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Docket No. 50-219
EA 82-36

GPU Nuclear Corporation
ATTN: Mr. Philip R. Clark
Vice President - Nuclear
100 Interpace Parkway
Parsippany, New Jersey 07054



Gentlemen:

In accordance with 10 CFR 50.54(s)(2) and Appendix E of 10 CFR Part 50 of the Commission's regulations, each nuclear power reactor licensee was required to have demonstrated by February 1, 1982 that administrative and physical means had been established for alerting and providing prompt instructions to the public located within the plume exposure pathway emergency planning zone.

Based on information provided to the NRC by letter dated February 1, 1982, it appears that you did not meet the February 1, 1982 deadline for the Oyster Creek Nuclear Generating Station, Unit 1. Accordingly, a Notice of Violation for failure to meet this deadline is enclosed. The failure to meet the February 1, 1982 deadline is considered to be of significant regulatory concern and, therefore, has been categorized as a Severity Level III violation in accordance with the NRC Interim Enforcement Policy (45 FR 66754, October-7, 1980). The enclosed Notice of Violation provides that a response is due within 5 days of completing the initial installation and testing of the system or 30 days from the date of this letter, whichever is later.

No further enforcement action is contemplated for those licensees that complete the installation and initial testing of the prompt public notification system by February 28, 1982. Notice is hereby given that, in order to provide an incentive for compliance with the Commission's requirements, daily civil penalties will be proposed for those licensees who complete the installation and initial testing on or after March 1, 1982. The NRC Interim Enforcement Policy provides that a civil penalty of \$40,000 can be imposed for each day for which a violation continues. However, after considering this matter, we have decided to use a graduated schedule of civil penalties for failure to have the prompt public notification system installed and tested as required. A daily civil penalty of \$1,000 will be proposed beginning on March 1, 1982. Daily civil penalties will continue at the rate of \$1,000 per day until March 31, 1982. On April 1, 1982, the daily civil penalty rate will be increased to \$2,000 per day. Daily civil penalties will continue at the rate of \$2,000 per day until May 31, 1982. On June 1, 1982, the daily civil penalty rate will be increased to \$4,000 per day for that day and each day thereafter until a prompt public notification system is properly installed and tested.

CERTIFIED MAIL
RETURN REQUESTED

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The NRC does not intend to issue a Notice of Proposed Imposition of Civil Penalties until you have responded to the enclosed Notice of Violation. In preparing the Notice of Proposed Imposition of Civil Penalties, the NRC will consider whether circumstances justify reducing the daily rate of civil penalties discussed above. Consistent with the December 30, 1981 Statement of Considerations extending the July 1, 1981 deadline for the notification system to February 1, 1982 (46 FR 63032), the NRC intends to consider (a) whether the NRC was kept informed of your actions to comply with the rule; (b) the compensatory measures in effect, percentage of system completion, and degree of effort to complete the system as of February 1, 1982; and (c) any unique problems and the diligence used in resolving or attempting to resolve these problems. When responding to the Notice of Violation, you may provide, in addition to the required information, any additional information you wish the NRC to consider prior to proposing the civil penalties discussed above.

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 will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed 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.

Sincerely,

Richard C. DeYoung, Director
Office of Inspection and Enforcement

Enclosure:
Notice of Violation

cc: M. Laggart, Licensing Supervisor
J. Knubel, BWR Licensing Manager

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