

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
Power Authority of the State) License No. DPR-59
of New York) EA-80-44
10 Columbus Circle)
New York, New York 10019)

ORDER IMPOSING CIVIL MONETARY PENALTIES

I

Power Authority of the State of New York, 10 Columbus Circle, New York, New York ("the licensee") is the holder of Operating License No. DPR-59 ("the license") issued by the Nuclear Regulatory Commission ("the Commission"). The license authorizes the operation of the James A. FitzPatrick Nuclear Power Plant at steady state reactor core power levels not in excess of 2436 megawatts thermal (rated power). The facility consists of a boiling light water moderated and cooled reactor (BWR) located at the licensee's site at Scriba, New York.

II

An inspection of activities performed under the license was conducted on April 14-18 and April 23-25, 1980 at the James A. FitzPatrick Nuclear Power Plant at Scriba, New York. As a result of this inspection, it appears that the licensee had not conducted its activities in full compliance with the conditions of its license and the requirements of the Commission relative to implementation of the licensee's Physical Security Plan. A written Notice of Violation was

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served upon the licensee by letter dated August 18, 1980 specifying the items of noncompliance in accordance with 10 CFR 2.201. A Notice of Proposed Imposition of Civil Penalties was served concurrently upon the licensee in accordance with Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205, incorporating by reference the Notice of Violation which stated the nature of the items of noncompliance and the provisions of NRC regulations and license conditions.

A Response to the Notice of Violation dated September 12, 1980 was received from the licensee. The licensee did not file an answer to the Notice of Proposed Imposition of Civil Penalties.

III

In its Response, the licensee admits each item of noncompliance. The licensee made no answer to and hence no argument in mitigation of the civil penalties proposed. Consequently, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for the items of noncompliance designated in the Notice of Violation should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205, IT IS HEREBY ORDERED THAT:

The licensee pay civil penalties in the total amount of Forty-eight Thousand Dollars (\$48,000) within twenty-five (25) days of the date of this Order, by check, draft, or money order payable to the Treasurer of the United States, and mailed to the Director of the Office of Inspection and Enforcement.

V


The licensee may, within twenty-five (25) days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Secretary to the Commission, U.S.N.R.C., Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within twenty-five (25) days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

- (a) whether the licensee was in noncompliance with the Commission's regulations as designated in the Notice of Violation referenced in Section II above; and,
- (b) whether, on the basis of such items of noncompliance, this Order should be sustained.

FOR THE NUCLEAR REGULATORY COMMISSION



Victor Steffo, Jr.
Director
Office of Inspection
and Enforcement

Dated this 29th day of October, 1980
at Bethesda, Maryland