

FOIA - 95-447

RESPONSE TYPE

FINAL

PARTIAL

DATE

DEC 06 1995

DOCKET NUMBER(S) (if applicable)

REQUESTER

Karen Chafee

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

PART I. - AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)

No agency records subject to the request have been located.

No additional agency records subject to the request have been located.

Requested records are available through another public distribution program. See Comments section.

Agency records subject to the request that are identified in Appendix(es) _____ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

Agency records subject to the request that are identified in Appendix(es) A are being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

Agency records subject to the request that are identified in Appendix(es) _____ may be inspected and copied at the NRC Local Public Document Room identified in the Comments section.

Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

Agency records subject to the request are enclosed. Appendix A documents are enclosed.

Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.

Fees NONE

You will be billed by the NRC for fees totaling \$ _____.

You will receive a refund from the NRC in the amount of \$ _____.

In view of NRC's response to this request, no further action is being taken on appeal letter dated _____, No. _____

PART II. A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II, B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC in a folder under this FOIA number.

COMMENTS

You will not be billed for processing fees since the minimal fee limit was not exceeded.

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

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PDR FOIA
CHAFEE95-447 PDR

APPENDIX A
DOCUMENTS BEING RELEASED IN THEIR ENTIRETY

| NUMBER | DATE | DESCRIPTION |
|--------|----------|---|
| 1. | 10/19/90 | Letter from T. Martin to A. Kadak, subject: Notice of Violation. (5 pages) |
| 2. | 2/21/91 | Letter from T. Martin to P. O'Neil, subject: Notice of Violation and Proposed Imposition of Civil Penalty. (7 pages) |
| 3. | 5/30/91 | Letter from T. Martin to A. Kadak, subject: Notice of Violation and Proposed Imposition of Civil Penalty - \$50,000. (8 pages) |
| 4. | 8/22/91 | Letter from T. Martin to A. Kadak, subject: Notice of Violation. (5 pages) |
| 5. | 8/21/92 | Letter from T. Martin to J. Tye, subject: Notice of Violation and Proposed Imposition of Civil Penalty - \$2,000. (7 pages) |
| 6. | 3/12/93 | Letter from T. Martin to M. Kulig, subject: Notice of Violation. (5 pages) |
| 7. | 4/1/93 | Letter from M. Hodges to W. Olsen, subject: Notice of Violation and Expiration of License. (3 pages) |
| 8. | 4/16/93 | Letter from T. Martin to P. Rosenbaum, subject: Notice of Violation and Proposed Imposition of Civil Penalty - \$1,750. (11 pages) |
| 9. | 7/11/94 | Letter from T. Martin to P. Levine, subject: Notice of Violation and Proposed Imposition of Civil Penalty - \$2,500. (10 pages) |
| 10. | 7/21/93 | Letter from T. Martin to A. Lazare, subject: Notice of Violation. (5 pages) |
| 11. | 8/4/93 | Letter from T. Martin to D. Harding, subject: Notice of Violation. (7 pages) |
| 12. | 8/9/93 | Letter from T. Martin to R. Blodgett, subject: Notice of Violation and Proposed Imposition of Civil Penalties - \$7,500. (12 pages) |

APPENDIX A
DOCUMENTS BEING RELEASED IN THEIR ENTIRETY
(Continued)

| NUMBER | DATE | DESCRIPTION |
|--------|---------|--|
| 13. | 12/2/93 | Letter from T. Martin to R. Whelan, subject: Notice of Violation and Proposed Imposition of Civil Penalty - \$2,500. (11 pages) |
| 14. | 9/7/94 | Letter from H. Thompson to C. Cohen, subject: Notice of Violation and Proposed Imposition of Civil Penalties - \$15,000; and Order Modifying License (Effective Immediately). (23 pages) |
| 15. | 3/3/95 | Letter from T. Martin to E. Thomas Boulette, subject: Notice of Violation. (6 pages) |
| 16. | 4/20/95 | Letter from T. Martin to E. Dow, subject: Notice of Violation and Proposed Imposition of Civil Penalty - \$750. (11 pages) |
| 17. | 7/5/95 | Letter from T. Martin to W. McDaniel, subject: Notice of Violation. (5 pages) |



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
476 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19408

October 19, 1990

Docket No. 50-29
License No. DPR-3
EA 90-151

Yankee Atomic Electric Company
ATTN: Mr. Andrew C. Kadak
President and Chief Operating Officer
580 Main Street
Bolton, Massachusetts 01740-1398

Gentlemen:

Subject: NOTICE OF VIOLATION
(NRC Inspection Report No. 50-29/90-14)

This letter refers to the NRC safety inspection conducted on August 2-27, 1990 at the Yankee Nuclear Power Station, Rowe, Massachusetts. The inspection report was sent to you on September 10, 1990. The NRC inspection included a review of conditions identified by your staff and reported to the NRC concerning deficiencies in the testing of your emergency diesels generators (EDGs) to assure that they would operate in accordance with required specifications. Based on the inspection two apparent violations of NRC requirements were identified. On September 21, 1990, an enforcement conference was held with you and members of your staff to discuss the apparent violations, their causes, and your corrective actions.

The enclosed Notice of Violation describes a failure to adequately test the EDGs. In July and August 1990, following a major overhaul of the EDGs, including replacement of the fuel injectors, drive shaft and pistons, as well as resleeving of the degraded cylinders, two of the EDGs were only tested at half of their required capacity (200kW) prior to returning them to service. These tests were not sufficient to demonstrate that the EDGs would perform satisfactorily when required. As a result of this testing deficiency, two of the EDGs were returned to service without your staff assuring that the EDGs were capable of handling their intended load of 400kW.

This violation demonstrates the importance NRC places on proper testing of equipment following maintenance and/or modifications, to ensure that the equipment operates as intended. The violation is classified at Severity Level III in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, (1990) (Enforcement Policy).

Although a civil penalty is normally issued for a Severity Level III violation, the escalation and mitigation factors set forth in the Enforcement Policy were considered and, on balance, the base civil penalty of \$50,000 has been mitigated in its entirety because: (1) although you notified the NRC in August 1990 that EDG-3 failed a surveillance test, no adjustment of the base civil penalty on the

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identification factor is warranted because you did not identify that the post-maintenance tests on EDG-1 and EDG-2 were deficient until informed by the NRC; (2) your corrective actions subsequent to identification, including replacement of the EDGs, were considered prompt and comprehensive, and, therefore, 50% mitigation of the base civil penalty on this factor is warranted; and (3) your past performance in operations, surveillance/maintenance and engineering has been good, as evidenced by Category 1 ratings in these areas during the last Systematic Assessment of Licensee Performance (SALP), and therefore, 100% mitigation of the base civil penalty on this factor is warranted. Since this violation did not involve multiple examples, prior Notice, extended duration or a programmatic maintenance related cause, no adjustment of the base civil penalty on these factors is warranted.

Also during the enforcement conference, your discovery that the EDGs would not provide the required power under all required conditions was discussed at length. While you were testing EDGs in accordance with your surveillance requirements, apparently you had not initially tested their capacity under the design ambient conditions. Your staff indicated that although the EDGs would not operate at 400kW under certain conditions, your analysis indicates that the EDGs would have handled the actual load that would have existed during a design basis event. Nonetheless, your failure to have EDGs that would adequately perform under all required operating and environmental conditions and the failure to discover that problem through adequate analysis and testing prior to their installation into the plant and subsequent operation is viewed by the NRC staff as a significant concern. This is especially significant since you had recognized that the design loading capacity with the EDGs was marginal. The NRC recognizes that Yankee Atomic Electric Company took prompt and comprehensive corrective actions, once the surveillance test failures were identified in August, 1990. These actions included (1) a decision by the Board of the Directors on August 13, 1990 to replace all three EDGs with new 600kW capability units, each possessing a nuclear rating of 450kW, and (2) a commitment to test the EDGs at 450kW during quarterly surveillances.

You are required to respond to this letter and the enclosed Notice, 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. In addition, you should describe (1) the specific corrective actions taken or planned to improve your preventive maintenance program, in particular, post maintenance testing of equipment, and (2) whether increases in ambient temperature can adversely affect the performance of any other safety-related equipment at your facility. 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 Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

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,



Thomas T. Martin
Regional Administrator

Enclosure: Notice of Violation

cc w/encl:

N. St. Laurent, Plant Superintendent
G. Papanic, Jr., Senior Project Engineer - Licensing
R. Hallisey, Dept. of Public Health, Commonwealth of Massachusetts
Public Document Room (PDR)
Local Public Document Room (LPDR)
Nuclear Safety Information Center (NSIC)
NRC Senior Resident Inspector
Commonwealth of Massachusetts, SLO Designee
State of Vermont, SLO Designee

NOTICE OF VIOLATION

Yankee Atomic Electric Company
Yankee Nuclear Power Station

Docket No. 50-29
License No. DPR-3
EA 90-151

During an NRC safety inspection conducted between August 2-27, 1990, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, (Enforcement Policy) (1990), the particular violation is set forth below.

10 CFR Part 50, Appendix B, Criterion XI specifies that a test program shall be established to assure that all testing required to demonstrate that structures, systems, and components will perform satisfactorily in service is identified and performed in accordance with written test procedures which incorporate requirements and acceptance limits contained in applicable design documents.

Contrary to the above, the post-maintenance test program established for the July - August 1990 refueling outage did not assure adequate testing to verify that each emergency diesel generator (EDG) would perform satisfactorily while in service. Specifically, although the three EDGs received major overhauls in July, 1990, EDG-1 and EDG-2 were returned to service on July 8 and July 26, 1990, respectively, having been tested at only one half of the capacity required rather than at full capacity (400kW).

This violation is classified at Severity Level III (Supplement I).

Pursuant to the provisions of 10 CFR 2.201, Yankee Atomic Electric Company is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a copy to the Regional Administrator, Region I, and the Senior Resident Inspector, Yankee Nuclear Power Station within 30 days of the date of this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for the violation: (1) admission or denial of the alleged violation; (2) the reasons for the violation if admitted, (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.

FOR THE NUCLEAR REGULATORY COMMISSION



Thomas T. Martin
Regional Administrator

Dated at King of Prussia, Pennsylvania
this 19 day of October 1990



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406

February 21, 1991

Docket No. 030-08572
License No. 20-15102-01
EA 90-065

P. X. Engineering Company, Inc.
ATTN: Paul O'Neil
President
25 FID Kennedy Avenue
Boston, Massachusetts 02210

RETURN TO OE FILES

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY - \$7,500
(NRC Inspection Report No. 88-002 and Investigation Report 1-88-016)

This letter refers to the NRC safety inspection conducted on June 28-29, 1988, at Boston, Massachusetts of activities authorized by NRC License No. 20-15102-01. This letter also refers to the subsequent investigation conducted by the NRC Office of Investigations (OI). The report of the inspection was forwarded to you on August 17, 1988. A copy of the redacted OI Report of Investigation was also forwarded to you on August 17, 1990. During the inspection and investigation, violations of NRC requirements were identified. On September 11, 1990, an enforcement conference was held with you and members of your staff during which these violations, their causes, and your corrective actions were discussed.

The violations are described in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice). The violations include the former Radiation Safety Officer (RSO): (1) failing to adequately supervise an individual acting as a Radiographer's Assistant when the individual was using a radiographic exposure device; and (2) providing information to the NRC that was not accurate in all material respects, in that during an interview with two NRC inspectors on June 28-29, 1988, the RSO stated he was personally present during the performance of all radiographic operations performed by two of your employees when, in fact, the RSO subsequently admitted to an OI investigator that he was not present at all times for a number of radiographic operations performed by one of the individuals between November 1987 and June 1988.

The NRC notes that Violation A in the Notice of Violation (NOV) enclosed with our letter dated August 17, 1988, which also transmitted the report of the NRC's June 28-29, 1988 inspection, involved two unqualified individuals acting as Radiographers Assistants in that these individuals had not completed the required tests to be qualified (one of these individuals was no longer employed by you at the time of this inspection). In your letter dated September 12, 1988, in response to Violation A of this NOV, you stated that the trainee present during the inspection had since passed the written and

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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field tests required by your license and that your company will no longer use trainees prior to becoming a Radiographer's Assistant. Subsequently, that violation was again discussed at the September 1990 enforcement conference because of OI's findings.

At the time that Violation A of the August 17, 1988 NOV was issued, the NRC believed, based on statements made by the RSO, that the safety significance of the violation was minimal because the RSO was present on all occasions when the individuals performed radiography. However, during the subsequent OI investigation (initiated after allegations were received by the NRC following issuance of that Notice of Violation), the RSO admitted to an NRC investigator that although he was present in the facility and "monitored" all radiography being performed, he was not present at all times with one of the individuals (to watch the individual's performance of operations) on every occasion when the source was being exposed. Since a person acting as a Radiographer's Assistant is required to be personally supervised by, and in the presence of, a radiographer and you allowed a trainee to act as a Radiographer's Assistant without such supervision on several occasions, a violation for the failure to supervise is being issued as Violation A in the enclosed Notice.

During the transcribed enforcement conference on September 11, 1990, the RSO asserted (in contradiction to his sworn testimony to OI on November 16, 1989), that he was monitoring every radiographic exposure made by the trainee in that, although he may not have been next to the individual cranking out the source, he was watching him from a distance. Notwithstanding the RSO's contentions at the conference, the NRC has concluded that the RSO provided inaccurate information to the NRC during the June 28-29, 1988 inspection, as set forth in Violation B of the enclosed Notice. This conclusion is based on the admissions by the RSO to OI during his sworn testimony (which was transcribed) on November 16, 1989 wherein he admitted he was occasionally in his office doing paper work, and was not present on every occasion when the source was out and radiography was being performed. The NRC recognizes that during the enforcement conference you provided an explanation of the inconsistencies in the RSO's statement, and you also stated that he was soon to be replaced.

A license to use radioactive material is a privilege that confers upon the licensee, its officials and employees, the special trust and confidence of the public. When the NRC issues a license, it is expected and required that the licensee, as well as its employees, and contractors, be completely candid and honest in all of their dealings with the NRC. This includes ensuring that all information provided to the NRC, either orally or in writing, as well as the creation of all records of performance of activities required by the license, are complete and accurate in all material respects since the NRC relies on these statements and records to determine compliance with regulatory requirements.

False statements by the RSO to the NRC inspectors indicating that he was personally present on all occasions when one of the individuals performed radiography without his having actually been present on all such occasions,

he was present

he was present

violates the Commission's requirements. It is a significant regulatory concern for an RSO acting as a radiographer to not fully supervise radiographic operations. Being in the same building where radiography is performed is not adequate to fulfill NRC's requirement for supervision. In addition, it is of concern that during the June 28-29, 1988 inspection, the RSO could not demonstrate how radiography is performed, and was generally unfamiliar with the relevant NRC requirements. Consequently, we found it necessary to issue a Confirmatory Action Letter to assure that additional training would be given the RSO.

Therefore, these violations represent a significant breakdown in management control based on the RSO's lack of supervision, the RSO's providing erroneous information, and your continued utilization of the RSO notwithstanding his limited ability to serve as the RSO. Accordingly, the violations set forth in the Notice have been classified in the aggregate as a Severity Level III problem in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, (Enforcement Policy) (1988), that was in effect at the time of the violations.

These violations demonstrate that licensee's management, including the RSO, did not provide the necessary level of oversight to ensure that licensed activities were performed in accordance with regulatory requirements. Therefore, to emphasize the importance of your responsibilities for ensuring that (1) licensed activities are conducted safely and in accordance with the conditions of your license, and (2) all information communicated to the NRC is both complete and accurate in all material respects, I have been authorized, after consultation with the Commission, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the amount of \$7,500.

The base civil penalty amount for a Severity Level III violation is \$5,000. The escalation and mitigation factors in the enforcement policy were considered and on balance a 50 percent escalation of the base civil penalty amount is appropriate because: (1) the violations were identified by the NRC and therefore, in accordance with the policy in effect at the time, no adjustment of the base civil penalty on this factor is warranted; (2) your corrective actions, (which included qualification of your only radiography trainee as a radiographer, and replacement and removal of the RSO from licensed activities) were not considered prompt and were only minimally acceptable in that you did not replace your RSO until two months after the enforcement conference and, therefore, a 50 percent escalation of the base civil penalty is warranted; (3) mitigation warranted for prior good performance was offset by the escalation warranted for multiple examples involved in the failure to adequately supervise; and (4) the remaining escalation and mitigation factors were considered and no further adjustment was considered appropriate since this case did not involve prior notice or duration.

Finally, the NRC is concerned that on a number of occasions between November 1987 and June 1988, your source utilization logs identified the RSO as the radiographer and he admitted that his signature on these logs indicated he was present during radiography, when in fact, testimony given to OI, (including that

of the RSO) established that the RSO was not present on all occasions to act as a radiographer when the source was utilized in radiographic operations. Although the NRC has decided not to include a citation for the falsification of these logs in the enclosed Notice, the NRC is placing you on notice that should such falsification occur in the future, appropriate enforcement action will be taken.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice in preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. In addition, your response to this letter should describe the changes that have been made and actions that have been or will be implemented to ensure that (1) licensed activities are conducted in accordance with your license, and (2) information submitted to the NRC, is complete and accurate. This response should also provide your basis for concluding that each person involved in licensed activities understands his or her responsibility and is committed to assure that NRC requirements will be followed and information submitted to the NRC will be complete and accurate. After reviewing your response to this Notice, including your proposed corrective actions, and the results of future inspections, the NRC will determine whether further 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," Part 2 Title 10, Code of Federal Regulations, a copy of this letter and the enclosures will be placed in the NRC's Public Document Room.

The responses directed by this letter and the enclosures 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. 96-511.

Sincerely,



Thomas T. Martin
Regional Administrator

Enclosure:
Notice of Violation and
Proposed Imposition of Civil Penalty

cc w/encls:
Public Document Room (PDR)
Nuclear Safety Information Center (NSIC)
State of Massachusetts

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

P.X. Engineering Company, Inc.
Boston, Massachusetts

Docket No. 030-08572
License No. 20-15102-01
EA 90-065

During an NRC inspection conducted on June 28-29, 1988, at the licensee's facility in Boston, Massachusetts, and a subsequent investigation by the NRC Office of Investigations, 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 (1988), 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 associated civil penalty are set forth below.

- A. 10 CFR 34.44 requires that whenever a Radiographer's Assistant uses radiographic exposure devices, uses sealed sources or related source handling tools, or conducts radiation surveys required by 10 CFR 34.43(b) to determine that the sealed source has returned to the shielded position after an exposure, he shall be under the personal supervision of a radiographer. The personal supervision shall include: (a) the radiographer's personal presence at the site where the sealed sources are being used, (b) the ability of the radiographer to give immediate assistance if required, and (c) the radiographer's watching the assistant's performance of the operations referred to in this section.

Contrary to the above, on a number of occasions between November 1987 and June 28, 1988, an individual acted as a Radiographer's Assistant, utilized a radiographic exposure device and was not adequately supervised by a radiographer, in that the radiographer/Radiation Safety Officer (RSO) was not watching the performance of operations including exposure of the source.

- B. 10 CFR 30.9 (a) requires, in part, that information provided to the Commission by a licensee, or information required by the Commission's regulations to be maintained by the licensee, shall be complete and accurate in all material respects.

Contrary to the above, information provided by the licensee's RSO during an interview with two NRC inspectors on June 28, 1988, was inaccurate in that the RSO, in response to questions by the inspectors regarding the RSO's personal presence during the performance of radiography by two licensee employees, stated that he was personally present during all radiographic exposures performed by both individuals. This statement by the RSO was not accurate in that the RSO was not personally present at all times on all occasions when one of the individuals performed radiographic

exposures. By the admission of the RSO, on a number of occasions between November 1987 and July 1988, he did not observe all radiographic exposures in that he states that he was in his office located approximately 50 feet from the location where the radiography was being performed. This statement was material because it relates directly to an NRC requirement and also because one of the individuals acting as a Radiographer's Assistant had not been given an oral test as required by the licensee's procedures and, had the inspector been aware that this individual was not being adequately supervised by the RSO, the inspector may have determined that this situation had more than minimal safety significance, and significant enforcement action may have been taken against the licensee at that time.

These violations have been categorized in the aggregate as a Severity Level III problem. (Supplements VI and VII).

Cumulative Civil Penalty - \$7,500 (assessed \$4,500 for Violation A and \$3,000 for Violation B).

Pursuant to the provisions of 10 CFR 2.201, P.X. Engineering Company, Inc. (Licensee) 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 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 violations 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 (1988), 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, DC 20055 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406.

FOR THE NUCLEAR REGULATORY COMMISSION



Thomas T. Martin
Regional Administrator

Dated at King of Prussia, Pennsylvania
this 21 day of February 1991



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406

May 30, 1991

Docket No. 50-29
License No. DPR-3
EA 91-042

Yankee Atomic Electric Company
ATTN: Mr. Andrew C. Kadak
President and Chief Executive Officer
580 Main Street
Bolton, Massachusetts 01740-1398

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY - \$50,000
(NRC INSPECTION REPORT NO. 50-29/91-03)

This letter refers to the NRC inspection conducted between February 20, 1991 and March 25, 1991 at the Yankee Nuclear Power Station, Rowe, Massachusetts. The inspection report was sent to you on April 10, 1991. The inspection was conducted to review the circumstances associated with an event involving a failure of one of the three Emergency Diesel Generators (EDGs) to start during a routine technical specification surveillance test in January 1991, as well as your follow-up review of the event and its root causes, which resulted in the identification of 92 nonconforming conditions involving improper electrical connectors associated with the EDGs, as well as additional nonconforming conditions associated with other systems. During this inspection, violations of NRC requirements were identified. On April 29, 1991, the NRC conducted an enforcement conference with Mr. J. Thayer and other members of your staff to discuss the violations, their causes and your corrective actions.

The failure of EDG-1 to start in January 1991, was caused by a faulty electrical connection in the governor oil solenoid operated dump valve (SOV) circuit. The faulty connection, which was made by an electrical contractor when the three new EDGs were installed during the 1990 refueling outage, was attributed to the incorrect installation of electrical crimps. The NRC is concerned that the contractor electricians performing the work on the EDGs were not adequately trained or qualified. Such training and qualification were particularly important since the electrical contractor was not on your list of Approved/Authorized Vendors and, as you stated during the enforcement conference, the electricians were supposed to be working under your Quality Assurance (QA) Program.

The NRC is also concerned that appropriate Quality Control (QC) coverage of the contractor was not provided. Since the vendor services for the EDG replacement and testing were procured as "Non Nuclear Safety" (NNS), the licensee was required to perform a quality assessment through source verification, special

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tests, inspection and verification of skill and training of contract personnel, which it failed to do. In addition, although the licensee implemented quality control inspections during the replacement of the EDGs, using a procedure which required mandatory QC inspections, the site quality organization misinterpreted the instruction to be applicable only to repairs performed on critical equipment and not to modification or replacement of critical components. As a result, the replacement of the EDGs was only subject to random surveillance and not mandatory inspections. Reviewers, especially the QA organization, should have recognized the insufficient scope and depth of the inspections of electrical connections.

The violations associated with this occurrence are described in the enclosed Notice and involved: (1) the failure to ensure adequate training of contractor craft personnel necessary to install quality electrical splice connections during the EDG replacement in the 1990 refueling outage; and (2) the failure to establish and implement an effective quality control inspection program necessary to ensure quality installation of the replacement EDGs. The NRC considers these violations significant because the deficient electrical connections had the potential to be a common mode failure since the work was performed by the same contractor on each EDG. The NRC recognizes that you subsequently performed visual inspections of all the splice/terminations installed by the electrical contractor, including splices in other systems (Nuclear Instrumentation (NI), the Safety Parameter Display (SPDS), and other instrumentation). Nonetheless, there was a significant lack of oversight of activities performed by the electrical contractor during the 1990 refueling outage that resulted in the use of a large number of nonconforming connectors that needed to be repaired or replaced and which affected the operability of a safety system. Therefore, in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR Part 2, Appendix C (1990), the violations are classified in the aggregate as a Severity Level III problem.

The NRC recognizes that subsequent to the event (1) actions were initiated to identify the root causes of the event, including expansion of the review after programmatic and potential generic concerns were identified; and (2) appropriate corrective actions were initiated. The corrective actions, which were described at the enforcement conference, included development of training for plant and contractor personnel in the proper use of calibrated crimpers; revision of plant procedures to include specific instructions for making crimp connections; revision of the nonconformance process to provide more timely dissemination of information; and a review of work and QC oversight of the work performed by other contractor individuals operating under the Yankee Quality Assurance Program.

Notwithstanding those actions, to emphasize the importance of (1) proper control of contractor activities associated with safety related equipment, including the training and qualifications of contractor personnel, and (2) proper implementation of a quality control inspection program that provides the

necessary oversight to ensure quality of materials and services, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the amount of \$50,000 for the Severity Level III problem set forth in the enclosed Notice. The base civil penalty for a Severity Level III problem is \$50,000.

The escalation and mitigation factors set forth in the enforcement policy were considered. The base civil penalty was neither escalated nor mitigated for the identification and reporting factor due to the self-disclosing nature of the event that led to the discovery of the nonconforming connections. Additionally, the issue of reportability was first raised by the NRC inspectors and an LER detailing the full scope of the problem was not issued until March 28, 1991. No mitigation is warranted for your corrective actions. Though the actions were ultimately good, you were slow in the development and implementation of the follow-up inspection program, and your subsequent review of other connections did not include power cable inspections until the NRC inspector raised the issue. (Additional nonconformances were revealed in this area.) Mitigation for your past performance is not warranted because (1) SALP ratings in the Operations, Maintenance/Surveillance, and Engineering and Technical Support areas have indicated a recent decline, as evidenced by Category 2 ratings in these areas during the recent SALP assessments compared to prior SALP assessments of Category 1 in those areas; and (2) a Severity Level III violation with no civil penalty was issued on October 19, 1990 (Reference EA 90-151) for inadequate testing of and quality in your EDGs. The potential civil penalty for EA 90-151 was mitigated, in part, based on the expectation that you were replacing the EDGs with EDGs that would be of the necessary quality, including installation. No adjustment to the civil penalty based on the other escalation and mitigation factors 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. Your response should address what actions are being taken to address control of all contractors performing safety-related activities as well as action being taken to assure more timely and thorough evaluation and reporting. 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 and the enclosure will be placed in the NRC's Public Document Room.

The responses directed by this letter and the enclosure 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,



Thomas T. Martin
Regional Administrator

Enclosure: Notice of Violation and Proposed Imposition of Civil Penalty

cc:

J. Thayer, Vice President & Manager of Operations
N. St. Laurent, Plant Supervisor
G. Papanic, Jr., Senior Project Engineer - Licensing
R. Hallisey, Dept. of Public Health, Commonwealth of Massachusetts
Public Document Room (PDR)
Local Public Document Room (LPDR)
Nuclear Safety Information Center (NSIC)
NRC Resident Inspector
Commonwealth of Massachusetts
State of Vermont, SLO Designee

Yankee Atomic Electric Company

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NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Yankee Atomic Electric Company
Yankee Nuclear Power Station

Docket No. 50-29
License No. DPR-3
EA 91-042

During an NRC inspection conducted between February 20, 1991 and March 25, 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, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

- A. 10 CFR Part 50, Appendix B, Criterion II, "Quality Assurance Program," requires, in part, that the Quality Assurance Program provide for training of personnel performing activities affecting quality as necessary to assure that suitable proficiency is achieved and maintained.

The Yankee Atomic Electric Company's Quality Assurance Program, Revision 19A, Section VII B.3.b, states that the plant shall be responsible for the evaluation of purchased services during and/or after completion of the service.

Contrary to the above, the licensee's Quality Assurance Program did not provide for adequate training of the electrical personnel who installed the electrical connections on three Emergency Diesel Generators (EDGs) in September 1990 nor did it adequately evaluate their services. This is evidenced by the failure of EDG-1 to start during a surveillance test on January 2, 1991 due to improper electrical connections, and the 92 nonconforming wire connections subsequently identified.

- B. 10 CFR Part 50, Appendix B, Criterion X, "Inspection," requires, in part, that a program for inspection of activities affecting quality be established and executed to verify conformance with the documented instructions, procedures, and drawings for accomplishing the activity.

Contrary to the above, in September 1990, the licensee did not establish and execute an adequate quality control inspection program to ensure quality installation of the replacement EDGs, specifically the installation of the electrical connections associated with these EDGs. The program was inadequate in that the EDG replacement was subjected to random surveillance and not mandatory inspection points, nor did the development of the inspection activities identify the appropriate attributes requiring inspection.

This is a Severity Level III problem (Supplement I).

Cumulative Civil Penalty - \$50,000 (assessed equally among the two violations)

Pursuant to the provisions of 10 CFR 2.201, Yankee Atomic Electric 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). 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 addressed 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 an "Answer to a Notice of Violation" and may: (1) deny the violations 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 response noted above (Reply to 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, Yankee Nuclear Power Station.

FOR THE NUCLEAR REGULATORY COMMISSION



Thomas T. Martin
Regional Administrator

Dated at King of Prussia, Pennsylvania
this 30th day of May 1991



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

August 22, 1991

Docket No. 50-29
License No. DPR-3
EA 91-099

Andrew C. Kadak, Ph.D.
President and Chief Executive Officer
Yankee Atomic Electric Company
580 Main Street
Bolton, Massachusetts 01740-1398

Dear Dr. Kadak:

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NO. 50-29/91-09)

This letter refers to the NRC inspection conducted between June 16-21, 1991 at the Yankee Nuclear Power Station, Rowe, Massachusetts. The inspection report was sent to you on July 19, 1991. The inspection was conducted to review the circumstances associated with an event which occurred at the facility, at 11:50 pm on June 15, 1991, involving a loss of offsite power and a fire in a station service transformer in the switchyard. The event was caused by a lightning strike during a severe storm. During the inspection, violations of NRC requirements were identified, including two violations of emergency preparedness requirements. On August 2, 1991, the NRC conducted an enforcement conference with Mr. J. Thayer and other members of your staff to discuss the violations, their causes and your corrective actions.

The violations are described in the enclosed Notice. The violations of emergency preparedness requirements are set forth in Section I of the enclosed Notice. Those violations involved: (1) the failure to notify the Commonwealth of Massachusetts and the State of Vermont in a timely manner after an Unusual Event emergency classification was declared at the facility a short time after the event (the notifications to the Commonwealth and the State were more than 20 minutes late); and (2) the failure to activate the Technical Support Center, Operations Support Center, and Emergency Operations Facility after the emergency classification was upgraded to an Alert about one hour and twenty minutes later. The NRC is particularly concerned with the failure to notify the Commonwealth and State in a timely manner since they each have critical responsibilities to perform in responding to emergencies that could potentially affect the health and safety of the public.

The NRC recognizes that the lightning disabled several communication links, including the normal plant telephone systems, the Emergency Notification Systems (ENS), the Nuclear Alert System (NAS), and the Radioband Paging System. These degradations, along with the fire in the switchyard, contributed to the delay in the notification to the Commonwealth of Massachusetts and State of Vermont. Nonetheless, other emergency communication equipment apparently did

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remain operable, including loss of power telephones (LOPT) in the control room, as well as in the Technical Support Center (located a short distance from the control room), yet they were not adequately recognized or used to make the required notifications, demonstrating a lack of knowledge of the use or location of backup communications equipment.

This failure to make timely notifications to the Commonwealth and State, as well as the failure to properly activate the emergency facilities when the event classification was upgraded to an alert, constitutes a significant regulatory concern. The violations demonstrate the importance of proper management attention to the emergency preparedness program to assure that all staff clearly understand and properly implement their emergency responsibilities. Therefore, in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR Part 2, Appendix C (1991), these two violations are classified in the aggregate as a Severity Level III problem.

The NRC recognizes that the technical response to this event was good, and your staff took appropriate actions to place the reactor in a safe and stable condition following the event. The NRC also recognizes that actions were initiated to identify the root causes of the event and violations, and develop appropriate corrective action. The corrective actions, which were described at the enforcement conference, included: (1) training of staff regarding the existing telephone capabilities; (2) revision of the procedures, including procedures concerning restoration of normal AC power after a total loss; (3) installation of diverse uninterruptable power supply units in the NAS, ENS and radio paging system; and (4) installation of three new direct access telephone lines in the control room, and one new telephone line in the Central Alarm Station (CAS). The corrective actions are considered acceptable. The NRC further recognizes that you have demonstrated consistent superior performance in the emergency preparedness area, as noted in the NRC letter, dated May 20, 1991, transmitting the latest SALP report. In addition, only minor deficiencies were identified during the emergency exercise conducted subsequent to this event.

Nonetheless, the NRC considered a civil penalty for this Severity Level III problem. After evaluating the escalation/mitigation factors in this case, the NRC has decided to mitigate the civil penalty in its entirety because of the your good past performance in the emergency preparedness area, as evidenced by the Category 1 ratings in this area during the last two SALPS, as well as timely notifications being made during Unusual Events declared in 1990. The other escalation and mitigation factors were considered, and no adjustment on these factors was warranted. The NRC notes that any similar violations in the future may result in a civil penalty or other escalated enforcement action.

In addition to the two violations of emergency preparedness requirements set forth in Section I of the enclosed Notice, the inspection report upon which the action is based also described three apparent violations of operations procedures. One of those apparent violations is being cited and is set forth in Section II of the enclosed Notice. The other two apparent violations are being withdrawn and are not being cited based on the information presented at

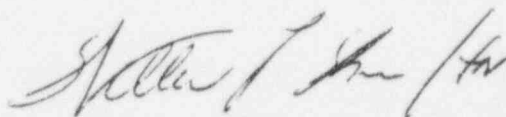
the enforcement conference. One apparent violation involved a failure to obtain the system dispatcher's authorization, as required in your operating procedures, prior to restoring the Harriman offsite power source. This apparent violation is being withdrawn because of clarifications made by the Shift Supervisor (at the enforcement conference) regarding the conversations and agreements made between himself and the dispatcher during the event, apparently indicating that he believed appropriate authorization was obtained. Another apparent violation involved a failure to complete procedurally required verifications of eleven conditions prior to terminating a suspected spurious safety injection actuation. The apparent violation is being withdrawn based upon information presented at the enforcement conference which indicated that eight of the eleven conditions were verified and that operator judgment was appropriate in that the remaining conditions could not be verified due to power supply failure.

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 and the enclosure will be placed in the NRC's Public Document Room.

The responses directed by this letter and the enclosure 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,



Thomas T. Martin
Regional Administrator

Enclosure: Notice of Violation

cc:

J. Thayer, Vice President & Manager of Operations
N. St. Laurent, Plant Supervisor
G. Papanic, Jr., Senior Project Engineer - Licensing
R. Hallisey, Dept. of Public Health, Commonwealth of Massachusetts
Public Document Room (PDR)
Local Public Document Room (LPDR)
Nuclear Safety Information Center (NSIC)
NRC Resident Inspector
Commonwealth of Massachusetts
State of Vermont, SLO Designee

NOTICE OF VIOLATION

Yankee Atomic Electric Company
Yankee Nuclear Power Station

Docket No. 50-29
License No. DPR-3
EA 91-099

During an NRC inspection conducted between June 16-21, 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 (1991), the particular violations are set forth below:

I. VIOLATIONS OF EMERGENCY PREPAREDNESS REQUIREMENTS

10 CFR 50.54(q) requires, in part, that a licensee authorized to possess and operate a nuclear power reactor follow and maintain in effect emergency plans which meet the standards in 10 CFR 50.47(b) and the requirements of Appendix E of this part.

Section 9.1 of the licensee's Emergency Plan requires, in part, that Emergency Plan Implementing Procedures be followed.

- A. Emergency Plan Implementing Procedure No. OP-3315, entitled "Control Room Actions During An Emergency," Revision 6, requires in Step 6, that the Commonwealth of Massachusetts and the State of Vermont be notified within 15 minutes of an emergency declaration.

Contrary to the above, at 12:10 a.m. on June 16, 1991, an emergency declaration (Unusual Event) was made because of a loss of offsite power due to a lightning strike, as well as a fire in the switchyard with the phase A surge arrester on the No. 3 Station Service Transformer; however, the Commonwealth of Massachusetts and the State of Vermont were not notified of this emergency declaration until 12:47 a.m. and 12:50 a.m. respectively, on June 16, 1991, a period of time in excess of 15 minutes.

- B. Emergency Plan Implementing Procedures No. OP-3320, entitled "Activation of the Technical Support Center (TSC)," Revision 6; No. OP-3321, entitled "Activation of the Operations Support Center (OSC)," Revision 1; and No. OP-3322, entitled, "Activation of the Emergency Operations Facility (EOF)," Revision 3, respectively require, in the Discussion section of each of those procedures, that the TSC, OSC, and EOF be activated at the Alert classification or higher.

Contrary to the above, at 1:30 a.m. on June 16, 1991, when an ALERT emergency declaration was made by the shift supervisor, although the TSC, OSC and EOF were staffed in response to the event, they were not fully activated such that not all the roles envisioned for these facilities within the Emergency Plan were fulfilled.

These violations are classified in the aggregate as a Severity Level III problem. (Supplement VIII)

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II. VIOLATION OF OPERATIONS REQUIREMENTS

Section 6.8.1 of Yankee Nuclear Power Station Technical Specifications requires, in part, that written procedures be established and implemented that meet or exceed the requirements and recommendations of Sections 5.2-5.2.9 and 5.3 of ANSI N18.7-1972 and Appendix A of Regulatory Guide 1.33, Revision 2. Section 5.3 of ANSI N18.7 included procedures for plant operations. Section 5.3.2.7 of ANSI N18.7-1972 requires that procedures should contain step-by-step instructions in the degree of detail necessary for performing a required function or task.

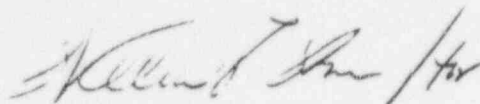
The licensee's Operating Procedure OP-2501, "Restoration of Normal AC Power After a Total Loss of AC Power" is the procedure established to restore AC power.

Contrary to the above, up to and including June 16, 1991, OP-2501 was not properly established in that it lacked a step in the procedure to place the No. 1 Emergency Diesel Generator (EDG) control circuit in manual prior to resetting the EDG automatic start signal, so as to avoid an inadvertent safety injection actuation when vital bus loads are powered from the emergency bus.

This is a Severity Level IV violation (Supplement I)

Pursuant to the provisions of 10 CFR 2.201, Yankee Atomic Electric Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector, within 30 days of the date of the letter transmitting this Notice of Violation and Proposed Imposition of Civil Penalty (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) the reasons for the violation, or if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) 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.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION



Thomas T. Martin
Regional Administrator

Dated at King of Prussia, Pennsylvania
this 22~~nd~~ day of August 1991