

ENCLOSURE

NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY

Northeast Nuclear Energy Company
Millstone, Unit 3
Waterford, Connecticut

Docket No. 50-423
License No. NPF-49
EA 92-166

During an NRC inspection conducted on August 18 through September 14, 1992, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1992), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

I. VIOLATIONS ASSESSED A CIVIL PENALTY

- A. Technical Specification 3.7.9 requires that, when the plant is in operational modes 1 through 4, two independent auxiliary building filter systems (ABFSs) must be operable. With one system inoperable, the system must be returned to service within seven days or the unit must be placed in hot standby within six hours and cold shutdown within the following 30 hours.

Technical Specification 3.0.3 requires that, when a limiting condition for operation is not met, within one hour actions must be initiated to place the unit in a mode in which the specification does not apply.

Contrary to the above, between July 11, 1992, and August 24, 1992, two independent trains of the ABFS were not operable because the variable inlet vanes (VIVs) to the filter exhaust fans were manually set at 100 percent rather than in automatic and actions were not initiated within one hour to place the unit in a mode in which the specification did not apply.

- B. 10 CFR Part 50, Appendix B, Criterion XI, Test Control requires, in part, that measures be established to assure that testing is performed to demonstrate that systems will function satisfactorily in service in accordance with procedures that incorporate the appropriate plant design considerations.

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Northeast Utilities Quality Assurance Program (QAP) Topical Report, Section 11, "Test Control," which, in part, implements 10 CFR Part 50, Appendix B, Criterion XI specifies that tests be performed to verify that systems will function satisfactorily in service in accordance with plant design documents.

Surveillance Procedures SP 3646A.17, "Train A Engineered Safety Features with Loss of Power," SP 3646A.18, "Train B Engineered Safety Features with Loss of Power," and SP 3614I.3, "Supplemental Leak Collection and Release System," implement, in part, Section 11 of the Northeast Utilities QAP Topical Report and verify, respectively, the requirements of Technical Specification (TS) 4.7.9.d(2) and TS 4.6.6.1.d(3) for satisfactory operation of the auxiliary building filter system (ABFS) and the supplementary leak collection and release system (SLCRS).

Contrary to the above, since initial plant startup in January 1986, testing procedures performed to demonstrate that the ABFS and SLCRS function satisfactorily in service were not adequate, in that they did not incorporate appropriate plant design considerations. Surveillance procedures, SP 3646A.17, SP 3646A.18, and SP 3614I.3, did not align the systems in a configuration that would demonstrate their accident functions and, therefore, did not identify system degradation and design problems that prevented these systems from performing their safety functions. Specifically, the systems were tested in the automatic control modes, even though they were normally operated with the VIVs in a fixed open mode and the SLCRS could not draw the design vacuum within the required time of 50 seconds due to ABFS fan control time delays.

These violations have been categorized in the aggregate as a Severity Level III problem (Supplement I).

Cumulative Civil Penalty - \$62,500

II. VIOLATION NOT ASSESSED A CIVIL PENALTY

Technical Specification 6.8.1 requires that written procedures be established, implemented, and maintained covering maintenance activities delineated in Appendix A of Regulatory Guide 1.33, Revision 2, February 1978.

Administrative Controls Procedure (ACP) QA-2.02C, "Work Orders," Revision 30, implements the work control process and requires that work orders include a job description, retest performance, lifted lead control, documentation of actual work performed, and work order inclusion in the permanent plant record.

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Contrary to the above, from May 17, 1992, through May 24, 1992, the work control process for preventive maintenance of the A hydrogen recombiner was inadequate, in that the job description and retest requirements were not provided, lifted lead control was not maintained, a post-maintenance retest was neither specified nor performed, and the work order was discarded rather than placed in the permanent plant record. This resulted in rendering the A hydrogen recombiner inoperable when it was required during plant power operation between May 17, 1992, and August 21, 1992. In addition, both trains of the hydrogen recombiner system were inoperable while preventive maintenance was performed on the B hydrogen recombiner when the plant operated at 100 percent power between August 12 and August 17, 1992.

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

Pursuant to the provisions of 10 CFR 2.201, Northeast Nuclear Energy Company (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or a demand for information may be issued as to why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or may protest imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations listed in this Notice, in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

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In requesting mitigation of the proposed penalty, the factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1992), should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282(c).

The response noted above (Reply to Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406 and a copy to the Senior Resident Inspector, Millstone Station.

Dated at King of Prussia, Pennsylvania
this 28th day of December 1992

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