

CATEGORY 1

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ACCESSION NBR: 9705290308 DOC.DATE: 97/04/07 NOTARIZED: NO DOCKET #
 FACIL: 50-220 Nine Mile Point Nuclear Station, Unit 1, Niagara Powe 05000220
 50-410 Nine Mile Point Nuclear Station, Unit 2, Niagara Moha 05000410
 AUTH.NAME AUTHOR AFFILIATION
 WALKER, T. Ofc of Enforcement (Post 870413)
 MILLER, H. Ofc of Enforcement (Post 870413)
 RECIP.NAME RECIPIENT AFFILIATION

SUBJECT: EN-97-030: on 970410, notice of proposed imposition of civil penalty in amount of \$200,000 issued to licensee. Action based on Severity Level III violations/problems involving inadequate design controls & corrective actions.

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April 7, 1997
EN 97-030

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Niagara Mohawk Power Corporation (EAs 96-474; 96-475;
Nine Mile Point, Units 1 and 2 96-494; 96-541)
Docket Nos. 50-220; 50-410

Subject: PROPOSED IMPOSITION OF CIVIL PENALTIES - \$200,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalties in the amount of \$200,000 will be issued on or about April 10, 1997 to Niagara Mohawk Power Corporation. This action is based on three Severity Level III violations/problems involving inadequate design controls and corrective actions, including corrective action deficiencies associated with a reactor pressure vessel overfill event that occurred on November 5, 1996.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III violation or problem. Because this was not the first escalated enforcement action within 2 years, the staff considered whether credit was warranted for identification and corrective action. Credit was not warranted for identification for any of the Severity Level III issues, because the staff identified the majority of the problems. Credit was not warranted for corrective action for the Severity Level III violation associated with the overfill event, although credit was warranted for corrective action for the other two Severity Level III problems because the actions were prompt and comprehensive. This resulted in a civil penalty of \$100,000 for the reactor pressure vessel overfill event, and a \$50,000 civil penalty for both of the other SL III issues, making the total combined civil penalties for this action \$200,000.

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	April 10, 1997
Telephone Notification of Licensee	April 10, 1997

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 penalties may be remitted, mitigated, or imposed by Order.

Contacts: T. Walker, RI, (610) 337-5381 H. Miller, RA, RI, (610) 337-5299

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PDR I&E
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April 7, 1997
EN 97-030

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



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