

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Northeast Nuclear Energy Company
Millstone, Unit 3

Docket No. 50-423
License No. NPF-49
EA 88-61

During an NRC inspection conducted on January 19-29, 1983, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Action," 10 CFR Part 2, Appendix C (1987)), 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 violation and associated civil penalty are set forth below:

Technical Specification Limiting Condition for Operation (LCO) 3.4.9.3 requires in part that whenever the reactor is in Mode 5, at least one of the following Overpressure Protection Systems shall be operable:

- a. two residual heat removal RHR suction relief valves, each with a setpoint of 450 psig; or,
- b. two power-operated relief valves (PORVs) with lift settings that do not exceed the pressure-temperature limits established by Figures 3.4-4a and 3.4-4b for 4 and 3 loop operation; or,
- c. the reactor coolant system (RCS) depressurized with an RCS vent of greater than or equal to 7.0 square inches.

Technical Specification LCO Action Statement 3.4.9.3.b requires that with both required PORVs inoperable, actions shall be taken within the next eight hours to either restore both RHR suction relief valves to operable status, or depressurize and vent the RCS through a 7 square inch or larger vent.

Contrary to the above, between 9:10 p.m. on January 16, 1988 and 4:49 p.m. on January 19, 1988, with the reactor in Mode 5 both PORVs were inoperable in the cold overpressure protection mode (i.e they would not lift at their required low pressure lift settings) and during that time, one of the two RHR suction relief valves had been rendered inoperable for maintenance, and the RCS was not depressurized and vented through at least a 7 square inch or larger vent. The PORV's were inoperable in the cold overpressure protection mode because they rely, in this mode, upon the operability of the Solid State Protection System (SSPS), and the SSPS was inoperable because it was in the test mode.

This is a Severity Level III violation (Supplement 1).

Civil Penalty-\$50,000

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Pursuant to the provisions of 10 CFR 2.201, Northeast Nuclear Energy Company (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. 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, (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, or money order 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 violation listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the five factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1987), 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. 2282c.

The responses to the Director, Office of Enforcement, 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 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region I, and a copy to the NRC Resident Inspector, at Millstone.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed By
WILLIAM T. RUSSELL
William T. Russell
Regional Administrator

Dated at King of Prussia, Pennsylvania
this 12 day of April 1988