

ENCLOSURE 1

NOTICE OF VIOLATION

Niagara Mohawk Power Corporation
Nine Mile Point Unit 1

Docket No.: 50-220
License No.: DPR-63

During an NRC inspection conducted from April 4 through June 9, 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. Unit 1 Technical Specifications, Section 6.8.1, requires written procedures to be implemented. NMPC Operating Procedure N1-OP-14, "Containment Spray System," Revision 39, Step G.2.18, requires that Flow Control Valve (FCV) 80-118, the containment spray test return to the torus, be verified as closed.

Contrary to the above, on April 7, 1998, during the restoration of containment spray loop #121 after lowering torus water level, the reactor operator implementing and controlling Procedure N1-OP-14 failed to close FCV 80-118, as required by Step G.2.18.

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

- B. Unit 1 Technical Specifications, Section 3.3.0, requires that primary containment integrity be maintained when the reactor is critical. Section 1.11.a, defines primary containment integrity and states the conditions which must be satisfied, including the condition that all non-automatic primary containment isolation valves which are not required to be open for plant operation are closed.

Contrary to the above, from April 7 through April 11, 1998, primary containment integrity was not maintained, in that FCV 80-118 was open, with no specific plant operation in progress requiring it to be open.

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 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). 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 as to why the license should not be modified, suspended, or revoked, or why

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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.

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. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated at King of Prussia, Pennsylvania
this 26th day of June, 1998.

