

ENCLOSURE 1

NOTICE OF VIOLATION

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

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

During NRC inspections conducted from April 6 through May 17, 1997, violations of NRC requirements were identified. In accordance with the NRC "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG 1600, (60 FR 34381; June 30, 1995), the violations are listed below:

- A. Nine Mile Point Unit 1 Technical Specifications, Section 6.8.1, requires procedures to be written and implemented that meet the requirements of NRC Regulatory Guide (RG) 1.33, "Quality Assurance Program Requirements (Operation)." RG 1.33, Appendix A, identifies procedure adherence as one of the safety related activities that should be covered by written procedures.

Nine Mile Point Procedure NIP-PRO-01, "Use of Procedures," Revision 03, Section 3.3, requires that personnel adhere to the procedure requirements. Subsection 3.3.3 requires that when a procedure cannot be performed as written, or is technically incorrect, the user shall stop the activity and obtain approval of a procedure revision or change prior to resuming the activity.

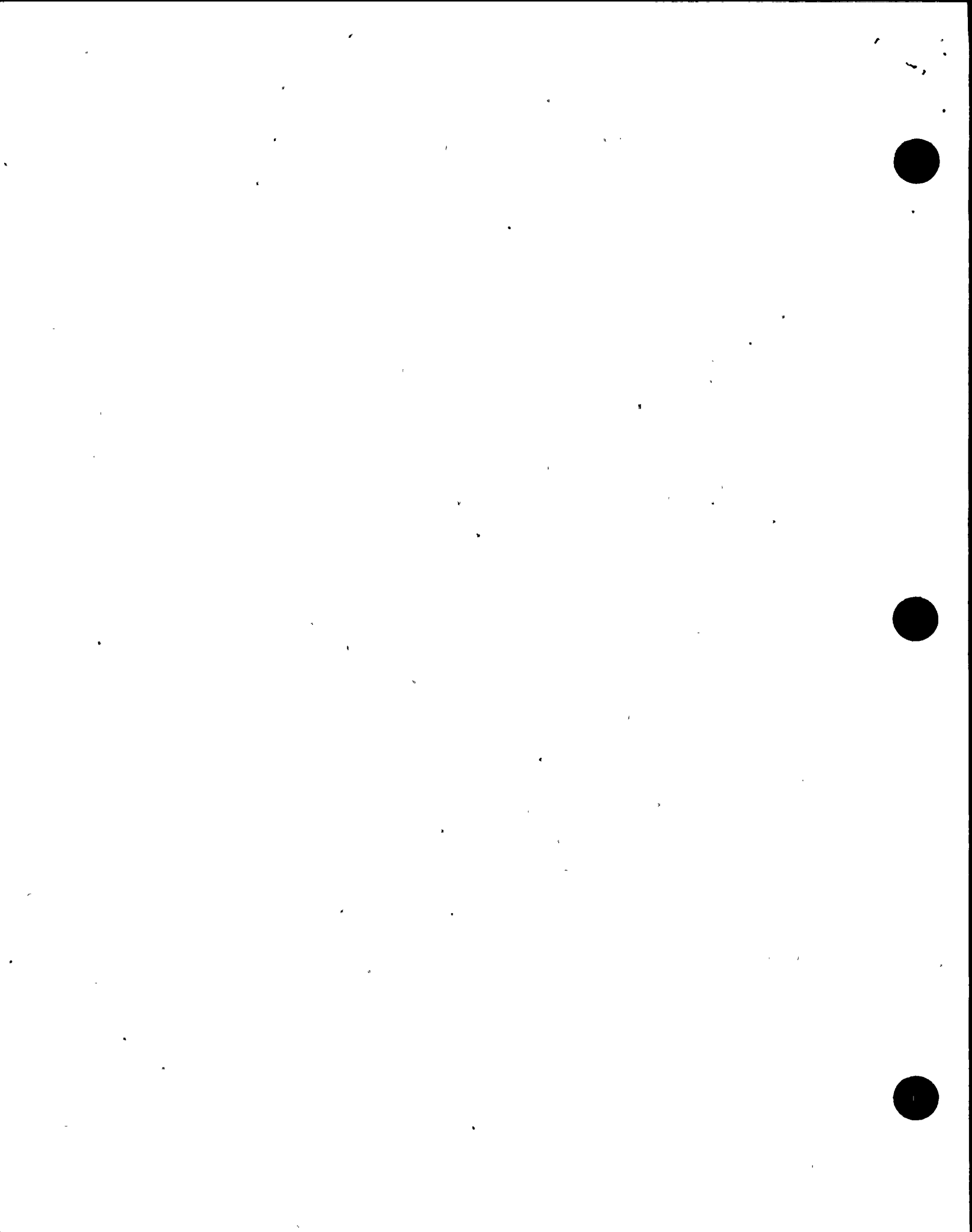
Contrary to the above, on April 23, 1997, during preparation for lowering the reactor cavity water level after refueling, using NMPC Procedure N1-OP-6, "Fuel Pool Filtering and Cooling System," Revision 14, Section 3.0, the Unit 1 Station Shift Supervisor (SSS) recognized that prerequisites 3.1.4 and 3.1.7 were not satisfied. However, the SSS determined that there was no technical basis for the prerequisites and proceeded without processing a procedure change.

This is a Severity Level IV violation (Supplement I) -- Unit 1 only. However, due to the extensive root cause analysis completed, and corrective actions implemented to address the immediate concern and to prevent recurrence, no response is required to this violation.

- B. Nine Mile Point Unit 2 Technical Specifications, Section 6.8.1, requires procedures to be written and implemented that meet the requirements of NRC Regulatory Guide (RG) 1.33, "Quality Assurance Program Requirements (Operation)." RG 1.33, Appendix A, identifies procedure review and approval as one of the safety related activities that should be covered by written procedures.

Nine Mile Point Procedure NIP-SEV-01, "Applicability Reviews and Safety Evaluations," Revision 03, Attachment 1 ("Applicability Reviews"), Part 4.C, requires the program owner be contacted for a proposed revision or activity involving a change to the Fire Protection Program.

Contrary to the above, on May 14, 1997, Applicability Review #21767 was processed for a change to the NMPC Procedure N2-OP-78, "Remote Shutdown System," Revision



10. The change involved an activity affecting the Fire Protection Program, but the program owner was not contacted.

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

- C. Nine Mile Point Physical Security Plan, Revision 5, dated April 8, 1996, Section 4.11, "Access Controls - Vehicles," states that designated vehicles may only exit the protected area for reasons of operational necessity, maintenance, repair, security or emergency.

Nine Mile Point Security Procedure 3.3, "Vehicle Access Control," Section 7.25, Revision 16, dated February 7, 1997, states that all vehicles listed on the current Designated Vehicle List, regardless of ownership, are considered site vehicles and may leave the protected area only for the reasons of operational necessity, maintenance, security, emergency, or repair of the vehicle.

Contrary to the above, on April 10, 1997, the NRC identified four vehicles listed on the licensee's Designated Vehicle List that were being maintained outside the protected area for reasons other than allowed by procedure.

This is a Severity Level IV Violation (Supplement III).

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 the date 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.

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 10th day of July, 1997.

