modifications shall be obtained from the system engineer and the Station Shift Supervisor (SSS).

Administrative Procedure, AP-5.4.2, Troubleshooting, Step 5.2, written to comply with TS 6.8.1, states that the troubleshooter shall ensure Section 2 of the Troubleshooting Plan is completed, including the documentation of alterations made to the system or component and an indication if the system or component was left "as found" or if the deficiency was corrected. Step 5.2.3.a states that the cause of the problem shall be documented on the work request and the Troubleshooting Plan.

Administrative Procedure, AP-5.5.1, Work Request, Step 4.10, written to comply with TS 6.8.1, states that the department general supervisor will determine if maintenance activities performed under a work request (WR) that includes a change of scope, can continue under the original WR or if a new WR is required. Step 4.3 states the Station Shift Supervisor (SSS) shall review Post-Maintenance Testing requirements for applicability of the maintenance performed.

Administrative Procedure, AP-5.4.2, Troubleshooting, Step 5.1.1, written to comply with TS 6.8.1, states that personnel requiring troubleshooting of a system or component shall request initiation of a Troubleshooting Plan (Attachment 1) which includes a brief description of the troubleshooting work to be performed including precautions, limitations, or boundary restrictions imposed.

Contrary to the above, established work control procedures were not adequately followed during the maintenance and testing of the "D" screen house gate, as evidenced by the following examples:

1. On February 10, 1992, a temporary modification, in the form of an electrical jumper which bypassed the mechanical tension overload protection switch from the electric drive motor, was identified in the screen house gate D circuitry. The electrical jumper was neither included in facility drawings, nor authorized by a Temporary Modification Form, as required by AP-6.1; as a result, the modification was not properly reviewed or documented.

2. During performance of troubleshooting on February 10, 1992, maintenance workers did not comply with AP-5.4.2, step 5.2.3.a, in that they failed to record the discovery of an undocumented electrical jumper on either the Troubleshooting Plan (Attachment 1) or Work Request.

3. On February 11, 1992, the requirements of AP-5.5.1 were not met in that the Work Request was revised to restore the wiring in gate D circuitry to the original design (i.e., remove the jumper), and this change was neither reviewed and approved by the initiating department general supervisor in accordance with step 4.10, nor were post maintenance test (PMT) requirements reviewed by the SSS in accordance with step 4.3.

4. On February 12, 1992, the requirements of AP-6.1, step 5.3.1, were not met in that the gate D circuitry jumper was removed by maintenance personnel without authorization from system engineering or the SSS.

5. On February 21, 1992, the requirements of AP-5.4.2, step 5.1.1, were not met in that troubleshooting (testing) was conducted to demonstrate that the D gate would satisfactorily perform in service with the jumper removed, without initiation of a troubleshooting plan to describe the troubleshooting work, including precautions, limitations, or boundary restrictions.

This is a Severity Level III violation (Supplement I).

Civil Penalty - $75,000

II.A. Technical Specification 3.6.2.a.(1) requires, in part, that the set points, minimum number of trip systems, and minimum number of instrument channels that must be operable for each position of the mode switch shall be given in Table 3.6.2.a. Table 3.6.2.a states that the number of operable instrument channels per operable trip system is four channels for the turbine stop valve closure scram function, and two channels for the generator load rejection scram function; and that with the reactor mode switch in the RUN position, these scram functions may be bypassed when reactor power is below 45%. If the requirements are not met for instrumentation that initiates a scram, control rods shall be inserted.

Contrary to the above, for an indeterminate time as early as December 9, 1991, until January 22, 1992, the unit was operating above 45% of rated power with the mode switch in RUN, and the minimum number of operable instrument channels per trip system for the turbine stop valve closure scram function, and the generator load rejection scram function, were less than required, and control rods were not inserted. Specifically, two of the four instrument channels for the turbine stop valve closure scram function, and one of the two instrument channels for the generator load rejection scram function, were inoperable. The scram functions were inoperable in that they could be bypassed at greater than 45% of rated power, as a result of a partially closed instrument root valve, (common to two of the four pressure switches that provide the signal for the bypass function below 45% of rated power for the scram logic), in conjunction with a leaking drain valve downstream of the root valve.

II.B. 10 CFR Part 50, Appendix B, Criterion XVI, requires, in part, that measures be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected.

Contrary to the above, on January 10, 1992, the Turbine First Stage Bowl Pressure Low alarm was received in the control room during reduced power operation, indicating a condition adverse to quality, and the licensee failed to promptly identify

and correct the cause of the deficiency. Specifically, no further action was taken after calibration of the pressure switches failed to disclose the reason for the alarm, which cleared upon return to full power.

This is a Severity Level III problem (Supplement I).

Civil Penalty - $125,000 (assessed equally among Violations II. A and B).

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 Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalties (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or a demand for information may be issued as to 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 cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalties by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalties proposed above, or may protest imposition of the civil penalties in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalties will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalties, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations listed in this Notice, in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalties should not be imposed. In addition to protesting the civil penalties in whole or in part, such answer may request remission or mitigation of the penalties.

In requesting mitigation of the proposed penalties, the factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1992), should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific

reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalties.

Upon failure to pay any civil penalties due which subsequently have been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalties, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282(c).

The response noted above (Reply to Notice of Violation, letter with payment of civil penalties, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406 and a copy to the Senior Resident Inspector, Nine Mile Point.

Dated at King of Prussia, Pennsylvania
this 21st day of May 1992.