

APPENDIX  
NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTIES

Power Authority of the State of New York  
James A. FitzPatrick Nuclear Power Plant

Docket No. 50-333  
License No. DPR-59  
EA 82-05

While conducting an inspection at the James A. FitzPatrick Nuclear Power Plant on August 21, 1981 the Resident Inspector discovered that the drywell radiation monitor sample line containment isolation valves were shut. These shut valves caused both the Drywell Continuous Atmosphere Particulate Radioactivity Monitoring System and the Drywell Continuous Atmosphere Gaseous Radioactivity Monitoring System to be inoperable. These systems, in addition to the Drywell Sump Monitoring System, are used to detect abnormal coolant leakage from the reactor coolant system. This event was caused by the failure of management to properly prepare and review the adequacy of the surveillance test procedure affecting these isolation valves prior to its implementation.

The Nuclear Regulatory Commission proposes to impose civil penalties in the cumulative amount of \$40,000 for this event. In accordance with the Interim Enforcement Policy, 45 FR 66754 (October 7, 1980), and 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, the violations and the associated penalties are set forth below:

- A. Technical Specification 3.6.D.2 states, "The following reactor coolant system leakage detection systems shall be operable during reactor power operation:
- a. Drywell Sump Monitoring System (equipment drain sump monitoring or floor drain sump monitoring),
  - b. Drywell Continuous Atmosphere (Particulate) Radioactivity Monitoring System, and
  - c. Drywell Continuous Atmosphere (Gaseous) Radioactivity Monitoring System."

Technical Specification 3.6.D.3 states, in part, "With only two of the leakage detection systems operable (3.6.D.2), operation may continue for up to 30 days provided grab samples of the drywell atmosphere are obtained and analyzed at least once per 24 hours when the required gaseous or particulate monitoring system is inoperable; otherwise, be in at least hot shutdown within the next 12 hours ...."

Contrary to the above, the plant continued to operate at power from approximately 12:00 noon, August 20, 1981, until 10:40 a.m., August 21, 1981, with only the Drywell Sump Monitoring System operable. As identified by the NRC Resident Inspector, the Drywell Continuous Atmosphere (Particulate) Radioactivity Monitoring System and the Drywell Continuous Atmosphere (Gaseous) Monitoring System were inoperable due to shut containment isolation valves in their common sample line.

This is a Severity Level III Violation (Supplement I).  
(Civil Penalty - \$30,000).

- B Technical Specification 6.8(A) states, "Written procedures and administrative policies shall be established, implemented and maintained that meet or exceed the requirements and recommendations of Section 5 'Facility Administrative Policies and Procedures' of ANSI N18.7-1972 and Appendix A of Regulatory Guide 1.33, November 1972."

Contrary to the above, as of August 21, 1981 the licensee failed to establish a surveillance test procedure for testing the isolation valves in the Drywell Continuous Atmosphere Monitoring Systems which met the requirements of Section 5, ANSI N18.7-1972 in that isolation valves 27-SOV-135A and B were not required to be returned to the open position upon completion of the test. As a result, these valves were left in the incorrect position upon completion of the surveillance testing on August 20, 1981.

This is a Severity Level IV Violation (Supplement I).  
(Civil Penalty - \$10,000).

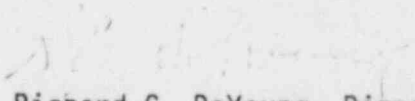
Pursuant to the provisions of 10 CFR 2.201, The Power Authority of the State of New York is hereby required to submit to this office within 30 days of the date of this Notice a written statement or explanation, including: (1) admission or denial of the alleged violations; (2) the reasons for the violations 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, The Power Authority of the State of New York may pay the civil penalties in the cumulative amount of Forty Thousand Dollars or may protest imposition of the civil penalties in whole or in part by a written answer. Should The Power Authority of the State of New York fail to answer within the time specified, this office will issue an order imposing the civil penalties in the amounts proposed above. Should The Power Authority of the State of New York elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalties, such answer may: (1) deny the violations 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 penalties should not be imposed. In addition to protesting the civil penalties in whole or in part, such answer may request remission or mitigation of the penalties. 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. The Power Authority of the State of New York's attention is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing civil penalties.

Upon failure to pay any civil penalties due, which have 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 penalties, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION

  
Richard C. DeYoung, Director  
Office of Inspection and Enforcement

Dated at Bethesda, Maryland  
this 9th day of November 1981