

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Northeast Nuclear Energy Company  
Waterford, Connecticut

Docket No. 50-336  
License No. DPR-65  
EA 90-219

During an NRC inspection conducted between September 18 and December 13, 1990, 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, (1990), 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 the associated civil penalty are set forth below:

Technical Specification Limiting Condition for Operation (LCO) 3.9.4, Containment Penetrations, requires, in part, that, during core alterations, each penetration providing direct access from the containment atmosphere to the outside atmosphere shall be either closed by an isolation valve, blind flange, manual valve, or special device, or be capable of being closed by an automatic containment purge valve. Technical Specification LCO Action Statement 3.9.4 specifies that, when this specification is not satisfied, all operations involving core alterations are to be immediately suspended.

Technical Specification Limiting Condition for Operation (LCO) 3.9.10, Containment Purge Valve Isolation System (CPVIS), requires that the CPVIS be operable whenever the reactor is in the refueling mode of operation (Mode 6). Technical Specification LCO Action Statement 3.9.10 requires when the CPVIS is inoperable, the licensee must either close each of the penetrations providing direct access from the containment atmosphere to the outside atmosphere or suspend all operations involving core alterations or fuel movement within the containment building.

Contrary to the above,

1. Between 6:45 p.m. and 8:00 p.m. on October 2, 1990, while core alterations were taking place, a direct access path from the containment atmosphere to the outside atmosphere existed through the No. 1 steam generator atmospheric dump valve, which would not automatically close, and an open steam generator manway; and
2. Between 4:25 a.m. on October 6, 1990 and 2:55 p.m. on October 9, 1990, while core alterations were being performed, a direct access path from the containment to the outside atmosphere existed through both the supply and exhaust lines of the containment purge system, and at the time, both the isolation valves in the exhaust line and one isolation valve in the supply line were not capable of being automatically

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closed. Specifically, the inlet valve (Valve 2-AC-6) on the exhaust line had been physically removed for maintenance, prior to 4:25 a.m. on October 6, 1990, and the outlet valve (Valve 2-AC-7) on the exhaust line and the inlet valve (Valve 2-AC-4) on the supply line were opened at 4:25 a.m. on that date even though their automatic closing function was disabled prior to that time when the associated actuation cabinet was deenergized for troubleshooting.

This is a Severity Level III problem (Supplement I).  
Civil Penalty - \$50,000 (equally assessed between the violations).

Pursuant to the provision of 10 CFR 2.201, Northeast Nuclear Energy Company 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). The 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 may be issued to show cause 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 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 "Answer to a Notice of Violation" and may: (1) deny the violation(s) 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, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section V.B. of 10 CFR Part 2, Appendix C (1990), 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 responses noted above (Reply to a 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, Unit 2.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed By:

Thomas T. Martin

Thomas T. Martin  
Regional Administrator

Dated at King of Prussia, Pennsylvania  
this // day of February 1991