

ENCLOSURE 1

NOTICE OF VIOLATION

Niagara Mohawk Power Corporation
Nine Mile Point Units 1 & 2

Docket Nos.: 50-220, 50-410
License Nos.: DPR-63, NPF-69

During an NRC inspection conducted from April 12 through May 23, 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. Nine Mile Point Unit 1 (Unit 1) Technical Specifications (TS), Section 6.8.1, requires procedures be implemented as written. With one loop of the core spray system inoperable, TS 3.1.4.d requires a plant shutdown initiated within one hour and the plant placed in the Cold Shutdown condition within the next ten hours.

NMPC Surveillance Test Procedure N1-ST-Q28, "Containment Spray Raw Water Inter-Tie Check Valve Quarterly Operability Test," Revision 5, Step 10.1.1 (Operations Review of the Acceptance Criteria) Note #1, states that if check valve 93-64 fails, then the core spray system loop #12 shall be considered inoperable and TS 3.1.4.d action statement entered.

Contrary to the above, on April 22, 1998, check valve 93-64 failed to open when the required torque was applied. However, core spray system loop #12 was not declared inoperable and TS 3.1.4.d was not entered.

This is a Severity Level IV violation (Supplement 1) - Unit 1 only.

- B. Unit 2 TS Surveillance Requirement (TSSR) 4.8.2.1.d requires, in part, that at least once per 18 months the Division I and II battery capacity be verified adequate to supply and maintain all of the emergency loads for 2 hours when the battery is subjected to a battery service test, or to supply a dummy load for the specified profile while maintaining the battery terminal voltage greater than or equal to 105 volts.

Contrary to the above, from April 1995 until May 7, 1998, the Division I battery capacity had not been verified by service testing as required by TSSR 4.8.2.1.d.

This is a Severity Level IV violation (Supplement I) - Unit 2 only.

- C. 10 CFR 50, Appendix B, Criterion III, "Design Control," requires that measures be established for the selection and review for suitability of application of materials, parts, equipment, and processes that are essential to the safety-related functions of the structures, systems and components.

Contrary to the above, prior to April 18, 1998, measures were not established to ensure the suitability of the Division I and II emergency diesel generator (EDG) fuel supply piping and associated pipe supports. Specifically, in 1993, under Engineering Design Change 2F00838, NMPC failed to include a protective rubber

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grommet between the fuel supply pipe and the pipe support. System vibration resulted in significant fretting of the fuel piping and eventually led to a fuel leak on the Division II EDG.

This is a Severity Level IV violation (Supplement I) - Unit 2 only.

- D. Unit 2 TS, Section 3/4.3.7.3, requires that the meteorological monitoring instrumentation channels be demonstrated operable by the performance of a channel check and channel calibration. Section 1.4 defines a channel calibration as the adjustment of the channel output so that it responds with the necessary range and accuracy to known values of the parameter which the channel monitors. The channel calibration is to encompass the entire channel, including the sensor and alarm and/or trip functions.

Contrary to the above, prior to May 22, 1998, NMPC did not perform the channel calibration of the wind speed channel according to the channel calibration definition; in that, the wind speed sensor was not included in the channel calibration.

This is a Severity Level IV violation (Supplement IV) - Unit 2 only.

The NRC has concluded that the information regarding the reason for Violations B and C, above, the corrective actions taken and planned to address the violations and prevent recurrence, and the date when full compliance was achieved has been adequately docketed via Licensee Event Report 50-410/98-09 and this inspection report. However, you are required to submit a written statement or explanation pursuant to 10CFR2.201 if the description therein does not accurately reflect your corrective actions or your position.

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 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.

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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 7th day of July, 1998.

