



NIAGARA MOHAWK

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May 22, 1996  
NMP2L 1632

U. S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555

RE:           Nine Mile Point Unit 1  
              Docket No. 50-220  
              DPR-63

              Nine Mile Point Unit 2  
              Docket No. 50-410  
              NPF-69

**Subject:       RESPONSE TO NOTICE OF VIOLATION**  
**NRC Inspection Report No. 50-220/96-01 and 50-410/96-01**

Gentlemen:

Niagara Mohawk Power Corporation's (NMPC) response to the Notice of Violation contained in the subject Inspection Report dated April 22, 1996 is enclosed as Attachment A to this letter.

Sincerely,

Richard B. Abbott  
Vice President and General Manager - Nuclear

RBA/kap  
Enclosures

xc:   Regional Administrator, Region I  
      Mr. B. S. Norris, Senior Resident Inspector  
      Mr. D. S. Hood, Senior Project Manager, NRR  
      Records Management

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**ATTACHMENT A**

**NIAGARA MOHAWK POWER CORPORATION  
NINE MILE POINT UNIT 1 AND UNIT 2  
DOCKET NO. 50-220/50-410  
DPR-63/NPF-69**

**"RESPONSE TO NOTICE OF VIOLATION," AS CONTAINED IN  
INSPECTION REPORT 50-220/96-01 AND 50-410/96-01**

**VIOLATION 50-220/96-01-05 and 50-410/96-01-05**

During an NRC inspection conducted from January 7 through February 17, 1996, a violation of NRC requirements was identified. In accordance with the NRC "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, (60 FR 34381; June 30, 1995), the violation is listed below:

Title 10 of the *Code of Federal Regulations*, Part 50 (10 CFR 50), Section 50.59(a)(1), allows the holder of a license to make changes to the facility as described in the safety analysis report unless the proposed change involves an unreviewed safety question.

10 CFR 50, Section 50.59(b)(1) requires the licensee to maintain records of changes in the facility, to the extent that these changes constitute changes in the facility as described in the safety analysis report. The records must include a written safety evaluation which provides the bases for the determination that the change does not involve an unreviewed safety question.

Contrary to the above:

On January 31, 1996, NMPC installed emergency Temporary Modification #96-002, which changed the design of the Unit 2 circulating water system, as described in the Update Final Safety Analysis Report, Section 10.4.5.5, prior to the completion of the written safety evaluation. NMPC common procedure GAP-DES-03, "Control of Temporary Modifications," Revision 4, allows emergency temporary modifications to be installed prior to the completion of the required written 10 CFR 50.59 evaluations.

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

## *I. THE REASON FOR THE VIOLATION*

Niagara Mohawk admits to the violation as stated in Inspection Report 50-410/96-01 and 50-220/96-01.

On January 31, 1996, during routine control room operations, the Chief Shift Operator (CSO) observed that two of four cooling tower circulating water temperature indicators were not reading properly. Actual cooling tower flume temperature was approximately 59°F while one of the four instruments was indicating 32°F and a second of the four instruments was indeterminate. When two of the four instruments read less than 40°F, the circulating water system (CWS) cooling tower bypass gates open automatically. When the reactor is operating at a high power level, this condition will cause a loss of condenser vacuum and resulting plant transient/scram.

In order to reduce the probability of an unnecessary plant transient, it was decided in consultation with plant management to effectively remove the degraded logic circuits from service by deenergizing the bypass gate motors under the control of administrative procedure GAP-OPS-02, "Control of Equipment Markups." It was also decided to pursue a temporary modification in accordance with GAP-DES-03 to provide followup justification (i.e., 50.59 safety evaluation) for this interim configuration and to modify the logic after completion of an appropriate safety evaluation to allow the return to service of the bypass gate motors. Procedure GAP-DES-03 allowed deviation from the normal temporary modification process under emergency conditions. This provision was invoked for the interim configuration described above. The subsequent safety evaluation confirmed that the temporary modification (i.e., both the interim configuration and the later modified logic) did not constitute an unreviewed safety question.

The failure to ensure the completion of the required safety evaluation prior to the implementation of the emergency temporary modification was due to the inappropriate designation of the above mentioned conditions as an emergency by the Station Shift Supervisor (SSS) and plant management. A contributing factor was the existence of the inappropriate provision of GAP-DES-03 which, although misapplied in this case, did allow the SSS to authorize deviation from the normal temporary modification control process "to prevent injury to personnel, damage to equipment, or to ensure a margin of safety is not decreased." A review of temporary modifications installed at both units since January 1, 1994 has revealed that the emergency provision of GAP-DES-03 has been inappropriately used on several occasions at both units.

A root cause analysis was performed in accordance with Nuclear Interface Procedure NIP-ECA-01, "Deviation Event Report," to determine why the procedure incorrectly allowed the installation of a temporary modification prior to the performance of a safety evaluation as required by 10 CFR 50.59. The root cause was determined to be inadequate procedure review in that required documents (i.e., Nuclear Division Directives, Technical Specification Section 6 and 10 CFR 50.59) were not adequately reviewed during procedure development. Specifically, when AP-3.3.2, "Control of Equipment Temporary Modifications," was revised in 1986 to incorporate specific discussion regarding performance of temporary modifications in

emergencies, the procedure review at that time did not identify that license and regulatory requirements prohibited changes to station structures, systems, and components described in the USAR without first performing a safety evaluation. Consequently, the procedure has continued to allow temporary modifications to be implemented prior to completion of a safety evaluation when the situation is deemed an emergency. Under these conditions, however, an appropriate applicability review/safety evaluation is required to be written as soon as possible to confirm that the temporary modification does not constitute an unreviewed safety question. When the Nuclear Division administrative procedures were rewritten, the top tier documents, Nuclear Division Directives (NDDs) were written to establish regulatory requirements to which the sub tier implementing administrative procedures were written to control all activities at the Nine Mile Point site. The NDDs did not allow for deviation from the temporary modification process for emergency situations. However, when AP-6.1 (which had superseded AP-3.3.2) was converted to GAP-DES-03, it was inadequately reviewed against the NDDs and hence, the emergency provision remained in the procedure.

## **II. CORRECTIVE ACTIONS TAKEN AND RESULTS ACHIEVED**

A review of all temporary modifications currently installed at both Unit 1 and Unit 2 was performed. All temporary modifications currently installed at both units have approved applicability reviews/safety evaluations.

## **III. ACTIONS TAKEN TO PREVENT RECURRENCE**

1. A revision to procedure GAP-DES-03, "Control of Temporary Modifications" was approved to remove the provision for deviation from the temporary modification process under emergency conditions. The procedure will be issued by June 1, 1996.
2. The operating shifts at both units have been instructed not to allow utilization of the incorrect provision of the current revision to GAP-DES-03.
3. A review, and revision as necessary, of the controls described in NDD-PRO, "Procedures and Orders" and NIP-PRO-02, "Preparation and Review of Administrative Procedures" will be done to ensure adequate direction is provided for the thorough review and revision of these procedures. This will be complete by June 30, 1996.
4. Further analysis will be performed to determine the cause of the inappropriate interpretation of emergency conditions described in the current revision of GAP-DES-03. Additional corrective and preventative actions may result from that analysis. This analysis will be complete by June 30, 1996.
5. Based on previously identified discrepancies, a review of higher tier Nuclear Division procedures (Nuclear Division Directives--NDDs) for compliance with license base requirements, is presently in progress and is due for completion in September 1996. This review will be expanded to include selected lower tier administrative procedures

that govern key processes to confirm compliance with the applicable regulatory requirements.

***IV. DATE WHEN FULL COMPLIANCE WILL BE ACHIEVED***

A safety evaluation was completed for Emergency Temporary Modification 96-002 on February 2, 1996. Full compliance will be achieved on June 1, 1996, when the recently approved revision to GAP-DES-03 will be issued.