

October 2, 1997
EN 97-095

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Connecticut Yankee Atomic Power Co. (EA 97-366)
(Haddam Neck)
Docket No. 50-213
License No. DPR-61

Subject: ISSUANCE OF NOTICE OF VIOLATION AND EXERCISE OF ENFORCEMENT
DISCRETION

This is to inform the Commission that on or about October 9, 1997 the staff intends to issue a Notice of Violation for two Severity Level III violations of Appendix B, Criterion XVI, "Corrective Actions," but exercise discretion in accordance with section VII.B.6 of the Enforcement Policy and not propose a civil penalty for these two violations. The staff also intends to exercise discretion in accordance with section VII.B.2 of the Enforcement Policy and not issue a Notice of Violation or propose a civil penalty for a 10 CFR 50.59 violation.

The Haddam Neck facility has been shutdown since July 22, 1996 for performance concerns and the licensee on December 4, 1996 announced that the facility was to be permanently shutdown and decommissioned. In SECY 97-066, the staff informed the Commission that it would refrain from issuing additional Notices of Violation and proposing civil penalties for violations not associated with shutdown operations or decommissioning consistent with Section VII.B.2 of the Enforcement Policy.

The violations associated with corrective actions concerned the discovery of an old plant design discrepancy in the service water system which created the potential for waterhammer in the supply to the spent fuel pool cooling system and a maintenance error that led to minor emergency diesel generator damage. In the first issue the licensee failed to take timely corrective actions when they became aware of the vulnerability in August 1996. The condition adverse to quality remained uncorrected until a design change in March 1997. In the second issue, the licensee failed to take adequate corrective action to prevent recurrence of a maintenance error that occurred in November 1996. The error was repeated in May 1997 and resulted in damage to an emergency diesel generator.

These violations were reflective of performance during shutdown operations and involved equipment important to shutdown operations. Accordingly, they do not meet the conditions for discretion per Section VII.B.2 consistent with SECY 97-066. However, the staff in this case has decided to cite the violations at Severity Level III but not to propose a monetary sanction. This decision, which is performed pursuant to Section VII.B.6 of the Enforcement Policy, was based on the NRC having already taken a significant enforcement action (\$650,000) in May of 1997, for the corrective action program inadequacies that led to these violations.

Discretion not to issue a Notice of Violation or propose a civil penalty for a Severity Level III violation, consistent with Section VII.B.2 and SECY 97-066, is also being exercised in this action. This third violation involved the existence of an unreviewed safety question in which the licensee substituted manual operator actions for designed automatic actions of feedwater regulating valves in June 1996. The staff determined, in this case, that the change involved a potential malfunction of a different type, and staff review and approval was required prior to implementation. This violation is not associated with shutdown operations nor reflective of current licensee performance.



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It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice
Telephone Notification of Licensee

October 9, 1997
October 9, 1997

The State of Connecticut will be notified.

The licensee has thirty days from the date of the Notice in which to respond. Following NRC evaluation of the response, the NRC will determine if additional enforcement action is necessary to ensure compliance.

Contacts:

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PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION