

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Northeast Nuclear Energy Company  
Millstone 2

Docket No. 50-336  
License No. DPR-65  
EA 91-016

During an NRC inspection conducted between January 3-18, 1991, 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, Pub. L. 96-234 and 10 CFR 2.205. The particular violations and the associated civil penalty are set forth below:

I. VIOLATION ASSESSED A CIVIL PENALTY

Technical Specification Limiting Condition for Operation (LCO) 3.7.4.1 requires that, whenever the plant is in Modes 1, 2, 3, or 4, two independent service water loops shall be operable. The Technical Specification (LCO) Action Statement requires that, with one service water loop inoperable, the inoperable loop is to be restored to an operable status within 48 hours, or the reactor is to be in cold shutdown within the next 36 hours.

Technical Specification LCO 3.0.3 requires, in part, that, when a LCO is not met, except as provided in its action statement, the plant shall be placed in cold shutdown within 24 hours.

Contrary to the above, between approximately 1:55 p.m. on November 3, 1990, and 3:10 p.m. on November 15, 1990, while the plant was in either Modes 1, 2, or 3, the two operable service water systems were not independent in that cross-connect Valve No. 2-SW-97A was open, when at the same time the other cross-connect Valve No. 2-SW-97B was also open (thereby providing flow paths for the A and B service water pumps to both service water headers). Action was not taken to place the plant in the cold shutdown condition as required.

This is a Severity Level III violation. (Supplement I)  
Civil Penalty - \$37,500

II. VIOLATIONS NOT ASSESSED A CIVIL PENALTY

A. 10 CFR 50.72(b)(ii)(B) requires, in part, that the NRC be notified as soon as practical and in all cases within one hour of the occurrence of any condition during operation that results in the nuclear power plant being in a condition that is outside the design basis of the plant.

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Technical Specification Limiting Condition for Operation (LCO) 3.7.4.1 requires that, whenever the plant is in Modes 1, 2, 3, or 4, two independent service water loops shall be operable.

Contrary to the above, although the licensee identified on November 15, 1990 that the plant was operated without two independent service water systems (a condition that was outside its design basis), this condition was not reported to the NRC until January 14, 1991.

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

- B. 10 CFR 50.73(a)(1) and (a)(2)(i)(B) require, in part, that a Licensee Event Report be submitted to the NRC within 30 days of discovery of any event involving any operation or condition prohibited by the plant's technical specifications.

Technical Specification Limiting Condition for Operation (LCO) 3.7.4.1 requires that, whenever the plant is in Modes 1, 2, 3, or 4, two independent service water loops shall be operable.

Contrary to the above, although the licensee identified on November 15, 1990, that the nuclear power plant had less than two independent service water systems, a Licensee Event Report was not submitted to the NRC until January 14, 1991.

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

Pursuant to the provisions 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 the Notice of Violation and Proposed Imposition of Civil Penalty. 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 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, in whole or in part, 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 NRC Senior Reactor 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 March 1991