

March 3, 1995

EA 95-010

E. Thomas Boulette, Ph.D.
Senior Vice President - Nuclear
Boston Edison Company
Pilgrim Nuclear Power Station
Rocky Hill Road
Plymouth, Massachusetts 02360

SUBJECT: NOTICE OF VIOLATION
(NRC Inspection Report No. 50-293/94-26)

Dear Mr. Boulette:

This letter refers to the NRC inspection conducted between December 7, 1994, and January 17, 1995, at the Pilgrim Nuclear Power Station. The inspection report was sent to you on January 30, 1995. During the inspection, the NRC reviewed the circumstances associated with a violation of your technical specifications (TS). The violation was identified by members of your instrument and control (I&C) staff, and reported to the NRC. On February 7, 1995, an open enforcement conference was conducted with you and other members of your staff to discuss the violation, its cause and your corrective actions. A copy of the results of the enforcement conference will be included in a future NRC resident inspection report that will include a copy of your presentation at the conference. In addition, as a result of this conference, the NRC staff identified a second violation of NRC requirements associated with the failure of your staff to follow procedures during the performance of the maintenance activity that resulted in the TS violation delineated earlier in this paragraph.

The violations are described in the enclosed Notice of Violation (Notice). The first violation involved the failure to maintain primary containment integrity for approximately 30 days while the reactor was critical. Containment integrity was not maintained in that a pathway existed through a drywell/torus differential pressure transmitter from the torus air space to the reactor building atmosphere. The pathway existed because a pipe plug (with an inside diameter of approximately $\frac{3}{8}$ -inch) was not reinstalled on a port on the transmitter's low pressure side manifold following a calibration of the transmitter on November 22, 1994. The missing plug was not identified until the next calibration on December 28, 1994.

The second violation involves two examples of a failure to follow the calibration procedure performed on November 22, 1994, that resulted in the breach in containment integrity. An I&C technician responsible for ensuring that the plug was reinstalled following the transmitter's calibration, failed to follow the procedure and install the plug on the transmitter, and then failed to perform the procedurally required double verification step to ensure that the plug was properly installed. The NRC is concerned that subsequently, neither the I&C supervisor, nor the Nuclear Watch Engineer, both of whom were responsible for

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reviewing the completed calibration package, identified that the double verification step of the transmitter restoration had not been accomplished. Had either of these individuals identified that deficiency, the containment breach might have been identified and the TS violation prevented.

The NRC is also concerned that a Notice of Violation issued to you on January 28, 1993, cited Boston Edison Company for management's failure to identify during reviews that technicians did not implement a procedure properly, thus resulting in incorrect reactor protection system setpoints being introduced. These more recent inadequate reviews of the transmitter calibration in November 1994 are particularly significant not only in view of the January 1993 findings, but also because they resulted in a violation of containment integrity. The NRC recognizes that you have calculated that containment leakage using accident analysis data would not have exceeded 10 CFR Part 100 limits. Nonetheless, in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR Part 2, Appendix C, these violations have been collectively categorized as a Severity Level III problem.

The NRC commends your I&C staff who identified the missing pipe plug during the December 1994 calibration, and took prompt actions to notify station management and to restore containment integrity. The NRC also recognizes that, subsequent to the identification of this violation, prompt and comprehensive actions were taken or planned to correct the violation. Those actions, which were described at the enforcement conference, included, but were not limited to: (1) briefing of maintenance personnel concerning this event, with particular emphasis placed on personnel accountability; (2) improvement of procedures, including revision to calibration procedures, to incorporate appropriate caution statements; (3) addition of isolation valves between vent plugs and instruments; (4) installation of enhanced labels on equipment; (5) clarification and reinforcement of management expectations for supervisor and craft performance; and (6) addition of independent peer reviews to verify that configuration control following maintenance is appropriately maintained, especially for equipment that, if incorrectly configured, can not otherwise be detected readily.

At the enforcement conference, you acknowledged a violation of your TS requirements. However, you indicated that there was no actual offsite radiological consequences and that the risk of core damage during the subject period was extremely low. Notwithstanding those contentions and corrective actions, I seriously considered issuance of a civil penalty to emphasize the importance of (1) maintaining containment integrity at all times when the reactor is critical; and (2) management providing appropriate oversight of all activities to assure that specific procedural tasks, particularly in the maintenance area, are performed properly. However, I have been authorized, after consultation with the Director, Office of Enforcement, to issue the enclosed Notice of Violation without a civil penalty, based on application of the civil penalty adjustment factors, for the Severity Level III problem set forth in the Notice.

The base civil penalty amount for a Severity Level III problem is \$50,000. The civil penalty adjustment factors in Section VI.B.2 of the Enforcement Policy were considered and, on balance, full mitigation of the penalty is warranted based on the following: (1) while your I&C staff identified the violation when they discovered the missing plug during the December calibration, the matter was self-disclosing, and therefore, only 25% mitigation is warranted for this factor; (2) your corrective actions were considered prompt and comprehensive, once the violation was identified, and therefore, 50% mitigation is warranted for this factor; (3) your overall performance has been good, as evidenced by only one similar violation in the past two years (issued in January 1993), indicating a good overall enforcement history, as well as Category 1 ratings in three of the four SALP categories during the last SALP assessment issued on November 16, 1994; therefore, 75% mitigation on this factor is warranted (full 100% credit is not warranted since you received a Category 2 rating in the maintenance area during the last SALP assessment, and the January 1993 Notice also included problems with inadequate I&C supervision); and (4) 50% escalation is warranted because your staff had a prior opportunity to identify the problem and prevent the TS violation when both the I&C supervisor and the Nuclear Watch Engineer reviewed the completed calibration package and failed to note that the double verification step of the transmitter restoration had not been accomplished. The other escalation/mitigation factors were considered, and no further adjustment is warranted.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,

ORIGINAL SIGNED BY
WILLIAM F. KANE

FOR Thomas T. Martin
Regional Administrator

Docket No. 50-293
License No. DPR-35

Enclosure: Notice of Violation

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cc w/encl:

L. Olivier, Vice President - Nuclear and Station Director
T. Sullivan, Plant Department Manager
R. Fairbank, Manager, Regulatory Affairs and Emergency Planning Department
D. Tarantino, Nuclear Information Manager
D. Ellis, Acting Senior Compliance Engineer
R. Hallisey, Department of Public Health, Commonwealth of Massachusetts
R. Adams, Department of Labor and Industries, Commonwealth of Massachusetts
The Honorable Terese Murray
The Honorable Peter V. Forman
B. Abbanat, Department of Public Utilities
Chairman, Plymouth Board of Selectmen
Chairman, Duxbury Board of Selectmen
Chairman, Nuclear Matters Committee
Plymouth Civil Defense Director
P. Gromer, Massachusetts Secretary of Energy Resources
B. Cronin, Legislative Assistant
A. Noguee, MASSPIRG
Regional Administrator, FEMA
Office of the Commissioner, Massachusetts Department of Environmental Quality
Engineering
Office of the Attorney General, Commonwealth of Massachusetts
T. Rapone, Massachusetts Executive Office of Public Safety
Chairman, Citizens Urging Responsible Energy
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Nuclear Safety Information Center (NSIC)
D. Screnci, PAO-RI (2)
NRC Resident Inspector
Commonwealth of Massachusetts, SLO Designee

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Mary Jo

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From Betty

*Martin T. Martin
per memo from
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