

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Maine Yankee Atomic Power Company
Maine Yankee Atomic Power Plant
Wiscasset, Maine

Docket No. 50-309
License No. DPR-36
EA 85-108

On August 8-16, 1985 and September 3-4, 1985, two NRC special safety inspections were conducted at the Maine Yankee Atomic Power Plant to review the circumstances associated with two unrelated events involving separate common mode failure mechanisms which resulted in the inoperability of the low steam generator pressure trip function in all four channels of the Reactor Protective System for each of the three steam generators and in three of the four channels of the Feedwater Trip System. Three of the channels (involving nine of the twelve associated pressure sensing lines), which were identified as inoperable by the licensee on August 7, 1985 and reported to the NRC, were inoperable due to mispositioned root valves since May 1984. As a result, three channels for each steam generator would not receive a timely automatic signal from the pressure instruments in the event of a rapid depressurization in any of the three steam generators.

The fourth channel of the Reactor Protective System, which was identified as inoperable by the licensee on September 3, 1985 and reported to the NRC, was caused by inadequate design review and post-modification testing which failed to detect a circuit modification design error. As a result, the channel would not have provided a correct input to the Reactor Protective System, as required, in the event of a low pressure condition in any of the steam generators. The result of these two problems was a serious degradation for a significant period of time of a principal safety-related protective system.

In accordance with the General Statement of Policy and Procedure for NRC Enforcement Actions, 10 CFR Part 2, Appendix C (1985), 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, PL 96-295 and 10 CFR 2.205. The violations and associated civil penalty are set forth below:

- A. Technical Specification Limiting Condition for Operation (LCO) 3.9, and Table 3.9.1, Instrument Operating Requirements for the Reactor Protective System, requires that whenever the reactor is in power operation, a minimum of three of the Reactor Protective System channels must be operable for low Steam Generator Pressure.

Contrary to the above, from June 22, 1984 until August 7, 1985, with the reactor in power operations, all four channels of the Reactor Protective System for each of the three steam generators were inoperable for low Steam Generator Pressure.

- B. Technical Specification LCO 3.22, Feedwater Trip System, requires that whenever the reactor coolant boron concentration is less than that required for hot shutdown, the feedwater trip system shall be operable to assure automatic shutdown of all main feedwater pumps, automatic closure of all main feedwater valves, and automatic closure of all auxiliary feedwater valves.

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Contrary to the above, from June 20, 1984 until August 7, 1985, with the reactor coolant boron concentration less than that required for hot shutdown, three of the four channels for the Feedwater Trip System for each of the three steam generators were inoperable for low Steam Generator Pressure.

Collectively these violations have been categorized as a Severity Level II problem (Supplement I).
(Civil Penalty - \$80,000)

Pursuant to the provisions of 10 CFR 2.201, Maine Yankee Atomic Power Company is hereby required to submit to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 10555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region I, within 30 days of the date of this Notice, a written statement or explanation, including for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, (3) the corrective steps which have been taken and the results achieved, and (4) the corrective steps which will be taken to avoid further violation, and (5) the date when full compliance will be achieved. 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, Maine Yankee Atomic Power Company may pay the civil penalty by letter addressed to the Director, Office of Inspection and Enforcement, with a check, draft, or money order payable to the Treasurer of the United States in the cumulative amount of Eighty Thousand Dollars (\$80,000) or may protest imposition of the civil penalty in whole or in part by a written answer addressed to the Director, Office of Inspection and Enforcement. Should Maine Yankee Atomic Power Company fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an order imposing the civil penalty in the amount proposed above. Should Maine Yankee Atomic Power Company elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, such answer may: (1) deny the violation 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.

In requesting mitigation of the proposed penalty, the five factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1985) 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. Maine Yankee Atomic Power Company's attention is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

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

FOR THE NUCLEAR REGULATORY COMMISSION

Thomas E. Murley
Regional Administrator

Dated at King of Prussia, Pennsylvania
this day of October 1985