

July 16, 1996

Mr. B. Ralph Sylvia  
Executive Vice President and  
Chief Nuclear Officer  
Niagara Mohawk Power Corporation (NMPC)  
Generation Business Group D-2  
300 Erie Boulevard West  
Syracuse, NY 13202

SUBJECT: NOTICE OF VIOLATION AND NRC COMBINED INSPECTION REPORT NOS.  
50-220/96-06 AND 50-410/96-06

Dear Mr. Sylvia:

This report transmits the findings of safety inspections conducted by NRC inspectors at the Nine Mile Point Nuclear Station, Units 1 and 2, from March 31 to June 1, 1996. At the conclusion of the inspection, the findings were discussed with you, and members of your staff. We are providing one integrated report for all the inspections conducted during this period in order to better consolidate our inspection findings into a consistent regulatory message and more clearly communicate how these findings may reflect a change in your performance.

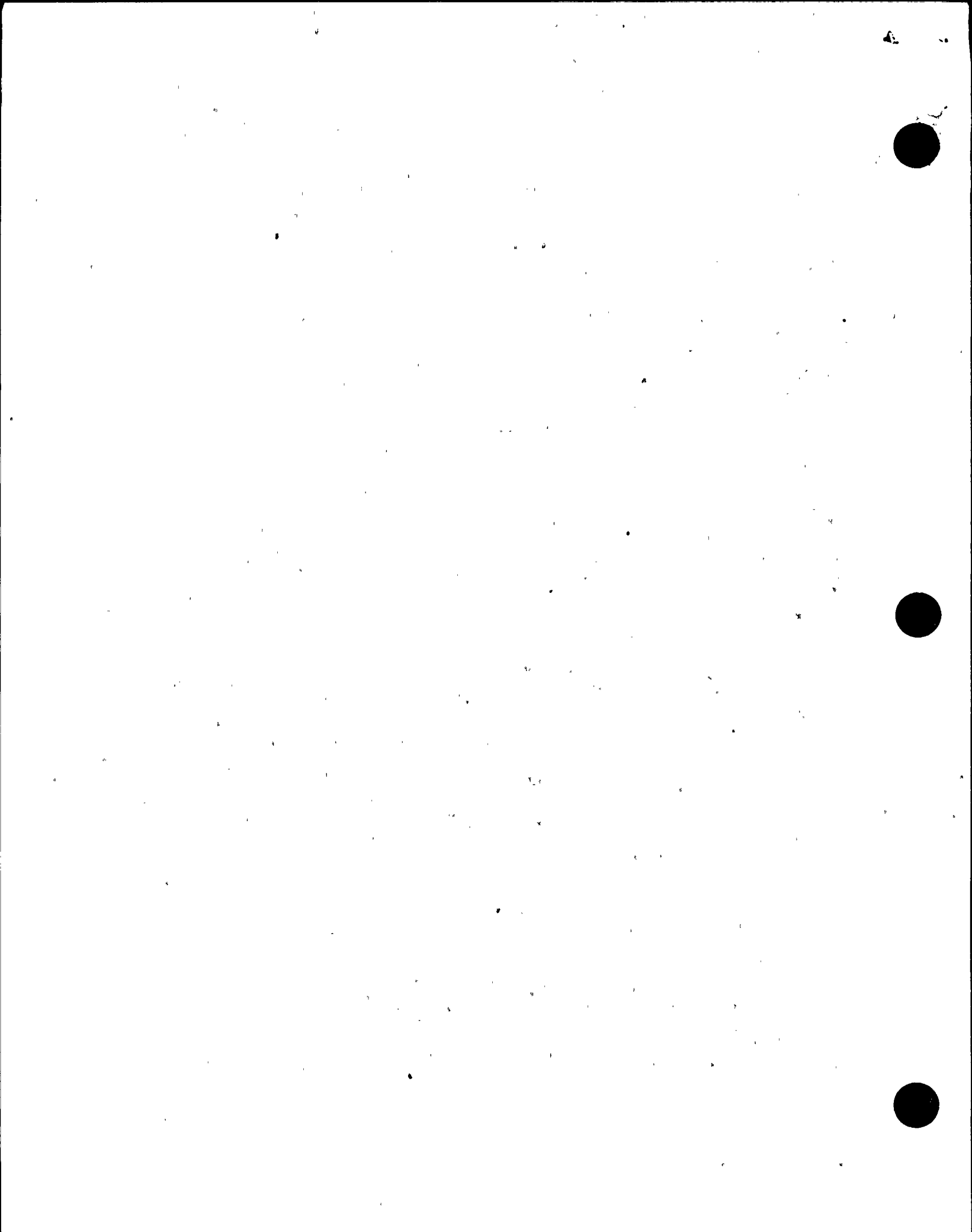
During this period, your staff operated both units safely; the inspectors observed good command/control by the control room supervision and generally effective oversight by senior station personnel. Additionally, performance in your solid radioactive waste management and transportation of radioactive materials program was very good. However, during the Unit 2 electrical protection assembly breaker trip, operators demonstrated a lack of attention to plant conditions with respect to Technical Specification (TS) requirements, as evidenced by the delayed entry into TS 3.0.3, and the failure to recognize entry into two limiting conditions of operation (LCOs). The failure of a Unit 1 operator to maintain attention to the task-at-hand during a surveillance procedure resulted in an inadvertent release to the atmosphere albeit of little consequence to public health and safety.

Also during our review of your refueling practices, your staff identified inconsistencies between the Unit 2 practices and your current licensing and design bases. We are still in the process of evaluating these inconsistencies with respect to enforcement, pending further guidance from our Office of Enforcement. A factor contributing to the root cause of these inconsistencies was a misinterpretation of the requirements stated in Updated Final Safety Analysis Report (UFSAR). It is our understanding that you have committed to clarify the wording in the Unit 2 UFSAR, Section 9.1.3, to avoid further misinterpretation. If this is not consistent with your understanding, please inform us in writing within 30 days of receipt of this letter.

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Further, your corrective actions to address earlier identified violations associated with radiation work permit (RWP) adherence have been ineffective in preventing recurrence, as evidenced by continuing RWP adherence deficiencies: Although the inspectors considered it a strength that individuals were self-identifying their our failure to meet RWP requirements, corrective actions were ineffective to prevent recurrence. The failure to properly implement the radiation protection program procedures is a violation of 10 CFR 20. This violation is cited in the enclosed Notice of Violation (Notice), and the circumstances surrounding the violation are described in detail in the enclosed report. Please note that you are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures, and your response will be placed in the NRC Public Document Room.

Your cooperation with us is appreciated.

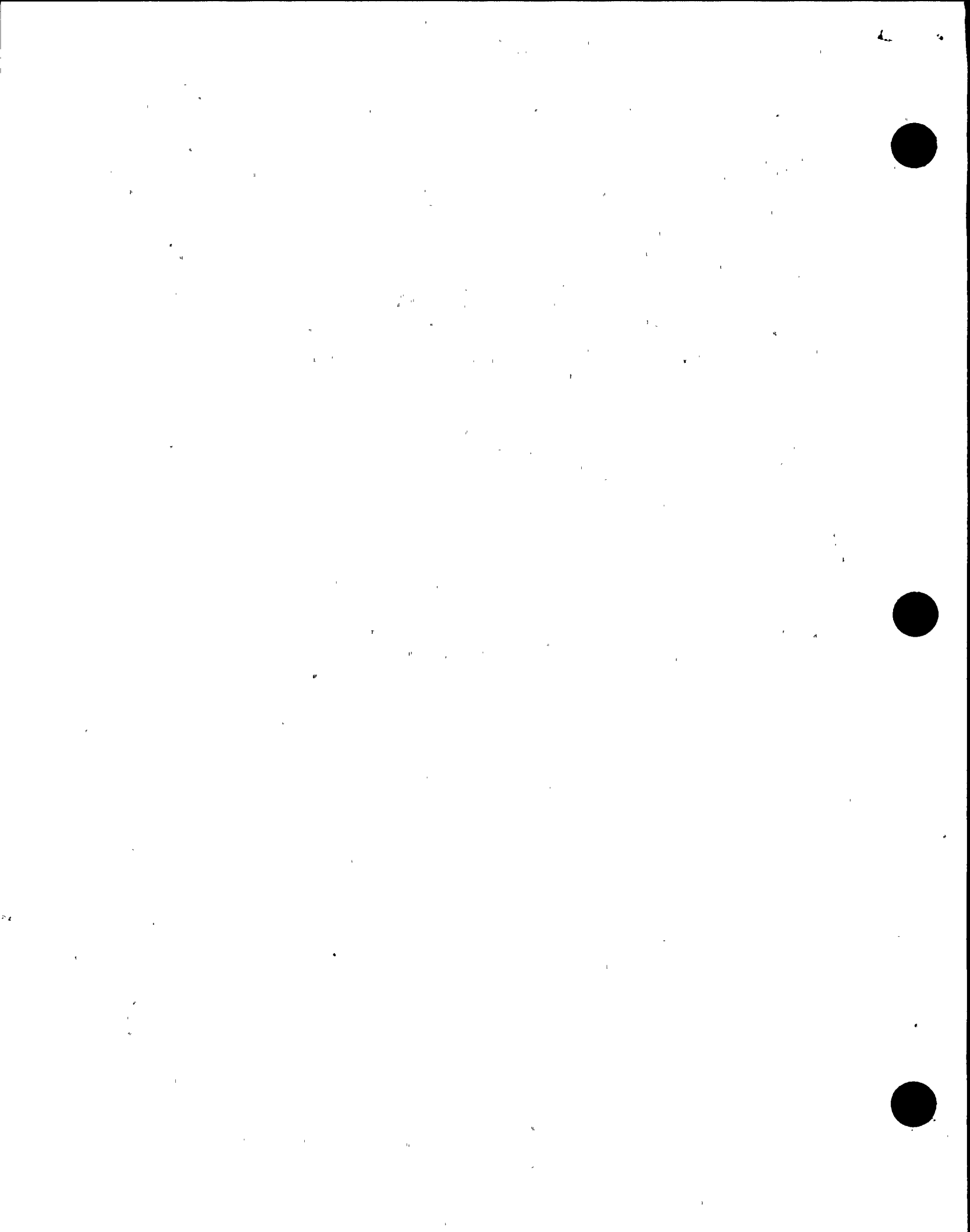
Sincerely,

Original Signed By:

Richard J. Conte, Chief  
Projects Branch 5  
Division of Reactor Projects

Docket Nos. 50-220, 50-410  
License Nos. DPR-63, NPF-69

Enclosures: Notice of Violation  
NRC Inspection Report Nos. 50-220/96-06 and 50-410/96-06

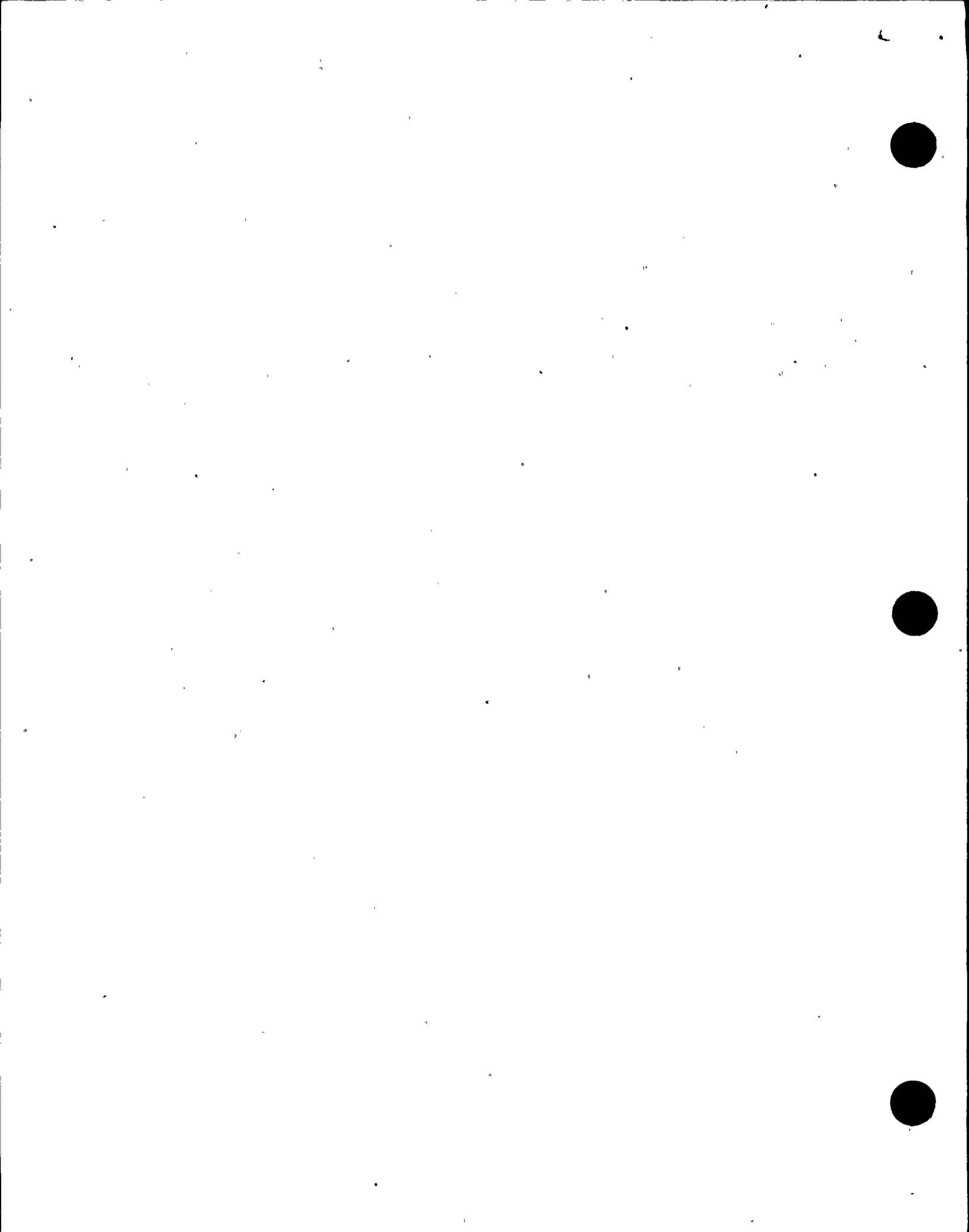


Mr. B. Ralph Sylvia

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cc w/enclosures:

R. Abbott, Vice President & General Manager - Nuclear  
C. Terry, Vice President - Nuclear Engineering  
M. McCormick, Vice President - Safety Assessment and Support  
N. Rademacher, Unit 1 Plant Manager  
J. Conway, Unit 2 Plant Manager  
D. Wolniak, Manager, Licensing  
J. Warden, New York Consumer Protection Branch  
G. Wilson, Senior Attorney  
M. Wetterhahn, Winston and Strawn  
J. Rettberg, New York State Electric and Gas Corporation  
Director, Electric Division, Department of Public Service, State of  
New York  
C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law  
J. Vinqvist, MATS, Inc.  
P. Eddy, Power Division, Department of Public Service, State of New York  
State of New York SLO Designee



Mr. B. Ralph Sylvia

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