

ENCLOSURE 1

NOTICE OF VIOLATION

Niagara Mohawk Power Corporation
Nine Mile Point, Unit 2

Docket No. 50-410
License No. NPF-69
EA 98-267

During an investigation conducted by the NRC Office of Investigations (OI), conducted between March 3, 1998 and September 30, 1998, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

Appendix A of the NMP-2 Facility License, Technical Specification (TS) 6.2.2.b. states, in part, "In Operational Condition 1,2 or 3, at least one licensed operator shall be at the controls of the unit."

Contrary to the above, on December 24, 1997, with NMP2 at 95% power (Operational Condition 1) on that date, a licensed Reactor Operator left the controls at NMP-2 unattended, for a period of approximately six minutes, to go into the shift supervisor's office, an area not "at the controls" as defined in NMPC UFSAR figure 13.5-1.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in your Licensee Event Report No 98-02, Rev. 1, dated August 17, 1998. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region 1, 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 choose to respond, your response will be placed in the NRC Public Document Room (PDR). Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

Dated at King of Prussia, PA
this 19th day of November 1998

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SYNOPSIS

This investigation was initiated by the Office of Investigations (OI), U.S. Nuclear Regulatory Commission (NRC), Region I (RI), on March 3, 1998, to evaluate information brought to the attention of the NRC by the Niagara Mohawk Power Corporation (NMPC) that a licensed reactor operator (LRO) at Nine Mile Point 2 (NMP2) had been absent from his assigned duties as operator "at the controls" for a period of several minutes on December 24, 1997. Additionally, OI sought to determine whether the LRO deliberately violated a Technical Specification (TS) by his actions.

Based on the evidence developed during the OI investigation, as well as a review of evidence in the reports provided by NMPC, it is concluded that the LRO deliberately left the "at-the-controls" area in the NMP2 Control Room knowing that doing so was in violation of a TS and a regulation pertaining to required Control Room staffing.

