

ENCLOSURE 1

NOTICE OF VIOLATION

Niagara Mohawk Power Corporation
Nine Mile Point Units 1

Docket Nos.: 50-220
License Nos.: DPR-63

During an NRC inspection conducted from January 4 to February 14, 1998, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG 1600, the violations are listed below:

- A. 10 CFR 50, Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," Criterion XI, "Test Control," requires a test program be established to assure that all testing required to demonstrate that structures, systems, and components will perform satisfactorily in service.

Contrary to the above, prior to January 21, 1998, a surveillance test did not exist to periodically verify that the Nine Mile Point Unit 1 (Unit 1) liquid poison system was capable of establishing required flow from the liquid poison tank to the suction valves of the liquid poison pumps.

This is a Severity Level IV violation (Supplement I).

- B. Unit 1 TS, Section 6.8.1, requires written procedures and administrative policies to be implemented. NMPC Procedure GAP-DES-03, "Control of Temporary Modifications," Revision 7, Section 1.2, states that certain temporary alterations, while exempt from the requirements of GAP-DES-03, were not excluded from the requirements of NIP-SEV-01.

NMPC Procedure NIP-SEV-01, "Applicability Reviews and Safety Evaluations," Revision 3, Section 1.0, states that the procedure provides administrative controls for the review of changes to systems, permanent or temporary, to assess the impact to the Updated Final Safety Analysis Report (UFSAR), and to determine if the change involved an unreviewed safety question.

Contrary to the above, as of February 4, 1998, the Unit 1 control room emergency ventilation system temperature control valve (TCV-210.1-56), shown on UFSAR Figure III-14, had been failed open since January 1992. An engineering evaluation had not been performed to assess the impact of the failed open TCV on the system, or to determine if the change involved an unreviewed safety question.

This is a Severity Level IV violation (Supplement I).

Pursuant to the provisions of 10 CFR 2.201, Niagara Mohawk Power Corporation is hereby required to submit a written statement or explanation for the above violations. 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 or severity level; (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. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued to show cause 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.

Send all replies 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, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001

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 20th day of March, 1998.

