



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

November 19, 1998

EA 98-267

Mr. John H. Mueller
Chief Nuclear Officer
Niagara Mohawk Power Corporation
Nine Mile Point Nuclear Station
Operations Building, 2nd Floor
Post Office Box 63
Lycoming, New York 13093

SUBJECT: NOTICE OF VIOLATION
(NRC Office of Investigation Report No. 1-98-10)

Dear Mr. Mueller:

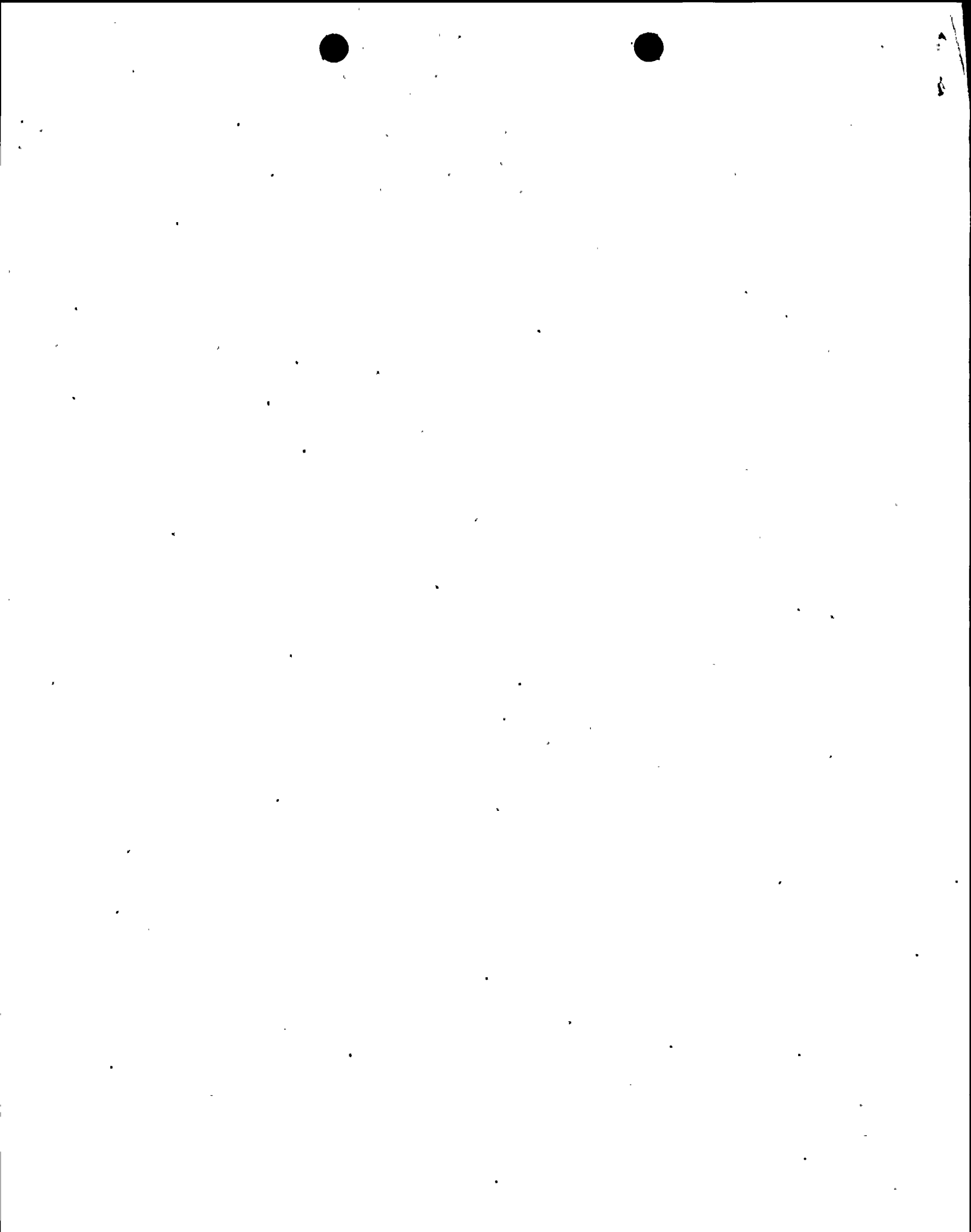
This letter refers to the NRC investigation conducted by the NRC Office of Investigations (OI) after you had identified, investigated, and reported to the NRC, that a former licensed Reactor Operator (RO) left the controls of Unit 2 unattended for approximately six minutes on December 24, 1997. At the time, the individual went to the shift supervisor's office located in the control room to take some personnel files. Although a licensed senior reactor operator was in the control room at the time, he was not in view of the "at the controls" area. A copy of the synopsis of the OI investigation is enclosed.

Based on the investigations conducted by your staff and OI, the NRC concluded that the licensed Reactor Operator deliberately caused you to be in violation of your Technical Specification by leaving the "at the controls" area of the control room unattended. Given the circumstances of this case, including the fact that when the involved RO left the controls, a licensed senior reactor operator was still in the control room for the relatively short time that the RO was not "at the controls," the violation is classified at Severity Level IV in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The violation is described in the enclosed Notice.

The NRC recognizes that, as a result of your investigations, you implemented several corrective actions. These actions included: (1) request for termination of the former RO's license, for which the NRC issued a Termination Letter on October 29, 1998; (2) removal of the individual from all station duties; and (3) interviews of all other licensed personnel to assure that they understood and met the "at the controls" requirement. However, this violation was considered willful in that the RO understood the requirement to remain at the controls, yet made a conscious decision to leave the controls area. Therefore, although you performed a thorough investigation of this event and your corrective actions were prompt and comprehensive, this violation is being cited in accordance with the Enforcement Policy. You should remind all of your licensed staff of the significance of this violation, and also inform them that engaging in such wrongdoing may subject individuals to civil and/or criminal enforcement action.

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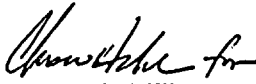
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The NRC has concluded that information regarding the reason for the violation, and the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed on the docket in your Licensee Event Report No 98-02, Rev. 1, dated August 17, 1998. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, the enclosed Notice, and any response, if you chose to provide one, will be placed in the NRC Public Document Room (PDR).

Sincerely,


Hubert J. Miller
Regional Administrator

Enclosures:

1. Notice of Violation
2. OI Synopsis



cc w/encls:

G. Wilson, Senior Attorney

M. Wetterhahn, Winston and Strawn

J. Rettberg, New York State Electric and Gas Corporation

P. Eddy, Electric Division, Department of Public Service, State of New York

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Niagara Mohawk Power Corporation

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