



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

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Docket No. 50-245
50-336
EA 82-33

Northeast Nuclear Energy Company
ATTN: Mr. W. G. Council,
Senior Vice President - Nuclear
Engineering and Operations
P.O. Box 270
Hartford, CT 06101

Gentlemen:

On February 12, 1982 I issued a Notice of Violation to the Northeast Nuclear Energy Company for failure to comply with 10 CFR 50.54(s)(2) and Appendix E of 10 CFR Part 50 of the Commission's regulations. Specifically, you were required by February 1, 1982 to install and initially test a system for alerting and providing prompt instruction to the public within the plume exposure pathway emergency planning zone for the Millstone Nuclear Power Station, Units 1 and 2. The letter enclosing the Notice stated that a civil penalty would be proposed, subject to mitigation, for failure to complete the required initial testing by March 1, 1982.

Your letter of May 10, 1982 informed the Commission that you complied with the above requirements on May 3, 1982 and that you admitted the violation. However, you requested that the severity level of the violation be reconsidered and that a civil penalty not be proposed for the violation.

In respect to the requirement at issue, you were one of the last utilities to comply. We recognize that the nature of the requirement and the time provided to comply created for licensees difficulties in design, procurement, installation, and dealings with state and local governments. Nevertheless, the vast majority of licensees met the deadline.

We consider the requirement to have a prompt public notification system to be significant and important. In the case of a serious accident it may be necessary to call upon it to mitigate the consequences of the accident by alerting the public of the need to take some action. Accordingly, noncompliance with the requirement has potential impact on the public health and safety, is of significant regulatory concern, and was properly categorized at a Severity Level III. Failure to meet the schedule established by the Commission's regulations for this requirement, therefore, cannot be lightly tolerated. You would be subject to a civil penalty of \$97,000 for failure to install and initially test the prompt notification system by March 1, 1982, under the schedule set forth in my letter of February 12, 1982.

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Northeast Nuclear Energy Company - 2 -

However, we have given careful consideration to the circumstances of this case including: (1) your effort in keeping NRC informed of actions to comply with the requirement, (2) the measures available for public notification for the period during which you were in noncompliance, (3) the effort taken to meet the February 1, 1982 deadline including the total cost in the order of \$7,000,000 for the Northeast Utilities' systems, (4) the requirements established by state and local governments for, and your diligence in developing, an integrated system which apparently has the full acceptability of state and local officials, and (5) the quality of the system. We have also considered the finding by Region I which conducted an inspection of the system on June 7-8, 1982, Report 50-213/82-13, and its finding of a high quality operational system which had few, if any, deficiencies following initial testing. It was also found, although a formal FEMA evaluation and test has not been performed, that the system functioned properly during a recent weather emergency. In addition, we have considered the views of the Governor of the State of Connecticut and the Director of the State Office of Civil Preparedness, both of whom sought additional time on your behalf to assure an integrated system compatible with both NRC and state requirements. We have also spoken to the First Selectman of the town of Waterford.

It is my conclusion that under the specific circumstances associated with this matter, especially the quality of the system, the system cost, the acceptance by state and local officials, and the compensatory measures in effect, full mitigation of the civil penalty is warranted. In not proposing a civil penalty, I do not intend to imply that failure by you or other licensees in meeting regulatory deadlines will result in similar action in the future.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter will be placed in the NRC Public Document Room.

Sincerely,

Original Signed By
R. C. DeYoung

Richard C. DeYoung, Director
Office of Inspection and Enforcement

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Northeast Nuclear Energy Company

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State of Connecticut

Department of Environmental Protection

ATTN: Mr. Arthur Heubner

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