

October 8, 1996

Mr. B. Ralph Sylvia
Executive Vice President Generation Business
Group and Chief Nuclear Officer
Niagara Mohawk Power Corporation
Nuclear Learning Center
450 Lake Road
Oswego, New York 13126

**SUBJECT: NOTICE OF VIOLATION AND NRC COMBINED INSPECTION REPORT
NOS. 50-220/96-07 AND 50-410/96-07**

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 June 2, to July 27, 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 inspections conducted during this period; the resident inspections, a specialist inspection of radiological environmental and meteorological monitoring, and an in-office review of revisions to your emergency plan.

During this period, your staff operated both units safely. The Unit 1 operators acted appropriately in response to the feedwater heater level transient; and maintenance and surveillance work was conducted professionally. We found that you continued to implement overall effective Radiological Environmental Monitoring and Meteorological Monitoring Programs. However, we noted that the Unit 2 high pressure core spray (HPCS) system has been inoperable three times since the beginning of the year due to problems with the unit cooler service water check valves. Past corrective actions to address this issue have not been fully effective. Additional management attention to this issue is warranted.

Further, this report contains a review of the NRC Integrated Performance Assessment Process (IPAP) inspection report. The review identified three violations, and numerous unresolved items and inspection followup items. The details are contained in the IPAP inspection report, and a summary of the issues is provided in Attachment A to the enclosed inspection report. The three violations are: (1) failure to develop procedures to implement the activities of the Independent Safety Engineering Group; (2) two examples of a failure to adequately establish and implement procedures for the Unit 2 emergency diesel generator oil systems; and (3) failure to perform a 10 CFR 50.59 safety evaluation when changing a drawing for the service water system in the Unit 1 Updated Final Safety Analysis Report. The violations are cited in the enclosed Notice of Violation (Notice), and the circumstances surrounding the violations are described in the enclosed report and Attachment A. 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.

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In addition, we reviewed two Licensee Event Reports during this inspection period involving historical examples of failing to perform Technical Specification required surveillance tests. We note that your staff identified these issues because of the increased focus on reviewing surveillance procedures as part of the corrective action for previous problems in this area. As a result, the licensee identified missed surveillance tests, which also were of low safety consequence, were treated as non-cited violations. However, the NRC is concerned about the number of missed surveillance tests you have identified. Therefore, in your response to the enclosed Notice, we request you provide a status of your program to review surveillance procedures for adequacy, including the expected completion date, and your assessment of the discrepancies identified to date. 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:

Lawrence T. Doerflein, Chief
Projects Branch 1
Division of Reactor Projects

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

Enclosures:

1. Notice of Violation
2. NRC Inspection Report No. 50-220/96-07 and 50-410/96-07



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cc w/encls:

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

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