

50-245



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20565-0001

December 15, 1994

Mr. Anthony J. Ross  
16 Fulmore Drive  
Waterford, CT 06385

Dear Mr. Ross:

I am responding to your letter of October 28, 1994, in which you request that "accelerated" enforcement action be taken against Northeast Utilities (NU) for violations at the Millstone plants. Although you ask that your letter be treated as a petition under Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR), you have not provided a sufficient factual basis to warrant action under that regulation. This is true even when your allegations are considered in conjunction with those made by Mr. Donald Del Core, Sr., on this subject in his letter of September 2, 1993.

The letter submitted by Mr. Del Core in 1993 was not considered a specific request for enforcement action within the purview of 10 CFR 2.206; a response to Mr. Del Core's concerns regarding the consistency of the application of NRC enforcement policies and procedures was, therefore, provided by letter from James Lieberman, Director, Office of Enforcement. Although Mr. Del Core alleged that a substantial number of violations relating to procedure compliance, work control, and tagging control had occurred at the Millstone plants, he did not provide information about any specific violations. He asked instead that the staff review past allegations, inspection reports, and systematic assessment of licensee performance (SALP) reports to determine whether repeat violations had occurred and whether the staff was applying the enforcement policy properly.

Mr. Del Core's request prompted the Office of Enforcement to review 64 NRC inspection reports and the most recent SALP report for the Millstone site. The review did not reveal any repetitive violations that were not properly dispositioned in accordance with the NRC Enforcement Policy involving procedure compliance, work control, or tagging control. Mr. Del Core was informed of the results of the review in a letter of December 23, 1993.

In your letter, you also allege that violations relating to procedure compliance, work control, and tagging control have occurred regularly at the Millstone site since the letdown valve incident in August 1993, and were the subject of some type of hearing at Region I. The NRC staff is concerned with the frequency of NRC and NU identified violations during the past 2 years at the Millstone site and has taken escalated enforcement action when warranted by the findings. Inadequate procedural controls were identified as one of the root causes for a \$87,500 civil penalty issued on August 15, 1994. The violations included in the Notice of Violation and Proposed Imposition of Civil Penalty included the inability of Millstone Unit 2 operators to: (1) properly assess and classify Unusual Events as required by the Emergency Plan, and (2) ensure adequate shutdown margin within 1 hour as required by plant technical specifications.

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As you allude to, a public meeting was held with NU management at Region I on October 21, 1994, to discuss performance concerns in the areas of procedural adherence and the poor quality and timeliness of the corrective action programs at the Millstone site. This meeting stemmed from a review by Region I of inspection results during 1994. The review concluded that: (1) the frequency of failing to follow procedures continues to be of concern, and (2) the quality and timeliness of corrective actions for identified problems too often is narrowly focused and delayed such that recurrent problems are not prevented. The NRC staff is closely monitoring NU's initiatives to address these NRC concerns and additional actions will be taken by the NRC if necessary.

If you wish the staff to take action under 10 CFR 2.206, you must provide more information. Specifically, you must describe, in detail, the specific technical violations that you allege have not been adequately addressed by the NRC. To the extent possible, you should include the date of the violation, the precise nature of the violation, the action taken by the NRC, and the reason why you believe the NRC action was inadequate. If a response is not received within 30 days of the date of this letter, we will assume that you do not wish to take any further action.

Sincerely,

Original Signed By  
 WILLIAM T. RUSSELL

William T. Russell, Director  
 Office of Nuclear Reactor Regulation

cc: See next page

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DOCUMENT NAME: G:\ANDERSEN\GREEN \*See previous concurrence

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NAME	SNorris	JAndersen	PMcKee		MMejac		SHLewis	
DATE	12/8/94	12/8/94	12/08/94		11/25/94		12/07/94	
OFFICE	D:DRPE	* ADPR	RZ	WTR	RG1	*		
NAME	SVarga	RZimmerman	WRussell		JDurr (by phone)			
DATE	12/08/94	12/8/94	12/15/94		12/08/94		12/ /94	

December 15, 1994

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Sincerely,



William T. Russell, Director  
Office of Nuclear Reactor Regulation

cc: See next page

A. Ross

Millstone Nuclear Power Station Units 1, 2, & 3

cc:

Ms. L. M. Cuoco, Senior Nuclear Counsel  
Northeast Utilities Service Company  
Post Office Box 270  
Hartford, Connecticut 06141-0270

J. J. LaPlatney  
Haddam Neck Unit Director  
Connecticut Yankee Atomic Power Company  
362 Injun Hollow Road  
East Hampton, Connecticut 06424-3099

Kevin T. A. McCarthy, Director  
Monitoring and Radiation Division  
Department of Environmental Protection  
79 Elm Street  
Hartford, Connecticut 06106-5127

Allan Johanson, Assistant Director  
Office of Policy and Management  
Policy Development and Planning Division  
80 Washington Street  
Hartford, Connecticut 06106

S. E. Scace, Vice President  
Nuclear Operations Services  
Northeast Utilities Service Company  
Post Office Box 128  
Waterford, Connecticut 06385

H. F. Haynes, Nuclear Unit Director  
Millstone Unit No. 1  
Northeast Nuclear Energy Company  
Post Office Box 128  
Waterford, Connecticut 06385

Nicholas S. Reynolds  
Winston & Strawn  
1400 L Street, NW  
Washington, DC 20005-3502

R. M. Kacich, Director  
Nuclear Planning, Licensing & Budgeting  
Northeast Utilities Service Company  
Post Office Box 128  
Waterford, Connecticut 06385

J. M. Solymossy, Director  
Nuclear Quality and Assessment Services  
Northeast Utilities Service Company  
Post Office Box 128  
Waterford, Connecticut 06385

Regional Administrator  
Region I  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, Pennsylvania 19406

First Selectmen  
Town of Waterford  
Hall of Records  
200 Boston Post Road  
Waterford, Connecticut 06385

P. D. Swetland, Resident Inspector  
Millstone Nuclear Power Station  
c/o U.S. Nuclear Regulatory Commission  
Post Office Box 513  
Niantic, Connecticut 06357

Donald B. Miller, Jr.  
Senior Vice President  
Millstone Station  
Northeast Nuclear Energy Company  
Post Office Box 128  
Waterford, Connecticut 06385

G. H. Bouchard, Nuclear Unit Director  
Millstone Unit No. 2  
Northeast Nuclear Energy Company  
Post Office Box 128  
Waterford, Connecticut 06385

Charles Brinkman, Manager  
Washington Nuclear Operations  
ABB Combustion Engineering  
Nuclear Power  
12300 Twinbrook Pkwy, Suite 330  
Rockville, Maryland 20852

F. R. Dacimo, Nuclear Unit Director  
Millstone Unit No. 3  
Northeast Nuclear Energy Company  
Post Office Box 128  
Waterford, Connecticut 06385

A. Ross

Millstone Nuclear Power Station Units 1, 2, & 3

cc:

Burlington Electric Department  
c/o Robert E. Fletcher, Esq.  
271 South Union Street  
Burlington, Vermont 05402

M. R. Scully, Executive Director  
Connecticut Municipal Electric  
Energy Cooperative  
30 Stott Avenue  
Norwich, Connecticut 06360

David W. Graham  
Fuel Supply Planning Manager  
Massachusetts Municipal Wholesale  
Electric Company  
Post Office Box 426  
Ludlow, Massachusetts 01056

John F. Opeka  
Executive Vice President, Nuclear  
Connecticut Yankee Atomic Power Company  
Northeast Nuclear Energy Company  
Post Office Box 270  
Hartford, Connecticut 06141-0270

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# ACTION

## EDO Principal Correspondence Control

FROM: DUE: 11/29/94

EDO CONTROL: 0010600  
DOC DT: 10/28/94  
FINAL REPLY:

Anthony J. Ross  
Waterford, Connecticut

TO:

James Taylor

FOR SIGNATURE OF :

\*\* GRN \*\*

CRC NO:

DESC:

2.206 PETITION REQUEST FOR ESCALATED ENFORCEMENT  
ACTION 10 CFR 2 APP. C - MILLSTONE

ROUTING:

Taylor  
Milhoan  
Thompson  
Blaha  
Russell, NRR  
TMMartin, RI  
Lieberman, OE

DATE: 11/01/94

ASSIGNED TO:

CONTACT:

OGC

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SPECIAL INSTRUCTIONS OR REMARKS:

NRR RECEIVED:	NOVEMBER 17, 1994
NRR ACTION:	DRPE:VARGA
NRR ROUTING:	RUSSELL MIRAGLIA ZIMMERMAN THADANI CRUTCHFIELD BOHRER

ACTION

DUE TO NRR DIRECTOR'S OFFICE

BY *[Signature]* 25, '94

*extension  
approved  
unt. 1 12/9/94*

# ACTION

## NRO Principal Correspondence Control

FROM:

DUE: 11/29/94

EDO CONTROL: 9010600

DOC DT: 10/28/94

FINAL REPLY:

Anthony J. Ross  
Waterford, Connecticut

TO:

James Taylor

FOR SIGNATURE OF :

\*\* GRN \*\*

CRC NO:

PESC:

ROUTING:

2.206 PETITION REQUEST FOR ESCALATED ENFORCEMENT  
ACTION 10 CFR 2 APP. C - HILLSTONE

Taylor  
Milhoan  
Thompson  
Blaha  
Russell, NRR  
TTMartin, RI  
Lieberman, CE

DATE: 11/01/94

ASSIGNED TO:

CONTACT:

OGC

CYE

SPECIAL INSTRUCTIONS OR REMARKS:

NRR RECEIVED:

NOVEMBER 17, 1994

NRR ACTION:

DRPE-YARGA

NRR ROUTING:

RUSSELL  
MIRAGLIA  
ZIMMERMAN  
THADANI  
CRITCHFIELD  
BONNER

ACTION

DUE TO NRR DIRECTOR'S OFFICE

BY *[Signature]* 25 94

*extension approved 12/1/94*

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