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 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
 HEHL, C.W. Region 1 (Post 820201)
 RECIP. NAME RECIPIENT AFFILIATION
 SYLVIA, R. Niagara Mohawk Power Corp.

SUBJECT: Forwards insp repts 50-220/97-07 & 50-410/97-07 on 970810-1004 & notice of violation re failure to conduct two separate TS required surveillance tests.

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November 28, 1997

EA 97-530

Mr. B. Ralph Sylvia
Executive Vice President
and Chief Nuclear Officer
Niagara Mohawk Power Corporation (NMPC)
Nuclear Learning Center
450 Lake Road
Oswego, NY 13126

SUBJECT: NRC INSPECTION REPORT NOS. 50-220/97-07 AND 50-410/97-07
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 August 10, through October 4, 1997. At the conclusion of the inspection, the findings were discussed with you and members of your staff. We are providing one integrated report for the inspections conducted during this period in order to better consolidate our findings into a consistent regulatory message and more clearly communicate how these findings may reflect a change in your performance.

During this period, your staff operated both units safely. The questioning attitude of your staff that led to the identification of tube leaks in all four Nine Mile Point Unit 1 (NMP1) emergency cooling condensers was good. During the ensuing reactor shutdown, the NMP1 operators' use of alarm response procedures, three-part communications, and self/peer checking were noticeably improved. We also found good performance in the radiation protection area.

However, based on the results of the inspections, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice), and the details surrounding it are described in the enclosed inspection report. Specifically, the violation involved the failure to conduct two separate technical specification required surveillance tests. Although your staff identified both instances, the violations are being cited because NMPC's actions to date to prevent missed surveillances have been ineffective. 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 related to transportation of radioactive material and the radioactive waste (radwaste) program 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. Specifically,

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the apparent violations involve: (1) the shipment of a sample of the NMP1 core shroud caused the radiation levels in the occupied space of the vehicle to exceed federal limits; (2) the shipment of a wrong liner of NMP2 radioactive material; (3) the two shipments (1995 and 1997) of radioactive material to a facility not licensed to receive the material; (4) the failure to maintain the Radwaste Process Control Programs current; (5) the failure to conduct audits of vendors supplying radwaste services and equipment; and (6) the failure to identify and correct the deficiencies within the radwaste program. Accordingly, no Notice of Violation is presently being issued for these inspection findings. In addition, be advised that the characterization and number of apparent violations described in the enclosed inspection report may change as a result of further NRC review.

A predecisional enforcement conference to discuss these apparent violations has been scheduled for December 19, 1997, at the NRC's Region I office in King of Prussia, Pennsylvania. 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 violations 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 perspective 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 under a separate correspondence of the results of our deliberations on this matter. No response regarding these apparent violation is required at this time.

Also, you are also requested to provide, within 30 days of the receipt of the letter which transmits this inspection report, your plan of action regarding the NMP1 concentrated waste tank #11. Our inspections identified that this tank continues to store concentrated waste, at least 17 years after the associated system was taken out of service. Your response is expected to provide either a safety evaluation to support the current configuration or a commitment to remediate the current condition.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96.511.

B. Ralph Sylvia

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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response will be placed in the NRC Public Document Room.

Sincerely,

Original Signed by:

Charles W. Hehl, 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. 50-220/97-07 and 50-410/97-07

cc w/enclosures:

R. Abbott, Vice President & General Manager - Nuclear
C. Terry, Vice President- Safety Assessment and Support
J. Conway, Vice President - Nuclear Engineering
K. Dahlberg, Vice President - Nuclear Operations
D. Wolniak, Manager, Licensing
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J. Rettberg, New York State Electric and Gas Corporation
P. Eddy, 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.
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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