

**ENCLOSURE 1**

**NOTICE OF VIOLATION**

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

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

During an NRC inspection conducted from June 2 through July 27, 1996, the results of the NRC Integrated Performance Assessment Process (IPAP) inspection, conducted during the weeks of March 4 and March 18, 1996, were reviewed. During the review, violations of NRC requirements were identified. In accordance with the NRC "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG 1600, (60 FR 34381; June 30, 1995), the violations are listed below:

- A. The Unit 2 Technical Specification, Section 6.8.1.b, requires that written procedures be established, implemented, and maintained covering the activities required to implement the requirements of NUREG-0737, "Clarification of TMI Action Plant Requirements."

Section 1.10 of the Unit 2 Updated Final Safety Analysis Report (UFSAR) states in response to the requirements identified in NUREG-0737, Item I.B.I.2, that an on-site Independent Safety Engineering Group (ISEG) will be established and the principal function of the ISEG is to examine plant operating characteristics and various NRC and industry licensing and service advisories, and to recommend areas for improving plant safety.

Contrary to the above, as of March 22, 1996, Nine Mile Point Unit 2 had not established procedures to implement ISEG activities.

This is a Severity Level IV violation (Supplement I) - (Unit 2 only).

- B. The Unit 2 Technical Specifications, Section 6.8.1.a., requires procedures to be established and implemented which cover the applicable procedures recommended in Appendix A of Regulatory Guide 1.33 Revision 2, February 1978. Regulatory Guide 1.33, Appendix A, Section 3.g.(2)(a) recommends procedures for the Emergency Power Sources.

Procedure N2-OP-100A, "Standby Diesel Generators," Revision 5, requires that the emergency diesel generator (EDG) turbo lube oil duplex filter be aligned to the "BOTH" position.

Procedure N2-OP-100A, "Standby Diesel Generators," Revision 5 requires that operation with the fuel oil duplex strainer selector lever in the "MID" or "BOTH" position only be considered if the EDG would otherwise be declared inoperable.

Contrary to the above, as of March 22, 1996, the licensee failed to adequately establish and implement procedures, as evidenced by the following examples:



- The alarm response portion of Procedure N2-OP-100A for annunciator "LUBE OIL LOW PRESSURE TURBO" directed the operator to swap over the turbo lube oil duplex filter to the standby filter. With the filter aligned to "BOTH", as directed by procedure N2-OP-100A, there would be no standby filter available, thus, the alarm response procedure action cannot be performed.
- The Division II EDG fuel oil duplex strainer was aligned to "BOTH" position, while the EDG was operable.

This is a Severity Level IV violation (Supplement I) - (Unit 2 only).

- C. Title 10, Code of Federal Regulations, Part 50, Paragraph 50.59, requires that written records be maintained for safety evaluations which provided the bases for determining that changes in the facility, as described in the UFSAR, do not involve an unreviewed safety question.

Section 3.3.1.a of Nuclear Division Interface Procedure NIP-SEV-01, Revision 02, "Applicability Reviews and Safety Evaluations," requires that safety evaluations be prepared for proposed changes to the UFSAR. Also, Section 3.4.3.b.1 of the procedure states that minor configuration changes to UFSAR figures cannot automatically be considered editorial corrections because of size and scope.

Contrary to the above, as of March 22, 1996, a 10 CFR 50.59 preliminary evaluation for a proposed revision to Unit 1 UFSAR drawing for the service water system incorrectly concluded that the UFSAR was not affected, and therefore, no safety evaluation was performed. Specifically, preliminary evaluation #D93-113 (included as a part of Simple Design Change SCI-0056-91) proposed revising Figure X-6, in the Unit 1 UFSAR, to show the screen wash system header inter-tie valves as closed and to delete a valve incorrectly shown in the figure. The responsible engineer concluded that the UFSAR was not affected, and no safety evaluation was performed.

This is a Severity Level IV violation (Supplement I) - (Unit 1 only).

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 receipt 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 8th day of October, 1996.

