

Appendix A
NOTICE OF VIOLATION

Consumers Power Company

Docket No. 50-255

Based on the inspection conducted during September 1979, it appears that certain of your activities were in noncompliance with NRC requirements, as noted below. Items 1 and 2 involve violations, and Item 3 is an infraction.

1. Technical Specification 3.6.1a states that containment integrity shall not be violated unless the reactor is in the cold shutdown condition.

Contrary to the above, the licensee on 424 days (Appendix D) during the period from April 1978 to September 1979, operated the reactor in other than the cold shutdown condition with containment integrity violated. Specifically, the series manual isolation valves in the containment purge exhaust bypass line were locked in an open condition.

Each day that the facility was placed in other than the cold shutdown mode of operation constituted a separate violation; a civil penalty of \$5,000 is imposed for each (cumulative civil penalty \$2,120,000.00).

2. Technical Specification 3.6.3 requires that prior to going critical after a refueling outage, an administrative check will be made to confirm that all manual containment isolation valves are closed and locked.

Contrary to the above, prior to going critical after the April 1978 refueling outage, an administrative check did not verify that two manual containment isolation valves for the containment purge exhaust bypass were closed and locked as required.

This is a Violation (Civil Penalty - \$5,000.00).

3. Technical Specification 6.8.1.c requires implementation of procedures for surveillance and testing of safety-related equipment. Health Physics Procedure H.P.6.27 governs testing of in-place HEPA and charcoal filters in safety-related systems pursuant to Technical Specification Table 4.2.2, and requires notification and sign off by the Shift Supervisor and the plant Health Physicist on completion of testing.

Contrary to the above, the required notification and signoffs were not completed after the licensee tested filters in the containment ventilation exhaust bypass line under H.P.6.27 on April 4 - 7, 1978.

This is an infraction (Civil Penalty - \$ 4,000.00).

This Notice of Violation is sent to Consumers Power Company pursuant to the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. Consumers Power Company is hereby required to

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submit to this office within twenty days of the receipt of this Notice, a written statement or explanation in reply, including for each item of non-compliance: (1) admission or denial of the alleged items of noncompliance; (2) the reasons for the items of noncompliance if admitted; (3) the corrective steps which have been taken and the results achieved; (4) corrective steps which will be taken to avoid further items of noncompliance; and (5) the date when full compliance will be achieved.

The total civil penalties for all items cited is \$2,129,000.00. However, pursuant to section 234 of the Atomic Energy Act of 1954, as amended (42 USC 2282), the total of civil penalties for any thirty-day period cannot exceed \$25,000.00. Consequently, a civil penalty of \$450,000.00 is proposed.