

November 20, 1996

Mr. Charles D. Frizzle  
President  
Maine Yankee Atomic Power Company  
329 Bath Road  
Brunswick, Maine 04011

Subject: NRC INTEGRATED INSPECTION REPORT 50-309/96-09

Dear Mr. Frizzle:

On September 14, 1996 the NRC completed an inspection at your Maine Yankee reactor facility. The results of the inspection were discussed with Messrs G. Leitch, D. Whittier, C. Shaw, and others of your staff at an exit meeting held on September 17, 1996. The enclosed report presents the results of that inspection.

During the 6-week period covered by this inspection period, your conduct of activities at the Maine Yankee facilities focused on safety, overall.

As a result of your discovery of an unplanned exposure that occurred during a radiological waste filter change out on April 16, 1996, an unresolved item was opened, pending the completion of your investigation. This event and the status of your radiological controls program was discussed at a management meeting held on August 9, 1996. The meeting in Region I was effective and of mutual benefit, however, we are concerned about your survey and monitoring practices and plan to conduct further reviews.

Further, based on the results of this inspection, two apparent violations were identified and are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy) (60 FR 34381; June 30, 1995). The first apparent violation involves 10 CFR 50, Appendix B, Criterion III, Design Control, which requires, in part, that design control measures shall provide for verifying or checking the adequacy of designs (Section E2.1). In this instance, past operation with the potential for the Containment Spray (CS) Building fan dampers to fail into a position that would have prevented the fulfillment of the safety function of the Low Pressure Safety Injection (LPSI) and CS systems was identified by NRC staff (Section E2.1). The second apparent violation involved two instances of failure to meet 10 CFR 50, Appendix B, Criterion XI, Test Control which required that a test program to assure that all testing requirements demonstrate that structures, systems, and components will perform satisfactorily in service is identified and performed in accordance with written test procedures. These two instances were: (1) failing to maintain calibration of the Emergency Diesel Generator room fan thermostats until identified by the NRC staff (Section M3.2); and (2) the functionality of the PCC and SCC flow control valves had not been properly demonstrated until identified by NRC staff (Section E2.2). Accordingly, no Notice of Violation is presently being issued for these inspection findings.

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In addition, be advised that the number and the characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. A predecisional enforcement conference to discuss the apparent violations will be scheduled at a later date. The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. The conference is being held to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root causes, missed opportunities to identify the apparent violations sooner, corrective actions, significance of the issues, and the need for lasting and effective corrective action. In addition, this is an opportunity for you to point out any errors in our inspection report and for you to provide any information concerning your perspectives on: (1) the severity of the apparent violation, (2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, and (3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII.

These apparent violations are being considered with those identified in the area of equipment environmental qualifications and safety system logic testing (NRC Inspection Report Nos. 50-309/96-10 and 11 respectively). You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding these apparent violations is required at this time.

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 Public Document Room.

Sincerely,

ORIGINAL SIGNED BY:

Richard W. Cooper, II, Director  
Division of Reactor Projects

Docket No. : 50-309  
License No.: DRP-36

Enclosures: Inspection Report 50-309/96-09  
August 9, 1996 Meeting Presentation

cc w/encl:

G. Leitch, Vice President, Operations

J. M. Block, Attorney at Law

P. Anderson, Project Manager (Yankee Atomic Electric Company)

C. Shaw, Plant Manager

L. Diehl, Manager of Public and Governmental Affairs

J. A. Ritsher, Attorney (Ropes and Gray)

P. Dostie, State Nuclear Safety Inspector

P. Brann, Assistant Attorney General

U. Vanags, Maine State Planning Office

C. Brinkman, Combustion Engineering, Inc.

W. D. Meinert, Nuclear Engineer

First Selectman of Wiscasset

State of Maine, SLO Designee

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\*SEE PREVIOUS CONCURRENCE PAGE

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