

# CATEGORY 1

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ACCESSION NBR:9607120049      DOC.DATE: 96/06/13      NOTARIZED: NO      DOCKET #  
FACIL:50-220 Nine Mile Point Nuclear Station, Unit 1, Niagara Powe      05000220  
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SUBJECT: EN-96-039:on 960618,notice of proposed imposition of civil penalty in amount of \$50,000 issued to licensee.Action based on Severity Level III problem involving safety vulnerability & operation in manner outside design basis set in FSAR.

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TITLE: 50.54.a.3 & 50.55.f.3 Change to SAR QA Program

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June 13, 1996  
EN 96-039

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Niagara Mohawk Power Corporation (EA 96-079)  
(Nine Mile Point Nuclear Station - Unit 1)  
Docket No. 50-220

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$50,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000 will be issued on or about June 18, 1996 to Niagara Mohawk Power Corporation (Nine Mile Point - Unit 1). The action is based on a Severity Level III problem involving a safety vulnerability, and operation in a manner outside the design basis set forth in the FSAR, in that, the reactor and turbine building blowout panels would not have relieved until a pressure in excess of the structural design pressure for the building was reached. The licensee recognized the departure from the FSAR in 1993, but did not take adequate corrective action until 1995.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III because the licensee's initial corrective actions were limited and ineffective and because the corrective action were not prompt, no credit was given for corrective action. As a result, a base civil penalty of \$50,000 is proposed pursuant to the civil penalty assessment process in the Enforcement Policy.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice June 18, 1996  
Telephone Notification of Licensee June 18, 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: G. Harris, OE, 415-3280 J. Lieberman, OE, 415-2741

Distribution

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PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL  
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION

9607120049 960613  
PDR I&E  
EN-96-039 PDR

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