

ENCLOSURE

NOTICE OF VIOLATION

Niagara Mohawk Power Corporation
Nine Mile Point, Unit 1

Docket No. 50-220
License No. DPR-63
EA 99-010

During an investigation conducted by the NRC Office of Investigations (OI), between July 1, 1998 and December 11, 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:

Nine Mile Point Unit 1 (NMP1) Technical Specification (TS) 6.2.2.a, Table 6.2-1, specifies, in part, that two on shift senior reactor operators (SROs) are the minimum staffing required for one operating nuclear unit. TS 6.2.2.e states, in part, that a licensed senior reactor operator shall be required in the control room during power operations.

10 CFR 55.59, requires, in part, that the licensed operator shall successfully complete a requalification program as developed by the facility licensee. NTP-TQS-102 Rev. 6, which implements the NMP requalification program, requires, in part, in Section 3.5.7.b.3, that remediation of simulator evaluation failures by operators shall be completed before the individual can resume licensed duties.

Contrary to the above, for approximately four hours on June 16, 1998, with NMP1 at full power, a senior reactor operator assumed the Assistant Shift Supervisor (ASSS) position, one of the two required SRO positions, and was the only SRO in the control room for approximately 45 minutes during that four hour period, even though he had failed a simulator examination on June 15, 1998, and had not at the time completed remediation of the simulator evaluation failure. As a result, the individual was not qualified for that position, and therefore,

- For approximately four hours, the licensee did not meet the minimum staffing requirements of two onshift senior nuclear reactor operators for the operating unit; and
- For approximately 45 minutes, the licensee did not meet the minimum staffing requirements of a licensed senior reactor operator being in the control room during power operations. (01013)

This is a Severity Level III 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 98-14, dated July 17, 1998, and in your response, dated May 10, 1999. 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 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.

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 this 29th day of June 1999