

# CATEGORY 1

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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  
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 RECIP.NAME                    RECIPIENT AFFILIATION

SUBJECT: EN-98-005:on 980122,notice of proposed imposition of civil penalty in amount of \$55,000 issued to licensee.Action based on Severity Level III problem re transportation requirement violations during shipment of radioactive matl.

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 TITLE: Enforcement Notice (EN)

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OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Niagara Mohawk Power Corporation (NMPC) (EA 97-530)  
Nine Mile Point, Units 1 & 2  
Docket Nos. 50-220, 50-410

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$55,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$55,000 will be issued on or about January 22, 1998 to NMPC. This action is based on a Severity Level III problem involving four violations of transportation requirements during four different shipments of radioactive material. While the actual safety consequence of the violations was low in each case, the violations indicate a lack of adequate oversight of the radioactive materials handling and transportation program. In addition, the violations demonstrate a clear potential for greater safety consequences, as evidenced by the fact that three of those shipments occurred during a two-month period in 1997. Because NMPC had been subject to escalated enforcement action within the past 2 years, the staff considered whether credit was warranted for identification and corrective action. Credit was not warranted for identification because the licensee did not identify the violations. However, credit was warranted for corrective action because NMPC's corrective actions were prompt and comprehensive.

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	January 22, 1998
Telephone Notification of Licensee	January 22, 1998

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: H. Miller, RI, (610) 337-5299                      D. Holody RI, (610) 337-5312

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PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL  
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