



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

AUG 21 1981

Docket No. 50-219
EA 87-62

Jersey Central Power and Light Company
ATTN: Dr. S. Bartnoff
President
Madison Avenue at Punch Bowl Road
Morristown, New Jersey 07960

Gentlemen:

A routine inspection conducted by the Resident Reactor Inspector during the period April 1-30, 1981 of activities at the Oyster Creek facility indicated that the safety function of the reactor building to suppression chamber vacuum breakers was compromised in that they were unable to open fully as required by Technical Specification Section 3.5.A.4.a. Specifically, one vacuum breaker in each line (two parallel lines) was obstructed from fully opening as a result of a contractor having erected scaffolding in the area on the day before the discovery of the obstructions. The potential consequences of this event under loss of coolant accident conditions are considered significant.

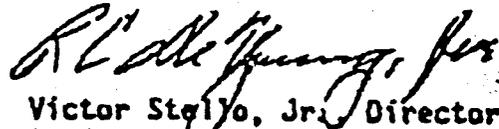
The violation in the Appendix has been categorized at the level described in accordance with the Interim Enforcement Policy as published in the Federal Register (45 FR 66754) October 7, 1980. The base level for Severity Level II violations is \$80,000. In view of the fact that you could reasonably have been expected to have taken effective preventive measures since a similar event was documented in Licensee Event Report 79-44/03L, dated January 8, 1980, the base penalty would be increased by 25 percent of the base amount as provided by the policy. The policy also permits penalties to be reduced by as much as 50 percent of the base amount if a licensee identifies, corrects, and reports a violation in a timely fashion. Your identification, correction and reporting of the discrepant condition warranted consideration of some reduction in the civil penalty, but not the full 50% allowed under the policy, because of the length of time between discovery of the condition and commencement of corrective action. We have concluded that your actions in this matter would merit a 25 percent reduction of the base amount. Since these two factors offset one another, the total civil penalty remains \$80,000.

You are required to respond to this letter and in preparing your response, you should follow the instructions in the Appendix. Your reply to this letter and the results of future inspections will be considered in determining whether further enforcement action may be appropriate.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Sincerely,


Victor Stajlo, Jr., Director
Office of Inspection and Enforcement

Enclosure:
Appendix, Notice of Violation and
Proposed Imposition of Civil Penalty

cc w/encl:
P. Clark, Vice President-Nuclear
M. Laggart, Licensing Supervisor
J. Knubel, BWR Licensing Manager

APPENDIX

NOTICE OF VIOLATION

AND

PROPOSED IMPOSITION OF A CIVIL PENALTY

Jersey Central Power and Light Company
Oyster Creek Nuclear Generating Station

Docket No. 50-219
License No. DPR-16
EA-81-62

As a result of the inspection conducted at the Oyster Creek Nuclear Generating Station, Forked River, New Jersey, on April 1, 1981 to April 30, 1981, the violation listed below was identified. In accordance with the Interim Enforcement Policy, 45 FR 66754 (October 7, 1980), 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, PL 96-295, and 10 CFR 2.205 in the amount set forth for the violation listed below:

Technical Specification Section 3.5.A.4.a states in part, "...two reactor building to suppression chamber vacuum breakers in each line shall be operable at all times when primary containment integrity is required. ...The vacuum breakers shall move from fully closed to fully open when subjected to a force equivalent of not greater than 0.5 psid acting on the vacuum breaker disc."

Contrary to the above, one of the two vacuum breakers in each line, valves V-26-15 and V-26-17, was obstructed from moving to the fully open position by contractor installed scaffolding from the afternoon of April 16, 1981 until 1:25 p.m. on April 18, 1981, during which time primary containment integrity was required.

This is a Severity Level II Violation (Supplement I.B.1).
(Civil Penalty - \$80,000)

Pursuant to the provisions of 10 CFR 2.201, Jersey Central Power and Light Company is hereby required to submit to this office within 30 days of the date of this Notice a written statement or explanation including for the alleged violation: (1) admission or denial of the alleged violation; (2) the reasons for the violation if admitted; (3) the corrective steps which have been taken and the results achieved; (4) the corrective steps which will be taken to avoid further violations; and (5) the date when full compliance will be achieved. 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.

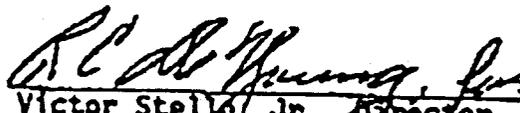
Within the same time as provided for the response required above under 10 CFR 2.201, Jersey Central Power and Light Company may pay the civil penalty in the amount of \$80,000 or may protest imposition of the civil penalty in whole or in part by a written answer. Should Jersey Central Power and Light Company fail to answer within the time specified, this office will issue an

order imposing the civil penalty in the amount proposed above. Should Jersey Central Power and Light Company elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, such answer 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 in whole or in part, such answer may request remission or mitigation of the penalty. 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 by specific reference (e.g., giving page and paragraph numbers) to avoid repetition. Jersey Central Power and Light Company's attention 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 has been subsequently 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.

The responses directed by this Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

FOR THE NUCLEAR REGULATORY COMMISSION


Victor Stello, Jr., Director
Office of Inspection and Enforcement

Dated at Bethesda, Maryland
this 21 day of August, 1981