



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

DCS  
PDR

December 3, 1996

EA 96-079

Mr. B. Ralph Sylvia, Executive Vice President  
Generation Business Group & Chief Nuclear Officer  
Niagara Mohawk Power Corporation  
Generation Business Group D-2  
300 Erie Boulevard West  
Lycoming, New York 13202

Dear Mr. Sylvia:

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SUBJECT: ORDER IMPOSING A CIVIL MONETARY PENALTY \$50,000  
(Nine Mile Point, Unit 1)

This letter refers to your letter, dated July 16, 1996, as well as your supplemental letter, dated August 15, 1996, in response to the Notice of Violation and Proposed Imposition of Civil Penalty (Notice) sent to you by our letter dated June 18, 1996. Our letter and Notice described violations of NRC requirements that were identified during an inspection between February 17 and March 11, 1996. The two violations set forth in Section I of the Notice were classified in the aggregate at Severity Level III. These violations involved (1) the failure to ensure that the reactor and turbine building pressure relief panels would function at the pressure specified in the Updated Final Safety Analysis Report (UFSAR); and (2) the failure to perform the required safety evaluation to address the use of bolts of the wrong size in the construction of the relief panels which resulted in indications that the panels would not relieve until pressures higher than those design basis pressures described in the UFSAR. To emphasize the importance of prompt identification and comprehensive correction of violations at your facility, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the base amount of \$50,000 was issued for this Severity Level III problem.

In your July 16, 1996 response, you admitted the two violations set forth in Section I of the Notice for which the civil penalty was proposed, but you requested that the civil penalty of \$50,000 be mitigated. In addition, you denied the two other violations that were described in Section II of the Notice and that were classified individually at Severity Level IV. However, in your August 15, 1996, supplemental response, you admitted one of the Severity Level IV violations that you had denied in your July 16, 1996 response.

After considering your responses, we have concluded, for the reasons given in the Appendix to the enclosed Order Imposing a Civil Monetary Penalty, that an adequate basis was not provided for mitigating the civil penalty for the violations set forth in Section I of the Notice. Accordingly, we hereby serve the enclosed Order on Niagara Mohawk Power Corporation imposing a civil monetary penalty in the amount of \$50,000. As provided in Section IV of the enclosed Order, payment should be made within 30 days of the date of this

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Order, by check, draft, money order, or electronic transfer, payable to the Treasurer of the United States and mailed to James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738. In addition, an adequate basis was not provided for withdrawal of the Severity Level IV reportability violation (Violation II.B in the Notice). We will review the effectiveness of your corrective actions during a subsequent inspection.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be placed in the NRC's Public Document Room.

Sincerely,

  
James L. Milhoan

Deputy Executive Director for Nuclear  
Reactor Regulation, Regional Operations  
and Research

Enclosures:  
As Stated

Docket No. 50-220  
License No. DPR-63

cc w/encs:

R. Abbott, Vice President & General Manager - Nuclear  
C. Terry, Vice President-Nuclear Engineering  
M. McCormick, Vice President - Safety Assessment and Support  
N. Rademacher, Unit 1 Plant Manager  
J. Conway, Unit 2 Plant Manager  
D. Wolniak, Manager, Licensing  
J. Warden, New York Consumer Protection Branch  
G. Wilson, Senior Attorney  
M. Wetterhahn, Winston and Strawn  
J. Rettberg, New York State Electric and Gas Corporation  
Director, Electric Division, Department of Public Service, State of New York  
C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law  
J. Vinkquist, MATS, Inc.  
P. Eddy, Power Division, Department of Public Service, State of New York  
State of New York SLO Designee