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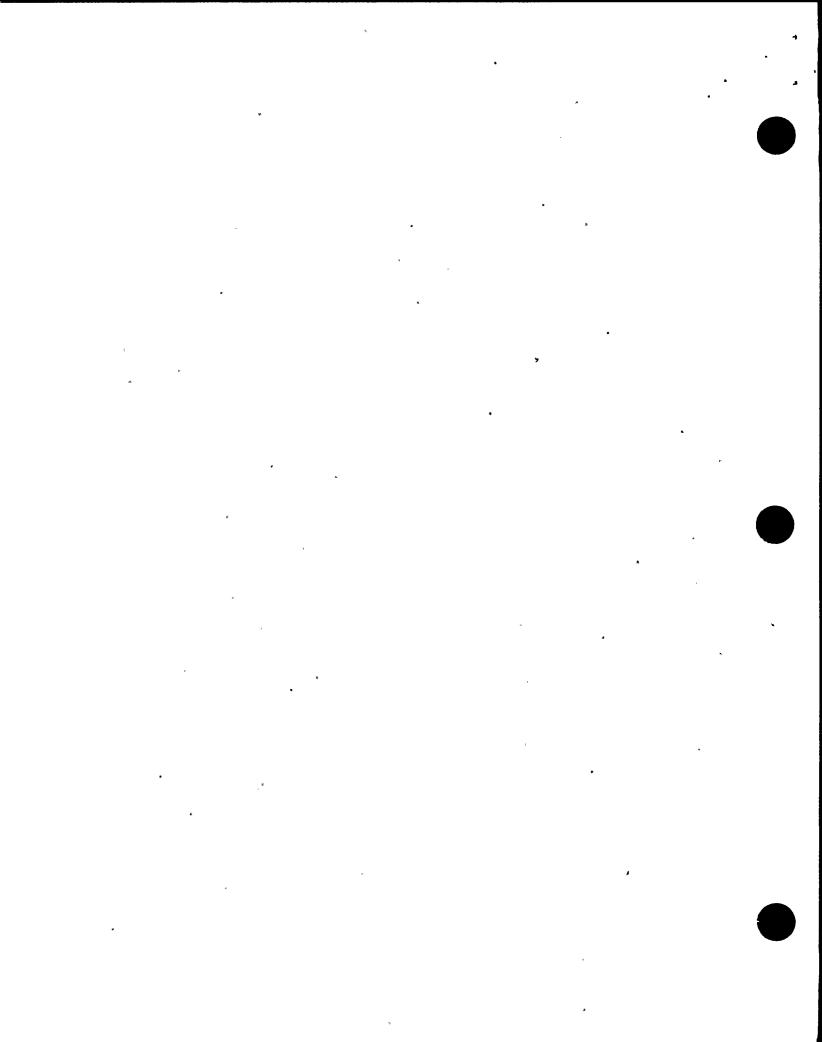
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EA 98-178

Mr. John H. Mueller Chief Nuclear Officer Niagara Mohawk Power Corporation Nine Mile Point Nuclear Station Operations Building, 2nd Floor P.O. Box 63 Lycoming, NY 13093

SUBJECT: NRC INSPECTION REPORT NOS. 50-220/98-04 AND 50-410/98-04

Dear Mr. Mueller:

This report transmits the findings of the safety inspection conducted by NRC inspectors at the Nine Mile Point Nuclear Station, Units 1 and 2, from March 9-13, 1998. At the conclusion of the inspection, the findings were discussed with you, and members of your staff.

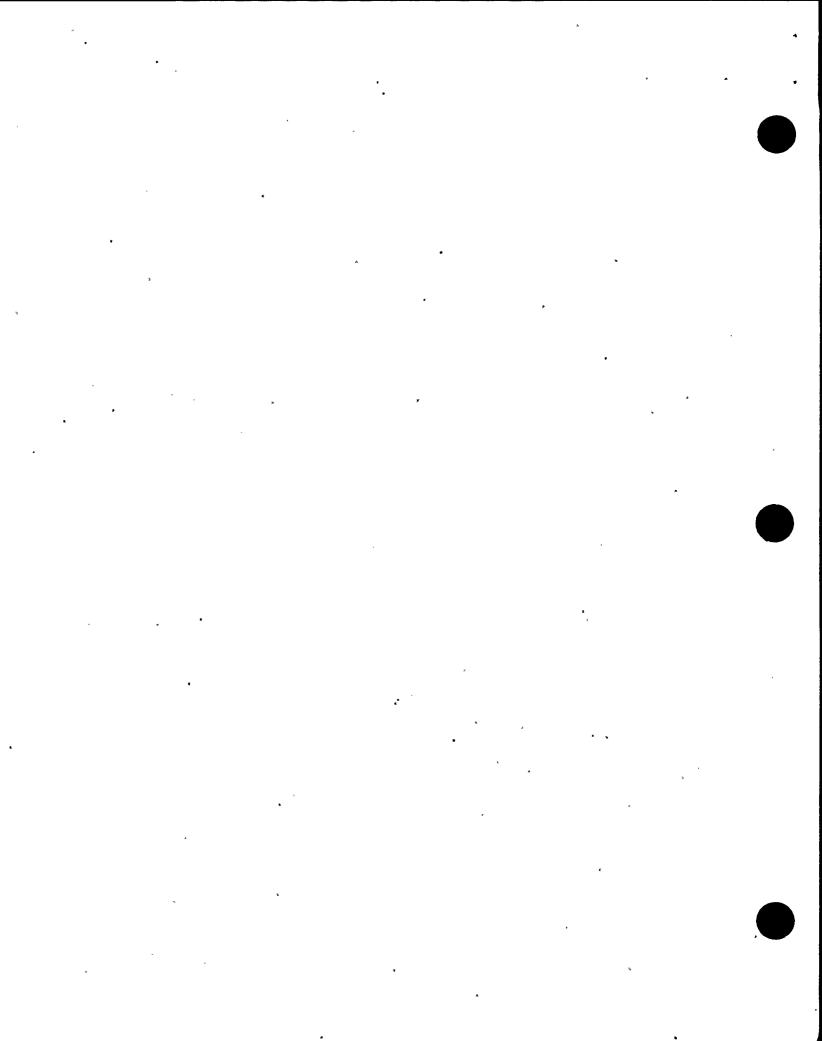
You have established a generally effective program for the collection, processing, packaging and transportation of radioactive wastes. However, a violation was identified involving failure to comply with regulatory limits specified in 49 CFR 173.443 relative to the return to service of a transport vehicle previously utilized for the transportation of radioactive material. This violation is cited in the enclosed Notice of Violation (Notice).

Specifically, you returned to service, for unrestricted use, a trailer which had been previously used to transport radioactive material as an exclusive use vehicle. Upon receipt at Babcock and Wilcox (B&W) in Parks Township, Pennsylvania, it was determined that two small areas on the accessible surface of the trailer had radiation levels exceeding the applicable limits. Although under the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, this violation could have been considered for escalated enforcement, after consultation with the Office of Enforcement, we have decided to cite this at a Severity Level IV, based on: (1) the level of fixed contamination that was determined to be present of the trailer was not sufficient to result in any significant health and safety consequence to the public; (2) the fixed contamination and the resulting low-level radiation were restricted to only two small discrete locations; and (3) you took prompt and appropriate immediate corrective actions to effect remediation and prevent recurrence.

The NRC remains concerned, however, that you returned to service, for unrestricted use, a vehicle with radiation levels in excess of the applicable regulatory limit. 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.

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