

DCU

January 16, 1997

EA No. 96-474  
EA No. 96-541

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: NRC INSPECTION REPORT NOS. 50-220/96-13 AND 50-410/96-13  
AND NOTICE OF VIOLATION

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 October 20 through November 30, 1996. At the conclusion of the inspection, the findings were discussed with Messrs. R. Abbott, Vice President and General Manager - Nuclear; M. McCormick, Vice President - Nuclear Engineering; C. Terry, Vice President - Nuclear Safety Assessment and Support; and other members of your staff.

Based on the results of this inspection, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice), and the circumstances surrounding the violation are described in the enclosed report. Specifically, the violation involved several examples of welds at both units that were not inspected at the frequency required by Generic Letter 88-01 and the NMPC inservice inspection program.

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 addition, apparent violations were identified and are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The apparent violations were identified based on our review of two events. The first was the Unit 1 reactor vessel overfill event on November 5, 1996, where it appears that weaknesses with your corrective action program and its implementation contributed to the event. Specifically, we noted that (1) a leaking feedwater flow control valve contributed to the high reactor vessel water level and that you were aware of leaking flow control valves in July 1996, but did not investigate the extent of the problem, (2) your staff identified in 1992 that the wide range level instrument read lower than expected during power operation, but the condition

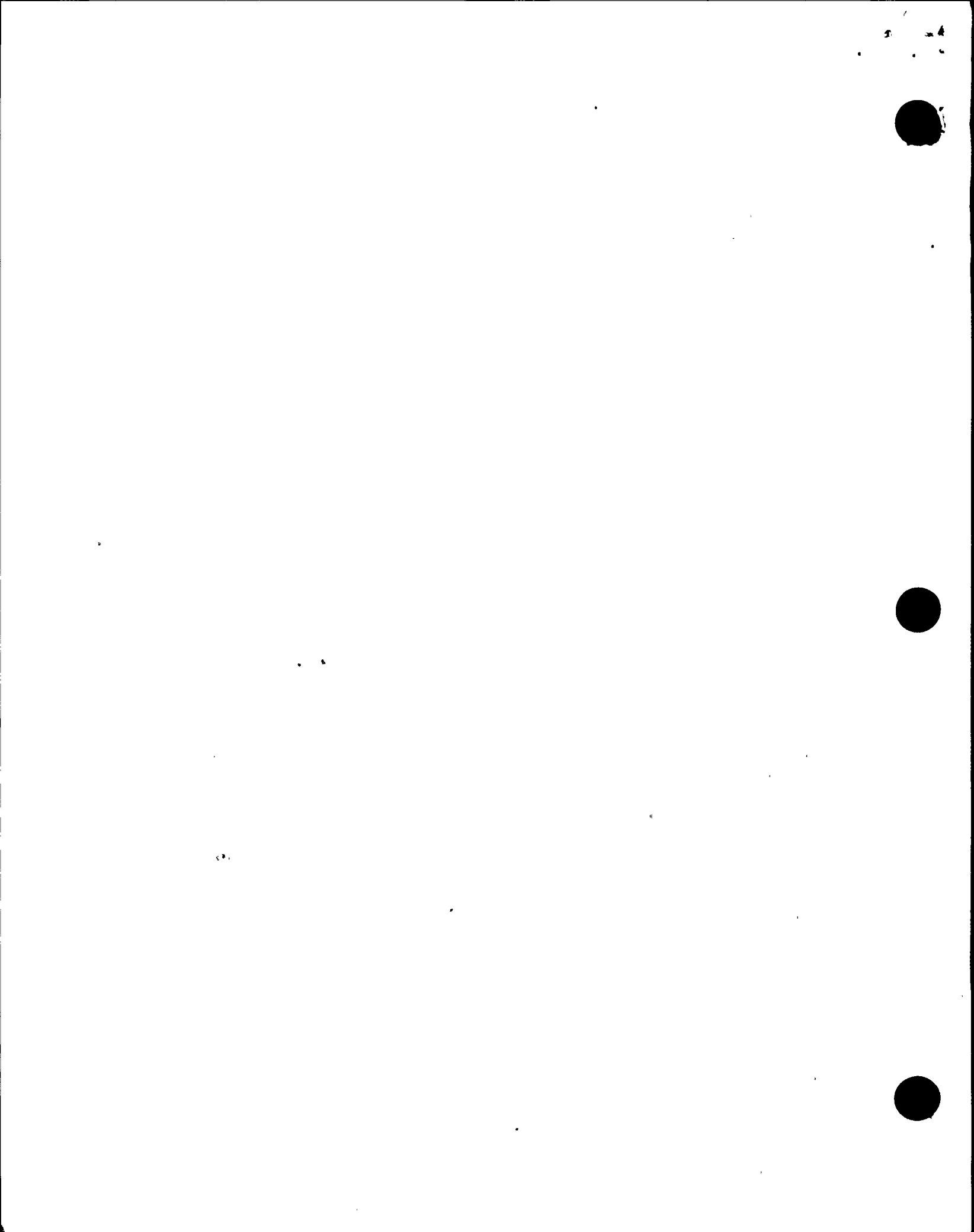
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was not dispositioned in a timely manner and the operations staff, which relied upon the instrument during the event, was not aware of the discrepancy, and (3) the Unit 1 scram procedure did not provide sufficient direction to the operators to prevent a reactor overfill, despite the fact that an appropriate procedure was developed for Unit 2 following an overfill event in January 1988. We also note that poor communications within your organization appear to have contributed to the operators being unaware of the discrepancy with the reactor vessel level instrument. Furthermore, we noted that your organizations' response to and evaluation of the event were weak in that it was only after the resident inspectors questioned the validity of the wide range level instrument reading and requested a computation for density compensation of the reading that you determined that water had entered the main steam lines.

The second event was your discovery of foreign material in the Unit 2 suppression pool and downcomers during the 1996 refueling outage. We concluded that the Unit 2 suppression pool was not adequately cleaned during the refueling outage in Spring 1995. It appears weaknesses in your corrective action program also contributed to this event. Specifically, we noted that your staff documented that the debris removed in the 1995 refueling outage entered the suppression pool via the downcomers, but failed to inspect the downcomers. Also, it appears that your procedure for inspecting the drywell to ensure no loose material existed was not properly implemented in that you failed to identify caps on seven downcomers that were apparently left in place since initial startup.

Accordingly, no Notice of Violation is presently being issued for these inspection findings. In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review.

A predecisional enforcement conference will be arranged to discuss the apparent violations. The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root causes, missed opportunities to identify the apparent violation sooner, corrective actions, significance of the issues and the need for lasting and effective corrective action. In addition, this is an opportunity for you to point out any errors in our inspection report and for you to provide any information concerning your perspectives on 1) the severity of the violations, 2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, and 3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding the apparent violations is required at this time.



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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.

Sincerely,

Original Signed by:

Richard W. Cooper, Director  
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 Nos. 50-220/96-13 and 50-410/96-13

cc w/enclosures:

R. Abbott, Vice President & General Manager - Nuclear  
C. Terry, Vice President- Safety Assessment and Support  
M. McCormick, Vice President - Nuclear Engineering  
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. Vinquist, MATS, Inc.  
P. Eddy, Power Division, Department of Public Service, State of New York  
F. Valentino, President, New York State Energy Research  
and Development Authority  
J. Spath, Program Director, New York State Energy Research  
and Development Authority



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