

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTIES

GPU Nuclear Corporation
Oyster Creek Nuclear Generating Station

Docket No. 50-219
License No. DPR-16
EA 82-108

As a result of reviews by the NRC resident inspector and the licensee of valve surveillance and local leak rate testing during the time period November 3, 1981 - March 17, 1982, two instances were identified where limiting conditions for operations were violated as a result of inadequate testing to establish valve operability.

In the first instance, surveillance testing of the A Isolation Condenser motor driven isolation valve V-14-30 was inadequate to demonstrate operability, as this valve failed to close upon demand the first three times tested, successfully closed on the fourth and fifth attempts, and thereupon was declared operable by the operations manager. In a retest the next day made at the request of the NRC resident inspector, the valve again failed to close and was declared inoperable. Subsequent inspection disclosed damage to the lower threads of the stem nut.

In the second instance, a valve was improperly reassembled during the refueling outage that ended May 1, 1980. Because of inadequate local leak rate testing of this valve, this condition was not detected. As a result of these failures, this valve was inoperable for about 21 months.

Both violations concern the same problem area, namely, faulty procedural and management controls of surveillance testing and adherence to the Technical Specification limiting conditions for operations. In order to emphasize the importance of procedural and management controls of surveillance testing and adherence to the Technical Specification limiting conditions for operations, the Nuclear Regulatory Commission proposes to impose civil penalties in the cumulative amount of \$40,000. In accordance with the NRC Enforcement Policy, 47 FR 9987 (March 9, 1982), and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2282, PL 96-195 and 10 CFR 2.205, these particular violations and their associated civil penalties are set forth below.

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- A. Table 3.1.1 Section H of the Technical Specifications requires that, for each trip function listed in the section, there be a minimum of two operating trip systems capable of isolating the isolation condenser, except for when the reactor temperature is less than 212 F and the vessel head is removed or vented. The system must be capable of automatically closing two redundant valves in the influent steam line and two redundant valves in the condensate return line of an isolation condenser whenever a high flow condition in either the steam or condensate line is detected. If this specification cannot be met, the isolation condenser must be manually isolated.

Contrary to the above, between 8:45 p.m. on December 3, 1981 and 11:45 a.m. on December 4, 1981, while the reactor temperature was greater than 212 F, the trip system for the "A" Isolation Condenser was inoperable in that one of the redundant isolation valves, No. V-14-30, in the steam influent line to the "A" Isolation Condenser, would not close automatically and the "A" Isolation Condenser was not manually isolated.

This is a Severity Level III Violation (Supplement I).
(Civil Penalty - \$20,000)

- B. Technical Specification 3.5.A.3 requires, in part, that primary containment integrity be maintained whenever the reactor is critical or the reactor water temperature is above 212 F with fuel in the reactor vessel.

Section 1.13 of the Technical Specifications defines primary containment integrity and requires, in part, that all automatic containment isolation valves specified in Table 3.5.2 be either operable or secured in the closed position. Table 3.5.2 of the Technical Specifications, entitled Containment Isolation Valves, lists the Reactor Building to Suppression Chamber Vacuum Breakers as Containment Isolation Valves.

Technical Specification 3.5.A.4.a requires that two reactor building to suppression chamber vacuum breakers in each line shall be operable at all times when primary containment integrity is required. If this condition is not met, the reactor shall be in cold shutdown in 24 hours, subject to the provisions in Technical Specification 3.5.A.4.b.

Technical Specification 3.5.A.4.b permits operation for up to seven days with one inoperable reactor building to suppression chamber breaker provided the vacuum breaker is locked closed and primary containment is not violated.

Contrary to the above, between May 14, 1980 and February 26, 1982, valve V-26-16, which is both a primary containment isolation valve and a reactor building to suppression chamber vacuum breaker, was inoperable because of incorrect reassembly. As a result: 1) the automatic isolation function of the valve was inoperable and the valve was not secured in the closed position, and 2) only one suppression chamber vacuum breaker was operable during all those periods between May 14, 1980 and February 26, 1982 when the reactor was critical or the reactor water temperature was greater than 212 F with fuel in the reactor vessel.

This is a Severity Level III Violation (Supplement I)
(Civil Penalty - \$20,000)

Pursuant to the provisions of 10 CFR 2.201, GPU Nuclear Corporation is hereby required to submit to the Director, Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555, with a copy to this office, within 30 days of the date of this Notice a written statement or explanation, including for each 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, GPU Nuclear Corporation may pay the civil penalties in the amount of \$40,000 or may protest imposition of the civil penalties in whole or in part by a written answer. Should GPU Nuclear Corporation fail to answer within the time specified, the Director, Office of Inspection and Enforcement will issue an order imposing the civil penalties in the amount proposed above. Should GPU Nuclear Corporation 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. In requesting mitigation of the proposed penalties, the five factors contained in Section IV(B) of 10 CFR Part 2, Appendix C should be addressed. 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. GPU Nuclear Corporation's attention is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

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Upon failure to pay the 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

/s/

Ronald C. Haynes
Regional Administrator

Dated at King of Prussia, Pennsylvania
this 30 day of November 1982