

January 23, 1998

EA 97-536

Mr. John H. Mueller
Senior Vice President
Niagara Mohawk Power Corporation
Operations Building
2nd Floor
P.O. Box 63
Lycoming, NY 13093

SUBJECT: NRC INSPECTION REPORT 50-220/97-03, 50-410/97-03
AND NOTICE OF VIOLATION

Dear Mr. Mueller:

This letter refers to your August 11, 1997 correspondence, in response to our July 10, 1997 letter.

We have reviewed your basis for disagreeing with the violation related to an inadequate review of a change to a Nine Mile Point Unit 2 (NMP2) procedure. Specifically, we cited that a change to the remote shutdown procedure was not accomplished in accordance with your procedures; resulting in the failure to ensure that emergency lights were installed where required. Based on new information provided in your letter, and subsequent discussions with members of your engineering and licensing staffs, we understand that the violation as presented in NRC Inspection report 50-410/97-03 was inappropriate. As such we are retracting the original violation (VIO 50-410/97-03-04).

However, as discussed in your letter, the evaluation in 1984 of the modification required by Title 10 of the *Code of Federal Regulations*, Part 50 (10 CFR 50), Appendix R was inadequate. Therefore, we are issuing a new violation against the NMP2 operating license No. NPF-69, Item 2.G, which requires you to implement and maintain the fire protection program as described in the Final Safety Analysis Report. (VIO 50-410/97-03-09) The violation is cited in the enclosed Notice of Violation (Notice). Furthermore, although we understand that the review of the May 1997 change to the remote shutdown procedure was in accordance with your procedures, we believe that a more rigorous review by your staff would have identified the emergency light inadequacy.

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The NRC has concluded that the reason for the violation, the corrective actions taken and planned, and the actions to prevent recurrence are adequately addressed in your letter and in Licensee Event Report 50-410/97-02-01, "Potential Inoperability of Emergency Diesel Generator Service Water Cooling Valves During a Control Room Fire," dated June 9, 1997. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In addition, thank you for informing us of the corrective action and preventive actions related to the violation regarding vehicle access control, as documented in your letter. The corrective and prevent actions for both violations will be examined during future inspections of your licensed program.

We appreciate your cooperation.

Sincerely,

Original Signed by:

Charles W. Hehl, Director
Division of Reactor Projects

Docket Nos. 50-220
50-410

Enclosure: Notice of Violation

cc w/enclosure:

B. Ralph Sylvia, Chief Nuclear Officer
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
J. Warden, New York Consumer Protection Branch
G. Wilson, Senior Attorney
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J. Rettberg, New York State Electric and Gas Corporation
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J. Vinqvist, MATS, Inc.
F. Valentino, President, New York State Energy Research
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J. Spath, Program Director, New York State Energy Research
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