

DCS

88-05

September 22, 1989

Docket No. 50-220  
License No. DPR-63  
EA 89-70

Niagara Mohawk Power Corporation  
ATTN: Mr. Lawrence Burkhardt, III  
Executive Vice President  
Nuclear Operations  
301 Plainfield Road  
Syracuse, New York 13212

Gentlemen:

Subject: NOTICE OF VIOLATION

- References: Inspection Report Nos. 50-220/88-05; 88-10; 88-11  
Operator Requalification Training
- Investigation Report No. 1-88-003  
Operator Requalification Training
- Inspection Report No. 50-220/88-201  
Safety System Functional Inspection (SSFI)
- Inspection Report No. 50-220/89-01  
Corporate Engineering Support for NMP Unit 1
- Inspection Report No. 50-220/89-02  
Inservice Testing Program

This letter refers to six NRC special and routine inspections conducted between February 22, 1988 and February 17, 1989 at Nine Mile Point, Unit 1, Scriba, New York to review various aspects of licensed activities conducted at your facility. The referenced inspection reports were sent to you previously. The specific areas examined during these inspections included; the licensed operator requalification training program; SSFI Assessment of the functionality of the High Pressure Coolant Injection mode of the feedwater system (HPCI/FW) and core spray system; the adequacy of corporate engineering support of Unit 1; and the Inservice Testing Program.

This letter also refers to the findings of an investigation conducted by the NRC Office of Investigations (OI) relative to identified deficiencies in the conduct and documentation of requalification training for licensed operators. A copy of the OI synopsis was sent to you on March 17, 1989. Based on the inspections and investigation, violations of NRC requirements were identified. On March 30, 1989, an enforcement conference was conducted with you and members of your staff to discuss the OI findings and the violations involving the requalification program, as well as the causes of those violations and your corrective actions.

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

OFFICIAL RECORD COPY

CP PKG NMP EA 89-70 9/20 - 0001.0.0  
09/20/89

*IGol*

*Return to RI*

8910040227 890922  
PDR ADDOCK 05000220  
PNU



The violations, which are described in detail in the enclosed Notice of Violation, include, but are not limited to: (1) failure by management to ensure that 39 licensed operators (including 13 subject to NRC license renewal) completed all portions of the operator's requalification program (further details are in NRC Inspection Report 50-220/88-10, Section 2.2); (2) failure to have adequate procedures for certain aspects of primary containment control and operation of the core spray system; (3) failure to translate certain design basis information into appropriate procedures, drawings and specifications; (4) failure to promptly notify the NRC when the plant was operated in an unanalyzed condition, and operated outside of its design basis; and (5) failure to take prompt and appropriate corrective actions when these deficiencies were identified.

The NRC is particularly concerned about the failure of management to ensure that all operators fully completed the requalification training, as evidenced by poor documentation of remediation training, required reading, and attendance at required lectures. Furthermore, information contained in thirteen NRC Form 398s (Personal Qualifications Statement-Licensee) submitted to the NRC as part of the operator license renewal applications, were signed by those individual operators and were certified by former managers as being correct, when in fact, some of the information on those forms was inaccurate. Those forms were inaccurate in that they certified that the applicants for license renewal had satisfactorily completed all requalification program training requirements, when, in fact, those individual operators had not completed certain classroom training, reading assignments and/or simulator training. The accuracy of the information submitted in the renewal application is of particular importance since this information provides a basis for the NRC to conclude that renewal of the reactor operator license is warranted.

While sufficient evidence was not developed during the NRC investigation to conclude that the submission of the inaccurate Form 398s was intentional or made with careless disregard either by the individual operators who signed the forms, or senior management who certified to the accuracy of those forms, it is clear from an analysis of the investigation and associated inspection findings, as well as an inspection of your Emergency Operating Procedures (EOP) in June 1988, that a significant breakdown occurred in the management oversight of both the development and implementation of the operator requalification program. During that EOP inspection (Reference: 50-220/88-22 and 50-410/88-23), the staff found that management attention to the quality of training was deficient, as evidenced by the inability of the operating crews to properly implement the EOPs and adequately understand their bases. Furthermore, these training deficiencies, in part, were identified during audits conducted by your Safety Review and Audit Board in March 1986 and April 1987, and were documented in written notifications from the Training Department to the former Plant Superintendent; however, actions were not taken at that time to correct these deficiencies and prevent recurrence.

This failure to take appropriate corrective measures for identified deficiencies in the training program, as well as the other violations set forth in the enclosed Notice, provide additional examples of the concern previously expressed by the NRC regarding the ineffectiveness of Niagara Mohawk Power Corporation



(NMPC) management in ensuring that problems at your facility are promptly and properly identified, analyzed and resolved. For each of the violations in the enclosed Notice, adequate information in the form of audit findings and/or technical analysis was available to your staff, which if properly evaluated, should have resulted in the timely identification of the problems and initiation of appropriate corrective actions. However, these deficiencies were not promptly corrected.

In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" 10 CFR Part 2, Appendix C (1989), the violations set forth in the enclosed Notice have been classified as a Severity Level III problem. While a civil penalty is normally considered for a Severity Level III violation or problem, I have decided, after consultation with the Commission, to exercise enforcement discretion in accordance with the guidance set forth in Section V.G.2 of the Enforcement Policy and not issue a civil penalty for these violations.

This exercise of discretion takes into account the fact that Nine Mile Point 1 (NMP1) has been shut down for an extended period of time due to generally poor performance brought about by problems with your ability to self-identify and correct deficient conditions without NRC intervention. A CAL was issued in March 1988 specifically related to training issues and another was issued on July 24, 1988 to include broader aspects of corrective actions needed prior to restart. By way of the CALs, you agreed to develop and implement a comprehensive "Restart Action Plan," which was reviewed and approved by the NRC, and to not restart NMP1 without prior NRC concurrence. In addition, extensive and comprehensive changes are in the process of being implemented. These changes include the extensive management and organizational changes within the Nuclear Division, senior management's commitment to improving the NMPC organization's ability to promptly identify and correct existing problems, and the specific actions contained in your Restart Action Plan.

It is noted that, although the violations that are the subject of this enforcement action were non-willful violations, most were identified by the NRC. After careful consideration, it was determined under the circumstances of this case that a civil penalty was not necessary to achieve remedial action.

The NRC has also decided as a matter of discretion not to issue a notice of violation to NMPC or individual operators for the submittal of inaccurate information on the Form 398s. It is noted that the submittals occurred prior to February 1, 1988, the effective date of 10 CFR 50.9 and 10 CFR 55.9. These requirements require NMPC and the individual operators to ensure that all information provided to the NRC be accurate and complete in all material aspects. If inaccurate information had been submitted subsequent to that date, it would have formed the basis for a notice of violation of §50.9 for NMPC and of §55.9 for each of the thirteen individual operators for failure to submit complete and accurate information to the NRC. Therefore, we emphasize that any such submittal in the future could result in escalated enforcement action.



You are required to respond to this letter and the enclosed Notice and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to take to prevent recurrence. Further, you should describe the specific actions taken or planned to ensure that information submitted to the NRC by any NMPC representative is complete and accurate in all material ways. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,

Original Signed By  
WILLIAM T. RUSSELL

William T. Russell  
Regional Administrator

Enclosure: Notice of Violation



cc w/encl:

C. V. Mangan, Senior Vice President

J. Perry, Vice President, Quality Assurance Department

W. Hansen, Manager, Corporate Quality Assurance

R. G. Smith, Unit 2 Superintendent, Operations

C. Beckham, Manager, Nuclear Quality Assurance Operations

R. B. Abbott, Unit 2 Station Superintendent

K. Dahlberg, Unit 1 Station Superintendent

R. Randall, Unit 1 Superintendent, Operations

J. Willis, General Station Superintendent

C. Terry, Vice President Nuclear Engineering and Licensing

J. F. Warden, New York Consumer Protection Branch

Troy B. Conner, Jr., Esquire

Gary D. Wilson, Senior Attorney

John W. Keib, Esquire

Director, Power Division, Department of Public Service, State of New York

State of New York, Department of Law

Public Document Room (PDR)

Local Public Document Room (LPDR)

Nuclear Safety Information Center (NSIC)

NRC Resident Inspector

State of New York



bcc w/encl:  
 Region I Docket Room (with concurrences)  
 Management Assistant, DRMA (w/o encl)  
 DRP Section Chief  
 Robert J. Bores, DRSS  
 SECY  
 H. Thompson, DEDS  
 J. Taylor, DEDR  
 J. Lieberman, OE  
 W. Russell, RI  
 D. Holody, RI  
 L. Chandler, OGC  
 Enforcement Directors, RII-RIII  
 Enforcement Officers, RIV-RV  
 T. Murley, NRR  
 F. Ingram, PA  
 E. Jordan, AEOD  
 B. Hayes, OI  
 M. Malsch, OIG  
 S. Varga, NRR  
 V. Miller, SPA/SP  
 OE:Chron  
 OE:EA  
 DCS  
 J. Dyer, EDO  
 Restart Panel  
 M. Slosson, NRR

RI:ES  
 Christopher/pmb/gcb

4/3/89

RI:DRP  
 Johnson

4/11/89

OE  
 Lieberman

3/ /89

RI:EO  
 Holody

4/3/89

RI:DRP  
 Kane

4/13/89

DEDRO  
 Thompson

3/ /89

RI:DRP  
 Conte

4/14/89

RI:DRP  
 Gutierrez

4/13/89

RI:DRS  
 Gallo

4/11/89

RI:DBA  
 Avian

4/13/89

RI:DRS  
 Martin

4/11/89

RI:RA  
 Russell

4/21/89

Commission

Rec'd  
 by phone from  
 OE on 9/20/89

