

APPENDIX A

NOTICE OF VIOLATION

Northeast Nuclear Energy Company	Docket/License Nos.	50-213/DPR-61
Haddam Neck Nuclear Power Plant, Unit 1		50-245/DPR-21
Millstone Nuclear Power Station Unit Nos. 1, 2, and 3		50-336/DPR-65
		50-423/NPF-49

During an NRC FFD inspection conducted on November 15-18 and December 9, 1993, two 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, the violations are listed below:

1. 10 CFR 26.20(c) requires that power reactor licensees establish and implement written policies and procedures for implementation of 10 CFR 26, and that the minimum coverage of the written procedures utilized in testing for drugs and alcohol include: procedures for protecting the employee and the integrity of the specimen; and the quality controls used to assure that tests are valid and attributable to the correct individual.

10 CFR 26.24(b) requires that testing for drugs and alcohol conforms, at a minimum, to the guidelines of 10 CFR 26, Appendix A, which specifies in Subpart B, Section 2.2(d)(3) that collection site persons shall be provided with detailed, clearly illustrated, written instructions on the collection of specimens.

Contrary to the above, at the Haddam Neck Nuclear Power Plant and the Millstone Nuclear Power Station Units 1, 2, and 3, as of November 18, 1993, written licensee procedures were not established or implemented for protecting the employee and the integrity of the specimen, nor were quality controls used to assure that test results are valid and attributable to the correct individual identified in written procedures, nor were collection site persons provided with written instructions on the collection of specimens.

This is a Severity Level IV violation. (Supplement VII)

2. 10 CFR 26.24(b) requires that testing for drugs and alcohol conforms, at a minimum, to the guidelines of 10 CFR 26, Appendix A, which specifies in Subpart B, Section 2.8(e)(4) that the licensee shall investigate, or shall refer to DHHS (the Department of Health and Human Services) for investigation, any unsatisfactory performance testing result and, based on this investigation, the laboratory shall take action to correct the cause of the unsatisfactory test result. This section further specifies that a record shall be made of the investigation findings and the corrective action taken by the laboratory, and that record shall be dated and signed by the individual responsible for

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the day-to-day management and operation of the HHS-certified laboratory, and that the licensee shall send the document to the NRC within 30 days as a report of the unsatisfactory performance testing incident.

Contrary to the above, as of November 18, 1993, the licensee had not investigated, or referred to DHHS for investigation, nor submitted to the NRC, unsatisfactory drug performance test results (false negative tests) identified to the licensee in December 1992 by the HHS-certified laboratory for the Haddam Neck Nuclear Power Plant and Millstone Nuclear Power Station Units 1, 2, and 3. In this case, although the licensee requested by letter dated January 15, 1993 that the HHS-certified laboratory investigate its unsatisfactory test results, when the HHS-certified laboratory reported its dated and signed findings by letter dated September 30, 1993, the licensee did not evaluate those findings and failed to submit the documented investigation record to the NRC as a report of the unsatisfactory performance testing incident.

This is a Severity Level IV violation. (Supplement VII)

Pursuant to the provisions of 10 CFR 2.201, Northeast Nuclear Energy Company is hereby required to submit a written statement or explanation to the U. S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason 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 or a Demand for Information 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. Where good cause is shown, consideration will be given to extending the response time.