

NOTICE OF VIOLATION

Northeast Nuclear Energy Company
Millstone Nuclear Power Station
Unit 3

Docket No. 50-423
License No. NPF-49
EA 98-166

During an NRC inspection conducted April 13 through 24, May 11 through 15, May 27 through 29, June 9 through 11, and June 23 through 25, 1998, violations of NRC requirements were identified. In accordance with NUREG-1600, "General Statement of Policy and Procedure for NRC Enforcement Actions," the violations are listed below:

A. Technical Specification (TS) 6.8.4.a, "Primary Coolant Sources Outside Containment," requires that a program be established, implemented and maintained to reduce leakage from those portions of systems outside of the containment that could contain highly radioactive fluids. TS 6.8.4.a further requires that this program must include preventive maintenance, periodic visual inspection, and integrated leak test requirements for each system to be conducted at refueling cycle intervals or more frequently.

Contrary to the above, the program that implemented TS 6.8.4.a, failed to include provisions to reduce leakage from the Recirculation Spray System (RSS) heat exchangers to the Service Water (SW) system. In addition, the licensee failed to perform periodic testing to verify that such leakage was within acceptable limits.

This is a Severity IV violation (Supplement I). (01014)

B. Criterion XVI, "Corrective Action," of Appendix B to the *Code of Federal Regulations*, Title 10, Part 50 (10 CFR Part 50), requires, in part, that licensees must establish measures to assure that conditions adverse to quality (such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformance) are promptly identified and corrected.

Contrary to the above, Memorandum RB-97-137, dated November 8, 1997, implemented corrective actions that were inadequate to address a single-failure vulnerability concern with the control room inlet damper arrangement documented in Adverse Condition Report (ACR) M3-96-0276. Specifically, Memorandum RB-97-137 improperly assumed a 10-minute operator response time to compensate for a failure of the Unit 3 inlet dampers to reopen 1-hour following a control room isolation signal. Simulator exercises demonstrated that the operator response time to reposition the control room ventilation inlet dampers was approximately 40 minutes, exceeding the 10 minutes assumed in Memorandum RB-97-137. The additional time required to shut the inlet dampers resulted in an increase to the control room dose that was not evaluated by Memorandum RB-97-137.

This is a Severity Level IV violation (Supplement I). (02014)

C. TS 3.6.1.2.c requires that containment leakage rates be limited to a combined leakage rate of less than or equal to 0.042 of the containment allowable leakage rate for all penetrations that are secondary containment bypass leakage paths when pressurized to calculated containment internal peak pressure.

Contrary to the above, Calculation P(R)-1150, "Containment Bypass Leakage Penetrations," Rev. 0, dated September 10, 1985, did not include 14 bypass leakage pathways that were required to be accounted for. As a result, the calculation of as-left containment bypass leakage for the period of February 3, 1988, through May 11, 1989, exceeded the allowable limit specified in TS 3.6.1.2.c.

This is a Severity Level IV violation (Supplement I). (03014)

The NRC has concluded that no response is required to this Notice of Violation (Notice) because the information regarding the reason for the violations, the corrective actions taken to correct the violations and prevent recurrence, and the date when full compliance was achieved are already adequately addressed on the docket in Inspection Report No. 50-423/98-211 (Violations A, B, and C), in the associated Licensee Event Reports (LER 50-423/98-007-00 for Violation C), and in your response to escalated enforcement items 50-423/97-209-02 (Violation A) and 50-423/97-209-06 (Violation B), dated May 6, 1998. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, a copy to the Director, ICAVP Oversight, and a copy to the Millstone Unit 2 NRC Resident Inspector, within 30 days of the date of the letter transmitting this Notice.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated at Rockville, Maryland
this of , 1998