

NOTICE OF VIOLATION

Niagara Mohawk Power Corporation (NMPC)
Nine Mile Point Unit 1
Nine Mile Point Unit 2

Docket No. 50-220/License No. DPR-63
Docket No. 50-410/License No. NPF-69

During an NRC inspection conducted from January 7 through February 17, 1996, a violation of NRC requirements was identified. In accordance with the NRC "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG 1600, (60 FR 34381; June 30, 1995), the violation is listed below:

Title 10 of the *Code of Federal Regulations*, Part 50 (10 CFR 50), Section 50.59(a)(1), allows the holder of a license to make changes to the facility as described in the safety analysis report unless the proposed change involves an unreviewed safety question.

10 CFR 50, Section 50.59(b)(1) requires the licensee to maintain records of changes in the facility, to the extent that these changes constitute changes in the facility as described in the safety analysis report. The records must include a written safety evaluation which provides the bases for the determination that the change does not involve an unreviewed safety question.

Contrary to the above:

On January 31, 1996, NMPC installed emergency Temporary Modification #96-002, which changed the design of the Unit 2 circulating water system, as described in the Update Final Safety Analysis Report, Section 10.4.5.5, prior to the completion of the written safety evaluation. NMPC common procedure GAP-DES-03, "Control of Temporary Modifications," Revision 4, allows emergency temporary modifications to be installed prior to the completion of the required written 10 CFR 50.59 evaluations.

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

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, D.C. 20555, with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice of Violation (Notice), 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 Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation; (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 of 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. Where good cause is shown, consideration will be given to extending the response time.

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Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at King of Prussia, Pennsylvania
this 22nd day of April, 1996.

