



NIAGARA MOHAWK POWER CORPORATION / 300 ERIE BOULEVARD WEST, SYRACUSE, N.Y. 13202 / TELEPHONE (315) 474-1511

DONALD P. DISE
VICE PRESIDENT QUALITY ASSURANCE

September 22, 1983

Mr. Richard C. DeYoung, Director
Office of Inspection and Enforcement
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Re: Nine Mile Point Nuclear Station Unit 2
NRC Civil Penalty - \$100,000
Docket No. 50-410 EA 83-16

Dear Mr. DeYoung:

Niagara Mohawk Power Corporation ("Niagara Mohawk"), in its June 30, 1983 response to the Commission's Notice of Violation issued April 26, 1983 involving "improper implementation of the Quality Assurance Program by your principal contractor, Stone & Webster," set forth its bases for mitigation of the above-captioned civil penalty that -

- (1) the deficiencies noted did not involve inspections which were not performed, attempts to conceal unacceptable work, or misrepresentations of the quality of construction at Nine Mile Point Unit 2;
- (2) the reinspection work which was performed demonstrated the problem did not result in construction deficiencies;
- (3) neither Niagara Mohawk nor Stone & Webster management, with the exception of the first line supervisor and possibly the second line supervisor, were aware of the existence of these practices prior to NRC investigation, and demonstrates that both Niagara Mohawk and Stone & Webster management attempted to provide proper direction regarding the manner in which inspections were to be conducted and documented; and
- (4) the investigation indicated that the problem was limited to the electrical Field Quality Control group and did not reflect an across-the-board deficiency in Niagara Mohawk's quality assurance program.

Mr. Richard C. DeYoung

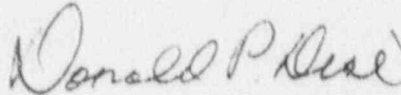
-2-

September 22, 1983

While the NRC, in its ultimate order imposing the civil penalty, basically agreed with the accuracy of the facts alleged by Niagara Mohawk and with the adequacy of the corrective actions that had been taken by both Niagara Mohawk and Stone & Webster prior to the issuance of the Notice of Violation, the conclusion reached was that the response did not provide a sufficient basis for the reduction of the civil penalty. Niagara Mohawk regrets that the Commission did not consider such response and the actions described therein sufficient to justify mitigation; however, Niagara Mohawk has determined that it is in the best interests of the project to conclude this proceeding rather than to further pursue costly and time-consuming litigation.

Accordingly, please find enclosed this Corporation's check in the amount of \$100,000, payable to the Treasurer of the United States, representing payment in full of the above-captioned civil penalty.

Very truly yours,



Donald P. Dize

Vice President - Quality Assurance

Enclosure

BILL FOR COLLECTION

Bill No.

U.S. Nuclear Regulatory Commission
(Department or Establishment and Bureau or Office)
Washington, D.C. 20555
(Address)

Date 9/23/83

PAYER:

Niagara Mohawk Power Corporation
 300 Erie Boulevard West
 Syracuse, NY 13202

*This bill should be returned by the payer with his remittance.
 SEE INSTRUCTIONS BELOW.*

Date	DESCRIPTION	Quantity	Unit Price		Amount
			Cost	Per	
9/23/83	Full payment for EA 83-16, dated 9/22/83 Docket No. 57-410				\$100,000.00
<i>AMOUNT DUE THIS BILL,</i>					\$ 100,000.00

This is not a receipt

INSTRUCTIONS

Tender of payment of the above bill may be made in cash, United States postal money order, express money order, bank draft, or check, to the office indicated. Such tender, when in any other form than cash, should be drawn to the order of the Department or Establishment and Bureau or Office indicated above.

Receipts will be issued in all cases where "cash" is received, and only upon request when remittance is in any other form. If tender of payment of this bill is other than cash or United States postal money order, the receipt shall not become an acquittance until such tender has been cleared and the amount received by the Department or Establishment and Bureau or Office indicated above.

Failure to receive a receipt for a cash payment should be promptly reported by the payer to the chief administrative officer of the bureau or agency mentioned above.

NEWMAN & HOLTZINGER, P.C.

1615 L STREET, N.W.
WASHINGTON, D.C. 20036
202 955 6600

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HERBERT B. JOHN
J. M. GUTERREZ
KENNETH M. KESTER
SCOTT SLAGHTER
ED. YOUNG

NOT ADMITTED IN DC

June 13, 1990

HAND DELIVERED

Director, Division of Freedom of
Information and Publication
Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Ms. Linda Robinson

Re: Freedom of Information Act Request

Dear Ms. Robinson:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, et seq., as supplemented by the NRC's implementing regulations, 10 C.F.R. § 9.11, et seq., we hereby request that you produce for inspection and copying the documents described in the attachments to this letter. This request primarily involves documents relating to the design and construction of Nine Mile Point Unit 2 (NMP-2), NRC docket no. 50-410. Set forth in Attachment A hereto is the list of the categories of documents we would like to review. These categories include all documents related to the specific NRC meetings, correspondence, inspections, and reports identified in Attachment A. Set forth in Attachment B is a detailed description of some of the particular types of documents that we would like to review relating to each of the categories identified in Attachment A.

As used herein, the term "NRC" includes all offices and divisions within the Agency having any involvement with the subject matter of this request, including the NRC Regional Office

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-90-270
Rec'd 6-B-90

~~9008070308~~ (copy)

for Region I, the NRC Resident Inspector's office at the NMP-2 site, and the Office of Inspection and Enforcement. As also used herein, the term "document", unless otherwise specifically limited, means all correspondence, letters, memoranda (internal and external), records of telephone conversations, notes, reports, agreements, guidelines, procedures, meeting slides, and the like, whether in draft or final form, that are in any way relevant to the categories of documents identified in the attachments.

We look forward to your response within the time limits prescribed by the regulations. We would note that in the event you consider any document to be exempt from production, the non-exempt portions of the document should be released. We also appreciate that this FOIA request is fairly extensive, and we are more than willing to provide you with any additional information or offer any clarification you may need in processing this request. Further, due to the potential voluminousness of the initial production for inspection, we would ask that you consider releasing the documents to us in stages as you accumulate them rather than waiting until all documents subject to production have been accumulated.

Finally, consistent with the regulations, we agree to pay whatever charges are incurred in processing this request. Please give me a call at (202) 955-6790 if you have any questions on these matters.

Very truly yours,



John C. Person

Attachment A

Following below are the specific categories of documents for which we are seeking related documents, as described more fully in Attachment B.

1. Letter from Kenneth L. Kiper, NRC Project Manager Licensing Branch No. 1, to Niagara Mohawk Power Corp. (NMPC), dated March 4, 1981, re: Summary of meeting held January 26, 1981 to discuss the reorganization of NMP-2 QA.
2. All personal files, memoranda, and notes of W. Kiper, W. Haass, J. Gilray, and P. McKee that relate to the meeting held on January 26, 1981 to discuss the reorganization of NMP-2 QA.
3. Letter from Eldon J. Brunner, Chief of the NRC Projects Branch No. 1, Division of Resident and Project Inspection, to NMPC, dated September 4, 1981, re: Inspection 50-410/81-08 performed at NMP-2 from August 4-6, 1981.
4. All personal files, memoranda, and notes of R.A. Feil and H.B. Kister that relate to Inspection 50-410/81-08 performed at NMP-2 from August 4-6, 1981.
5. Meeting between NMPC and Region I held in Bethesda, Maryland on or about January 13, 1982.
6. Construction Appraisal Team (CAT) Inspection 50-410/81-13 dated March 17, 1982, conducted between November 30, 1981 and December 18, 1981 at NMP-2.
7. All personal files, memoranda, and notes of S.K. Chaudhary, R.J. Paolino, S.D. Reynolds, L.E. Tripp, R. Schultz, and S.D. Ebnetter that relate to CAT Inspection 50-410/81-13 conducted between November 30, 1981 and December 18, 1981 at NMP-2.
8. NRC Inspection Report No. 82-03 transmitted to NMPC by letter dated June 19, 1982, summarizing inspection conducted between March 29, 1982 and April 30, 1982.
9. All personal files, memoranda, and notes of R.D. Schultz, A.S. Varela, H.B. Kister, and R.W. Starostecki that relate to NRC Inspection Report no. 82-03.
10. Meeting between the NRC and NMPC concerning Inspection 50-410/81-13 held at the Region I offices on or about April 14, 1982.
11. All personal files, memoranda, and notes of R.T. Carlson, S.D. Ebnetter, E.J. Brunner, L.E. Tripp, and S.K.

Chaudhary that relate to the NRC meeting on Inspection 50-410/81-13 held on April 14, 1982.

12. Management Meeting Report No. 50-410/82-06 dated June 1, 1982, as transmitted to NMPC by letter dated June 18, 1982.

13. All personal files, memoranda, and notes of R.W. Starostecki, E.J. Brunner, H.B. Kister, and R.D. Schultz that relate to the NRC management meeting summarized in Report no. 50-410/82-06.

14. Enforcement Conference Report No. 50-410/82-08 dated July 6, 1982, as transmitted to NMPC by letter dated September 1, 1982.

15. All personal files, memoranda, and notes of E.J. Brunner, S.D. Ebnetter, D.J. Holody, R.W. Starostecki, and R.D. Schultz that relate to the enforcement conference referred to in Report no. 50-410/82-08.

16. Enforcement Conference Report No. 50-410/82-13 dated October 20, 1982.

17. All personal files, memoranda, and notes of R.C. Haynes, D.J. Holody, H.B. Kister, R.D. Schultz, and R.W. Starostecki that relate to the enforcement conference referred to in Report no. 50-410/82-13.

18. Letter from the NRC's Starostecki to NMPC dated October 28, 1982 (references a meeting held on October 20, 1982).

19. NRC Investigation 50-410/1/-82-078 conducted between November 1-4, 1982.

20. All personal files, memoranda, and notes of R.A. Matukas, R.K. Christopher, and J.A. Fitzgerald that relate to NRC investigation 50-410/1/-82-078.

21. Systematic Assessment of Licensee Performance (SALP) report for NMP-2 dated December 12, 1982, covering the period October 1, 1981 through September 30, 1982.

22. All personal files, memoranda, and notes of R.W. Starostecki, T. Martin, E.G. Greenman, H.B. Kister, R.D. Schultz, and M. Lynch that relate to the SALP report for NMP-2 dated December 12, 1982.

23. NRC Inspection No. 83-01, conducted from January 3, 1983 through February 4, 1983.

24. All personal files, memoranda, and notes of R.D. Schultz, J. Grant, H.B. Kister, and R.W. Starostecki that relate to NRC inspection 83-01.

25. Enforcement Action Letter 50-410/EA-83-16, dated April 26, 1983, concerning an NRC inspection at NMP-2 conducted between August 30, 1982 and September 30, 1982.

26. All personal files, memoranda, and notes of R. Abbott, J. Ash, C. Austin, W. Baker, J. Bebko, D. Cordone, J. Dillan, D. Dise, A. Kordalewski, T. Loomis, C. Millian, J. Ptak, R. Smith, C. Stuart, C. Terry, J. Warner, C. Silczek, Jr., G. Wilson, A. Zallnick, K. Ward, and R. Pulsifer that relate to the inspection conducted between August 30, 1982 and September 30, 1982 at NMP-2.

9 mi employees

27. Management Meeting Report No. 50-41/83-09, dated May 23, 1983.

28. All personal files, memoranda, and notes of S.D. Ebnetor, R.B. Keimig, H.B. Keister, and R.W. Starostecki that relate to the management meeting referred to in Report No. 50-41/83-09.

29. Enforcement Action Letter 50-410/EA-83-16, dated August 2, 1983, concerning NRC audit conducted between August 30, 1982 and September 30, 1982.

30. NRC Inspection 83-12, conducted between August 8, 1983 and September 21, 1983.

31. All personal files, memoranda, and notes of R.A. Gramm, J. Grant, R.M. Gallo, and R.W. Starostecki that relate to NRC Inspection 83-12 for NMP-2.

32. Enforcement Conference Report No. 50-410/83-14, dated August 30, 1983.

33. All personal files, memoranda, and notes of J.A. Allan, S.D. Ebnetor, R.M. Gallo, R.A. Gramm, J.M. Grant, E.H. Gray, D.J. Holody, H.B. Kister, T.T. Martin, L.M. Narrow, and R.W. Starostecki that relate to the Enforcement Conference referred to in Report No. 50-410/83-14.

34. Minutes dated December 29, 1983 of a meeting held on December 12, 1983 concerning the NMP-2 SALP evaluation for the period October 1, 1982 through September 30, 1983.

35. All personal files, memoranda, and notes of R.W. Starostecki, H.B. Kister, A. Schwencer, R.M. Gallo, S.J. Collins, L.H. Bettenhausen, N.F. Haughey, and R.A. Gramm that relate to the NMP-2 SALP Report dated December 12, 1983.

36. Meeting between the NRC and NMPC held on or about January 30, 1984, re: SALP/CAT Audit Results.

37. All personal files, memoranda, and notes of J. Milhoan, J. Gilray, G. Naputa, M. Haughey, and M. Jones that relate to the meeting between the NRC and NMPC held on or about January 30, 1984 concerning the SALP/CAT audit results.

38. CAT Inspection Report 50-410/83-18 dated January 31, 1984, concerning inspection conducted at NMP-2 between November 7, 1983 and December 9, 1983.

39. All personal files, memoranda, and notes of A.B. Beach, G.B. Georgir, W.A. Hansen, D.B. Osborne, H.W. Phillips, H.J. Wong, J.M. Grant, R.M. Compton, D.C. Ford, W. Marini, E.Y. Marindale, F.A. Pimental, and R.F. Heishmann that relate to CAT Inspection 50-410/83-18. *v=9 mi employ*

40. Enforcement Action Letter EA 83-137, dated March 20, 1984, re: CAT Inspection conducted in November and December 1983.

41. NRC Inspection 84-06, conducted at NMP-2 between April 9, 1984 and May 11, 1984.

42. All personal files, memoranda, and notes of R.A. Gramm, W.H. Bateman, S.J. Collins, M. Haughey, and J. Spraul that relate to NRC Inspection 84-06.

43. Meeting between the NRC and NMPC held on or about May 23, 1984.

44. All personal files, memoranda, and notes of M. Haughey, A. Schwencer, N. Srinivasan, A. Ungaro, J. Knight, and M. Flegel that relate to the meeting between the NRC and NMPC held on or about May 23, 1984.

45. Meeting between the NRC and NMPC held at Region I on or about January 11, 1984 concerning the 1983 SALP results.

46. NRC Meeting at Region I held on or about November 15, 1984 relative to an NRC order dated March 20, 1984.

47. All personal files, memoranda, and notes of A.B. Beach, R.A. Gramm, R.H. Harris, R.F. Heishman, S.D. Hudson, R.W.

Starostecki, T.R. Murley, S.D. Reynolds, H.B. Kister, and S.J. Collins that relate to the NRC meeting at Region I held on or about November 15, 1984 relative to an NRC Order dated March 20, 1984.

48. NRC Region I SALP review and evaluation dated March 28, 1985, covering the period October 1, 1983 through January 31, 1985.

49. All personal files, memoranda, and notes of S.J. Collins, J.P. Durr, R.A. Gramm, J. Linville, and A. Schwencer that relate to the NRC Region I SALP Review and Evaluation summarized in a document dated March 28, 1985.

50. Meeting held between the NRC and NMPC on or about April 25, 1985 at Region I to discuss the April 17, 1985 SALP report.

51. All personal files, memoranda, and notes of T. Murley, R.W. Starostecki, S. Collins, J. Linville, R. Gramm, J. Durr, S. Ebnetter, and A. Schwencer that relate to the meeting held between the NRC and NMPC on or about April 25, 1985 to discuss the April 17, 1985 SALP Report.

52. NRC Independent Measurements (NRC VAN) taken at NMP-2 between December 9, 1985 and December 20, 1985.

Attachment B

The topics or events identified in Attachment A for which we are seeking to review relevant documents fall generally within the following categories: (1) letters and other correspondence; (2) meetings and meeting minutes; (3) inspections and inspection reports; and (4) other reports. The following is a description of the types of documents we would like to review for each of these four categories.

1. Letters and Other Correspondence

(a) The final draft, including attachments, and all nonconforming copies.

(b) All prior drafts.

(c) All documents that relate or pertain to the reason or reasons for writing the letter.

(d) All responses to the letter.

(e) All correspondence, memoranda, and other communications between any office and division of the NRC, including communications to and from Region I and the Resident Inspector at NMP-2, relating or pertaining to the letter.

(f) All intra-divisional and intra-office correspondence and memoranda concerning the letter.

(g) All personal notes, memoranda, files, diary entries, or logs that relate or pertain to the letter.

(h) All documents relating to any meetings held in response to or in connection with the letter.

2. Meetings and Meeting Minutes

(a) The final draft, including attachments, and all nonconforming copies.

(b) All prior drafts.

(c) All documents that relate or pertain to the reason or reasons for holding the meeting.

(d) All agendas, flip charts, and handouts prepared in connection with the meeting.

(e) All correspondence, memoranda, and other communications between any office and division of the NRC, including communica-

tions to and from Region I and the Resident Inspector at NMP-2, relating or pertaining to the meeting.

(f) All intra-divisional and intra-office correspondence and memoranda concerning the meeting.

(g) All personal notes, memoranda, files, diary entries, or logs that relate or pertain to the meeting.

3. Inspections and Inspection Reports

(a) All documents that relate or pertain to the selection of the inspection team, including the selection of any consultants or third parties to serve as team members.

(b) All documents relating to the reason or reasons for conducting the inspection.

(c) All documents setting forth the goals and objectives of the inspection.

(d) All documents setting forth the guidelines, rules, or procedures to be followed in the inspection.

(e) All documents that pertain or relate to the selection of functional areas subject to evaluation and the actual measurement of effectiveness in these areas.

(f) All documents that relate or pertain to the criterion by which the overall conclusions or results of the inspection were measured.

(g) All reports, evaluations, or analyses prepared by any consultant or third party in connection with the inspection.

(h) All correspondence, memoranda, and other communications between the offices and divisions of the NRC, including communications to and from Region I and the Resident Inspector at NMP-2, relating or pertaining to the investigation.

(i) All intra-divisional and intra-office correspondence and memoranda concerning the inspection.

(j) All personal notes, memoranda, files, diary entries, or logs that relate or pertain to the investigation.

(k) All other documents prepared as the result of or in connection with the inspection.

4. Other Reports

(a) All documents that relate or pertain to the reason or reasons for preparing the report.

(b) The final draft, including attachments, and all nonconforming copies.

(c) All prior drafts.

(d) All documents prepared as a result of or in response to the report.

(e) All minutes or notes from any meeting held in connection with or in response to the report.

(f) All correspondence, memoranda, and other communications between the offices and divisions of the NRC, including communications to and from Region I and the Resident Inspector at NMP-2, relating or pertaining to the report.

(g) All intra-divisional and intra-office correspondence and memoranda concerning the report.

(h) All personal notes, memoranda, files, diary entries, or logs that relate or pertain to the report.