

# CATEGORY 1

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FACIL: 50-410 Nine Mile Point Nuclear Station, Unit 2, Niagara Moha      05000410  
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RECIP. NAME      RECIPIENT AFFILIATION

SUBJECT: EN-96-026: on 960508, notice of proposed exercise of enforcement discretion issued to licensee. Matter involves submission of inaccurate info on facility compliance w/SPDES permit in discharge of detoxifying substance in Aug 1993.

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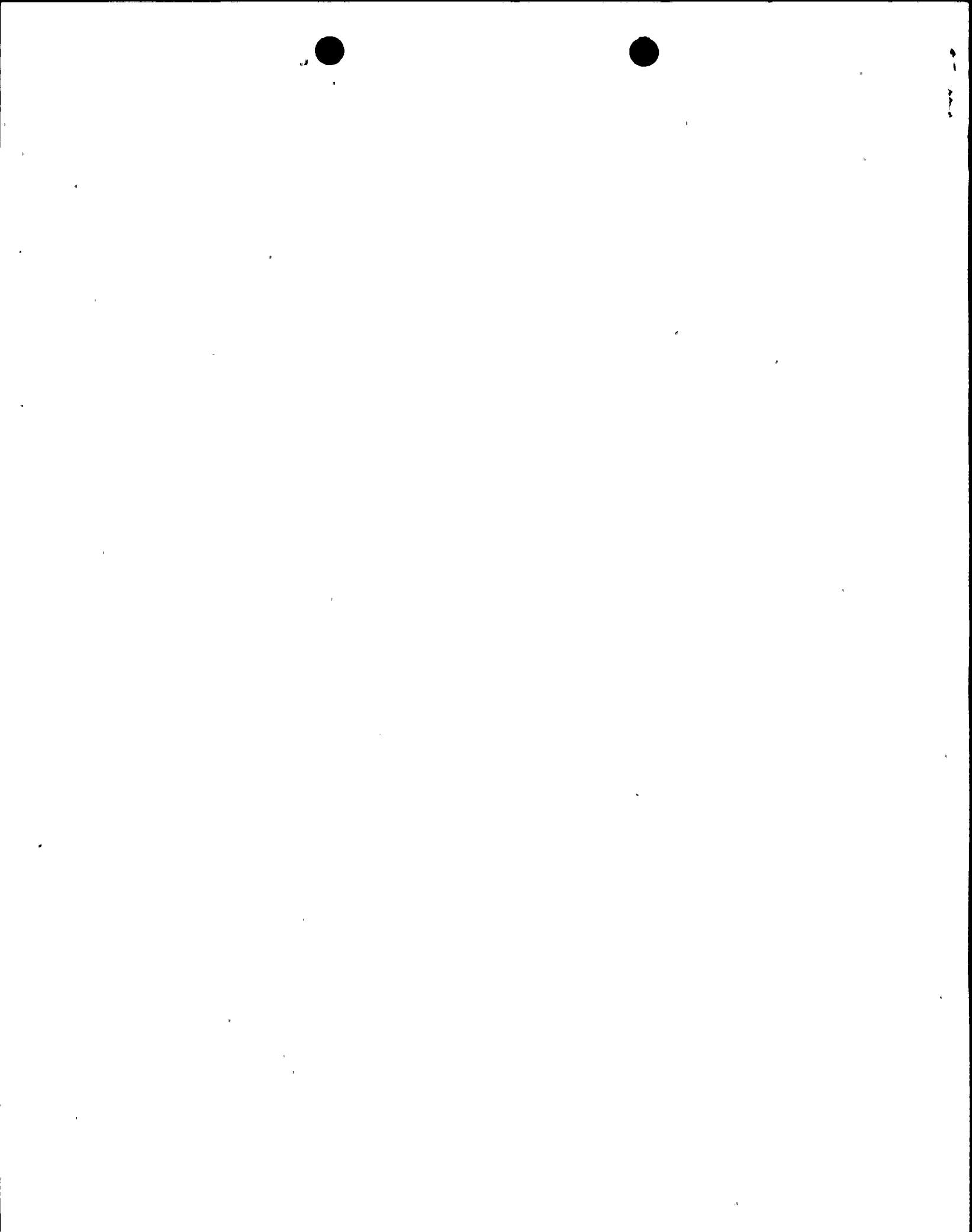
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OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Niagara Mohawk Power Corporation (EA 96-138)  
(Nine Mile Point)  
Docket No. 50-410

Subject: PROPOSED EXERCISE OF ENFORCEMENT DISCRETION

This is to inform the Commission that the staff intends to exercise enforcement discretion per Section VII.B.6 of the Enforcement Policy and not issue a Notice of Violation for an apparent violation of 10 CFR 50.9. A letter on the subject describing the proposed exercise of discretion will be issued on or about May 8, 1996, to Niagara Mohawk Power Corporation. The matter involves the submission of inaccurate information on Nine Mile Point's compliance with its State Pollutant Discharge Elimination System (SPDES) permit in the discharge of a detoxifying substance (in violation of the SPDES permit) into Lake Ontario following mollusk control treatments in August 1993. The licensee discovered the inaccurate information, reported to the NRC and conducted a followup investigation wherein it determined that an Environmental Supervisor and one of his employees inaccurately reported that all SPDES permit conditions were met in plant operations during August 1993. The licensee subsequently terminated the supervisor and disciplined the other employee who was involved.

In view of (1) the low actual safety significance and the low environmental significance of the violation of the SPDES permit, (2) the fact that the licensee identified, reported and, on its own, investigated and corrected the inaccurate information, and (3) the licensee's substantial corrective action which included discipline of the individuals and termination of the supervisor who was involved, the staff intends to exercise discretion pursuant to Section VII.B.6 of the Enforcement Policy and refrain from issuing a Notice of Violation in this case.

The schedule of issuance and notification is:

Mailing of Notice May 8, 1996  
Telephone Notification of Licensee May 8, 1996

The State of New York will be notified.

The licensee has thirty days from the date of the Notice in which to respond. Following NRC evaluation of the response, the civil penalty may be remitted, mitigated, or imposed by Order.

Contacts: J. Gray, OE, 415-2747 J. Lieberman, OE, 415-2741

9605280264 960501  
PDR I&E  
EN-96-026

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