

ENCLOSURE

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTIES

New York Power Authority
James A. FitzPatrick Nuclear Power Plant

Docket No. 50-333
License No. DPR-59
EA 92-033

During four NRC inspections conducted between December 2, 1991, and May 1, 1992, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions", 10 CFR Part 2, Appendix C, the Nuclear Regulatory Commission proposes to impose civil penalties pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalties are set forth below:

I. VIOLATIONS ASSOCIATED WITH DESIGN AND TESTING OF ANALOG TRANSMITTER TRIP UNIT SYSTEM (ATTS) RELAYS

- A. 10 CFR Part 50, Appendix B, Criterion III, Design Control, states, in part, that measures shall be established for the selection and review for suitability of application of materials, parts, equipment, and processes that are essential to the safety related functions of systems and components. Design changes, including field changes, shall be subject to design control measures commensurate with those applied to the original design.

Contrary to the above, the licensee incorporated a design change in 1985 to install Amerace Agastat GP series relays in the analog transmitter trip unit system used to initiate reactor trip signals in the reactor protection system (RPS), a safety related system, and as of January 25, 1992, these relays were not properly evaluated in order to establish their qualified service life in the energized state.

- B. 10 CFR Part 50, Appendix B, Criterion XI, Test Control, states, in part, that testing is required to demonstrate that systems and components will perform satisfactorily in service and in accordance with the requirements and acceptance limits contained in applicable design documents.

Contrary to the above, since the installation of the ATTS modification, F1-82-053, in 1985, the ATTS and RPS had not been appropriately response time tested in accordance with the ATTS design document (namely, the General Electric document, NEDC-21617-A, dated December 1978) to verify system operability and to detect any degraded performance. Although the ATTS modification provided additional logic elements and a trip relay, these additional components were not tested, as required.

These violations are classified in the aggregate as a Severity Level III problem (Supplement I).

Cumulative Civil Penalty - \$100,000 (assessed equally between the two violations).

II. VIOLATION ASSOCIATED WITH IDENTIFICATION/CORRECTION OF CONDITIONS ADVERSE TO QUALITY

10 CFR Part 50, Appendix B, Criterion XVI, Corrective Action, requires, in part, that measures shall be established to assure that conditions adverse to quality, such as failures, deficiencies and deviations, are promptly identified and corrected.

Contrary to the above, conditions adverse to quality existed at the FitzPatrick facility, and the conditions were not promptly identified and corrected to preclude repetition, as evidenced by the following examples:

1. From August 19, 1991 until October 5, 1991, the unit operated with a main steam system leak (several thousand gallons per day) that resulted from seat leakage in the high pressure coolant injection (HPCI) system to residual heat removal (RHR) system cross-tie isolation valve, Valve No. 10 MOV-70A, in the RHR system. This leakage constituted a condition adverse to quality since the steam heated the water within the RHR heat exchanger, thereby producing a steam bubble in the heat exchanger, and rendering the "A" RHR system inoperable due to potential water-hammer damage. This condition adverse to quality was not corrected until the issue was raised by NRC inspectors in October 1991.
2. Since the early 1980's, the low pressure coolant injection system motor operated containment isolation valves have had numerous motor failures (potentially indicative of valve disc binding) and valve failures (vibration induced external valve damage). Although the licensee corrected the specific problems when the specific failures were identified, the licensee did not determine the root cause of the numerous failures, and take corrective action to preclude recurrence until the subsequent failure of valves 10 MOV-27A and 10 MOV-25B, on May 7, 1991.

3. Since April 1988, six documented small bore piping failures in various plant systems have occurred, including a high pressure coolant injection system line break during the week of September 22, 1991. As of September 27, 1991, the licensee had not conducted a comprehensive small bore piping attachment analysis to determine the root cause of the pipe failures or the appropriate corrective action needed to preclude recurrence.
4. Based upon a licensee report issued in 1988, the FitzPatrick environmental qualification (EQ) program established that the low pressure coolant injection battery inverters were required to remain operable for a period of 30 days following a loss of coolant accident (LOCA); however, the licensee did not adequately evaluate the potential radiation damage which would occur following a LOCA and could cause the inverters to fail within 24 hours. In addition, appropriate corrective action to protect the battery inverters from the potential radiation damage was not determined, until this issue was identified by NRC inspectors in October 1991.

This is a Severity Level III violation (Supplement I).

Civil Penalty - \$100,000

III. VIOLATIONS ASSOCIATED WITH FIRE PROTECTION PROGRAM

- A. Facility Operating License, DPR-59, was amended on August 1, 1979, by Amendment 47, to add Paragraph 2.C(3) which states, in part, that the licensee is required to implement the administrative controls identified in Section 6 of the Safety Evaluation (SE). Section 6 of the SE states that the existing fire protection administrative program will conform to NRC's guidance document, "Nuclear Plant Fire Protection Functional Responsibilities, Administrative Controls and Quality Assurance," which states that plans and procedures stipulating the management and staff organization and the qualifications of personnel, a fire brigade training program, controls over combustibles and ignition sources, and pre-fire plans for fighting fires will be developed and implemented.

Contrary to the above, as of March 20, 1992, plans and procedures set forth in "Nuclear Plant Fire Protection Functional Responsibilities, Administrative Controls and Quality Assurance," stipulating the management and staff organization and the qualifications of personnel, the fire brigade training program, controls over combustibles and ignition sources, and the pre-fire plans for fighting fires, were not adequately developed and implemented, as evidenced by the following examples:

1. Attachment 1.0, Section 1.d.(1), Nuclear Plant Fire Protection Functional Responsibilities, Administrative Controls and Quality Assurance, requires, in part, that periodic inspections of the plant are implemented to minimize the amount of combustibles in safety-related areas and assure the availability and acceptable condition of all fire protection systems/equipment, emergency breathing apparatus, emergency lighting, communication equipment, fire stops, penetration seals, and fire retardant coatings.

As of March 20, 1992, the requirements of Attachment 1.0, Section 1.d.(1), were not adequately implemented in that a review of a sample of completed periodic fire protection inspection tour report forms, for tours conducted between November 1991 and March 1992, found that no deficiencies were noted on any of these report forms, even though the NRC inspection conducted in March 1992 identified numerous examples of: improper storage of combustibles materials; damaged, misaligned and blocked emergency lighting; fire protection equipment deficiencies; and poor maintenance of fire brigade equipment.

2. Attachment 2.0, Section 3.e, Nuclear Plant Fire Protection Functional Responsibilities, Administrative Controls and Quality Assurance, requires, in part, that fire brigade drills be performed at regular intervals not to exceed three months for each fire brigade. At least one drill per year should be performed on a backshift, and not less than one shall be unannounced.

The requirements of Attachment 2.0, Section 3.e, were not met in that the fire brigade training program did not require drills at three month intervals, nor require one backshift and one unannounced drill per brigade shift per year, and as of March 20, 1992, the requirements to conduct drills at these specific intervals were not met.

3. Attachment 3.0, Sections c and e, Nuclear Plant Fire Protection Functional Responsibilities, Administrative Controls and Quality Assurance, require, in part, the removal of all waste, debris, scraps, rags, oil spills, or other combustibles resulting from work activities, in the area following completion of activities, or at the end of each work shift, whichever is sooner; and that all wood used in safety-related areas be treated with flame retardant.

As of March 20, 1992, the requirements of Attachment 3.0, Sections c and e, were not met in that numerous examples of the accumulation and improper storage of combustible materials were found, such as four barrels of lube oil and scaffolding found stored together in the East Crescent area, and flammable liquids and paint found in the Control Room ventilation complex; and the licensee failed to control the use of wood in safety-related areas, in that all wood was not treated with fire retardant.

4. Attachment 4.0, Sections 2.a, Nuclear Plant Fire Protection Functional Responsibilities, Administrative Controls and Quality Assurance, requires, in part, that all cutting, welding, grinding or open flame work should be authorized by the responsible foreman or supervisor through a work permit.

As of March 20, 1992, the requirements of Attachment 4.0, Section 2.a, were not met in that cutting, welding, grinding and open flame work were authorized by individual welders, as well as the responsible foremen and supervisors.

5. Attachment 4.0, Sections 2.b.(3), Nuclear Plant Fire Protection Functional Responsibilities, Administrative Controls and Quality Assurance, requires, in part, that a fire watch is trained to prevent and combat fires.

As of March 20, 1992, hot work fire watch personnel were not adequately trained to prevent and combat fires in that they were not provided hands-on training in the use of an extinguisher on a live fire although these individuals are expected to extinguish fires which result from hot work. In addition, there were no formal training requirements, training records, nor lesson plan for compensatory fire watch personnel.

6. Attachment 5.0, Sections d.(2), (3), and (8), Nuclear Plant Fire Protection Functional Responsibilities, Administrative Controls and Quality Assurance, require, in part, that the strategies (preplans) established for fighting fires should include information on fire extinguishants best suited for controlling the fires associated with the combustible loadings in that zone; the most favorable direction from which to attack a fire; and ventilation system operation when the ventilation flow is modified for fire containment.

As of March 20, 1992, the requirements of Attachment 5.0, Sections d.(2), (3), and (8), were not met in that the fire fighting pre-plans did not provide specific information concerning the best extinguishants for the specific combustible loading in the fire area, specific information concerning permanent or temporary ventilation system operation required to provide smoke ejection, or information on the most favorable direction from which to attack a fire in each area.

- B. 10 CFR Part 50, Appendix B, Criterion XVI, Corrective Action, requires, in part, that measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected.

Contrary to the above, as of March 20, 1992, conditions adverse to quality existed at the FitzPatrick facility involving the Fire Protection Program, and these conditions were not promptly identified and corrected. Specifically, measures that were established to correct fire protection and prevention program deficiencies were limited, ineffective and were not prompt, as evidenced by the fact that the deficiencies identified in the licensee's Quality Assurance audits, dating back to 1983, had not been corrected as of March 20, 1992. The lack of effective corrective actions was evidenced by the following examples:

1. A Quality Assurance audit in 1983 (JAF-FA-83-3) identified that the control of combustibles needed to be improved to meet internal requirements, since 26 oil drums (55 gallon) were stored outside the oil storage room in the Turbine Building.

This finding was not appropriately evaluated and corrected, in that, the NRC inspection team found in excess of 4000 gallons of used turbine oil stored in the Turbine Railroad Bay in March 1992.

2. A Quality Assurance audit in 1987 (JAF-FPA-87-R03) recommended that the fire protection plant inspection procedure be changed to increase the procedure's effectiveness. The recommendations included sending the responsible department a copy of the inspection tour deficiency report, specifying a required response date for correcting the deficiency, providing a copy of the tour deficiencies to upper management at the time they are found, and providing upper management a summary of deficiencies still outstanding at the end of each month.

This finding was not appropriately evaluated and corrected, in that, as of March 20, 1992, these recommendations for corrective actions were not incorporated into the fire protection plant inspection procedure.

3. Quality Assurance audits in 1984 (JAF-FPA-84-14) and 1991 (JAF-FPA-91-07-04) identified that the fire fighting pre-plans require review and updating to reflect current as-built conditions in safety related areas.

This finding was not appropriately evaluated and corrected, in that, as of March 20, 1992, the pre-plans had not been reviewed and updated to reflect the current as-built conditions in safety related areas. Specifically, the pre-plans did not consider the effects of changes to an area's fire loading.

These violations are classified in the aggregate as a Severity Level III problem (Supplement I).

Cumulative Civil Penalty - \$100,000 (assessed equally between the two violations).

IV. VIOLATIONS ASSOCIATED WITH APPENDIX R REQUIREMENTS

10 CFR 50.48(b), Fire Protection, states, in part, that Appendix R to 10 CFR Part 50, establishes fire protection features required to satisfy Criterion 3 of Appendix A to 10 CFR Part 50 with respect to certain generic issues for nuclear power plants licensed to operate prior to January 1, 1979.

1. Section III.G.2 of Appendix R, requires, in part, that except as provided for in Paragraph G.3 of this section, where cables or equipment, including associated non-safety circuits that could prevent operation or cause maloperation due to hot shorts, open circuits, or shorts to ground, of redundant trains of systems necessary to achieve and maintain hot shutdown conditions are located within the same fire area outside of primary containment, one of the following means of ensuring that one of the redundant trains is free of fire damage shall be provided:
 - a. Separation by a fire barrier having a 3-hour rating (III.G.2.a); or
 - b. Separation by a horizontal distance of at least 20 feet with no intervening combustibles and with fire detection and an automatic fire suppression system installed in the fire area (III.G.2.b); or

- c. Enclosure of cable and equipment and associated non-safety circuits of one redundant train in a fire barrier having a 1-hour rating and fire detectors and an automatic fire suppression system installed in the fire area (III.G.2.c).

Contrary to the above, as of March 20, 1992, cables of redundant trains of systems necessary to achieve and maintain hot shutdown conditions were located within the same fire area outside of primary containment and (1) were not separated by a complete 3-hour fire barrier; (2) had less than a 20 feet distance between them; and (3) although protected by a 1-hour Appendix R required barrier in the West Cable Tunnel, the floor area in and around the raceway fire barriers was not protected by an automatic fire suppression system, as required by III.G.2.c, because the automatic water spray system provided for the cable trays in the West and East Cable Tunnels did not possess the capabilities to control and extinguish a floor based exposure fire.

2. Section III.G.3 of Appendix R requires, in part, that alternative or dedicated shutdown capability and its associated circuits, independent of cables, systems or components in the area, room or zone under consideration, shall be provided:
 - a. Where the protection of systems whose function is required for hot shutdown does not satisfy the requirement of paragraph G.2 of this section; or
 - b. Where redundant trains of systems required for hot shutdown located in the same fire area may be subject to damage from fire suppression activities or from the rupture or inadvertent operation of fire suppression systems.

Contrary to the above, as of March 20, 1992, the licensee failed to adequately analyze the separation of safe shutdown functions in the North Cable Tunnel and Battery Room Corridor, and provide alternative or dedicated shutdown capability for redundant trains whose functions are required for hot shutdown and do not meet the separation or enclosure requirements of Section III.G.2.

3. Section III.L.1 of Appendix R requires, in part, that alternative or dedicated shutdown capability provided for a specific fire area shall be able to maintain reactor coolant inventory. During post-fire shutdown, the reactor coolant system process variables shall be maintained within those predicted for a loss of normal a.c. power, and the fission product boundary integrity shall not be affected; i.e., there shall be no fuel clad damage, rupture of any primary coolant boundary, or rupture of the containment boundary. Section III.L.7 requires, in part, that the safe shutdown equipment and systems for each fire area shall be known to be

isolated from associated non-safety circuits in the fire area so that hot shorts to ground in the associated circuits will not prevent operation of the safe shutdown equipment.

Contrary to the above, as of March 20, 1992, the licensee did not adequately analyze the effects that hot shorts, shorts to ground, and open circuits may have on alternative shutdown capability. Specifically, a fire which caused significant damage in either the Control Room, Cable Spreading Room, or Relay Room (Fire Area VII), could result in the following potentially significant spurious operations or equipment failures which could have an impact on the implementation of alternative shutdown capability and affect the ability to meet the alternative shutdown performance requirements.

- a. Reactor head vent valves 02 AOV-17 and -18 could have opened spuriously, which would have caused the loss of reactor inventory and drywell heating;
- b. ADS valves (02 SOV-71A1, B1, C1, D1, E1, F1, G1, H1, I1, J1, K1, and L1) were subject to potential spurious opening failures which could have resulted in the rapid uncontrolled loss of reactor inventory prior to establishing RHR/LPCI from the alternative shutdown control panels outside the Control Room;
- c. RHR valves 10 AOV-71B and/or 36B could have potentially spuriously opened, which could have diverted LPCI flow to the CST and/or RCIC suction, thereby jeopardizing the ability to maintain reactor coolant inventory;
- d. Redundant containment spray isolation valves 10 MOV-26B and 31B could have spuriously opened which could have diverted LPCI flow, thereby jeopardizing the ability to maintain reactor coolant inventory;
- e. Inboard and Outboard MSIVs may have spuriously opened which could have resulted in an uncontrolled loss of reactor inventory;
- f. Loss of cable 1DMSBBK015 would have caused the loss of power to 71BMCC-2 and precluded the closing of outboard HPCI steam isolation valve 23 MOV-60 and Main Steam Line Drain Outboard Isolation Valve 29 MOV-77, thereby jeopardizing the ability to maintain reactor coolant inventory; and

- g. Containment nitrogen makeup lines could have spuriously opened and depleted the nitrogen supply. Since actuation of the ADS valves is dependent on the nitrogen supply, such an opening could have jeopardized the ability to maintain reactor coolant inventory.
4. Section III.J requires, in part, that emergency lighting units shall be provided in all areas needed for operation of safe shutdown equipment and in access and egress routes thereto.

Contrary to the above, as of March 20, 1992, areas needed for operation of safe shutdown equipment and in access and egress routes thereto were not provided with adequate emergency lighting needed by an operator to perform the safe shutdown functions. Specifically, illumination of the Alternate Shutdown Panel 25ASP-1, the Remote Shutdown Panel 25RSP-1, and Emergency Diesel Generator Switchgear Rooms A and C were inadequate in that an operator, holding a procedure/instruction at arms length, could not read and perform the functions listed therein, given the existing emergency lighting.

These violations are classified in the aggregate as a Severity Level III problem (Supplement I).

Cumulative Civil Penalty - \$100,000 (assessed equally among four violations).

V. VIOLATION ASSOCIATED WITH SUBMITTAL OF INACCURATE INFORMATION TO THE NRC

10 CFR 50.9 requires, in part, that information provided to the Commission by a licensee be complete and accurate in all material respects.

Contrary to the above, the licensee provided incomplete or inaccurate information to the NRC on multiple occasions, as evidenced by the following examples:

1. Information provided to the NRC by the licensee, in a November 19, 1991, submittal of a proposed change to the Technical Specifications (TS) ASME Section XI and ESW Pump Surveillance Testing (JPTS-90-023), was inaccurate. Specifically,
 - a. Safety evaluation JPN-91-064, Section III.A.2, System Hydraulics, attached to the proposed change, states, in part, that "the proposed acceptance criteria was based on an ESW test, TOP-117, which demonstrated that each ESW pump could provide minimum flow to the components required following a DBA while also supplying BCLCS components." This statement was inaccurate in that TOP-117 test results

indicated that one ESW pump could not provide adequate flow to the crescent area unit coolers (which are required following a DBA) while also supplying the RBCLCS components. This statement was material because it had the capability to influence an NRC decision to approve the proposed change to the TS.

- b. Safety evaluation JPN-91-064, Section III.A.2, System Hydraulics, attached to the proposed change, states, in part, that "the calculations, based on test data have further demonstrated that the ESW pumps have margin to operate below the ASME Section XI action level on their pump curves and still deliver minimum flow to the components required for the DBA when the RBCLCS components are aligned." This statement was inaccurate in that this calculation was not based on test data. Further, if the test data from TOP-117 were used, the conclusion would be that the ESW pumps do not have margin to operate below the ASME Section XI action level on their pump curves and still deliver minimum flow to the components required for the DBA when RBCLCS are aligned. This statement was material because if the information provided had been accurate, the NRC staff would have requested additional information and it is likely that this proposed change would have been denied pending further analysis.
2. Information provided to the NRC in a June 15, 1989, Licensee Event Report (LER) 88-09-01, "Inadequate Emergency Core Cooling System Area Cooling due to Inadequate Procedure," was incomplete and inaccurate. The LER description of the event describes a number of system inadequacies which would result in the system being unable to perform its intended safety function. However, the analysis of the event section of the LER concludes that temperatures in the crescent area would be acceptable under accident conditions discussed in the FSAR. This conclusion was incomplete and inaccurate in that the assumptions which were used to support operability of the crescent area cooler did not include the failures for which the event report was written, and therefore, the conclusion that the crescent area coolers were acceptable under accident conditions discussed in the FSAR was inaccurate. This statement was material because the NRC staff may have requested additional supporting information or may have conducted an inspection to review the circumstances surrounding this event.
3. Information provided to the NRC in an August 29, 1990, Licensee Event Report 90-12-01, "Normal and Emergency Service Water System Inspection Results Safety Concerns Due to Silica and Corrosion Product Build-Up," was inaccurate. The LER analysis section concluded that a significant safety concern did not exist. However, this statement was inaccurate because a significant safety concern did exist in that the single failure of the "B" ESW system would have resulted in the loss of all control room and relay room cooling. This statement was material

because the NRC staff may have requested additional supporting information or may have conducted an inspection to review the circumstances surrounding this event.

4. Information provided to the NRC in a January 25, 1991, Licensee Event Report 90-25-01, "Five Service Water to Emergency Service Water Swing Check Valves Fail to Close During Testing Due to Corrosion and Silt Accumulation in Hinge," was inaccurate. The analysis section of the report stated that "the ability to manually isolate any of the check valves which failed would have mitigated the consequences of any event and ensured continued and adequate cooling capacity to the electric bays, cable tunnel, and crescent area. Accordingly, the failure of these five valves to close under test conditions would most probably not have had a significant adverse impact on plant safety in the event of the accident postulated in the FSAR." The conclusion that this would not have a significant impact on plant safety is inaccurate in that the same section of the LER states that "the isolation valve for the west crescent area check valve (SWS-60A) is located in the reactor building. Accessibility could be hindered by a post-LOCA environment." This statement was material because the NRC staff may have requested additional supporting information or may have conducted an inspection to review the circumstances surrounding this event.

This is a Severity Level III violation (Supplement I).

Civil Penalty - \$100,000.

VI. OTHER VIOLATIONS OF NRC REQUIREMENTS

- A. 10 CFR Part 50, Appendix B, Criterion III, Design Control, requires, in part, that measures shall be established to assure that applicable regulatory requirements and design basis are correctly translated into specifications, procedures, and instructions.

Contrary to the above, on March 20, 1992, adequate measures were not established to assure that the applicable design basis of the battery-powered emergency lighting units were correctly translated into specifications, procedures, and instructions. Specifically, sufficient vendor recommended maintenance data was not incorporated into the emergency lighting surveillance and test procedures (F-ST-16J and MST-76.5) to ensure that the battery-powered emergency lighting units would function as designed.

This is a Severity Level IV violation (Supplement I).

- B. 10 CFR Part 50.54(i), requires, in part, that, except as provided in 10 CFR 55.13, the licensee may not permit the manipulation of the controls of any facility by anyone who is not a licensed operator or senior operator as provided in Part 55 of this chapter.

10 CFR 55.53.(e) requires, in part, that to maintain an active license, the licensee (individual operator) shall actively perform the functions of an operator or senior operator on a minimum of seven 8-hour or five 12-hour shifts per calendar quarter. 10 CFR 55.53(f) requires, in part, that if the requirements of 10 CFR 55.53(e) are not met before resumption of licensed duties, an authorized representative of the facility licensee shall certify the following: (1) that the qualifications and status of the license are current and valid; and (2) that the licensee has completed a minimum of 40 hours of shift functions under the direction of an operator or senior operator. The 40 hours must have included a complete plant tour and all required shift turnover procedures.

Contrary to the above, between the period of June 25, 1990 to September 30, 1991, four inactive staff Senior Reactor Operators (SROs) were allowed to resume senior licensed duties without properly re-activating their licenses and the exceptions of 10 CFR 55.13 did not apply. Specifically, the SROs did not stand the minimum required seven 8-hour or five 12-hour watches for the first, second, and fourth calendar quarters of 1990, and the first calendar quarter of 1991; and, in a subsequent calendar quarter, they performed the duties of a licensed senior operator without completing a minimum of 40 hours of shift functions under the direction of an operator or senior operator and without the authorized representative certification.

This is a Severity Level IV violation (Supplement D).

Pursuant to the provisions of 10 CFR 2.201, New York Power Authority (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalties (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or a demand for information may be issued as to why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. 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 Licensee may pay the civil penalties by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalties proposed above, or may protest imposition of the civil penalties in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalties will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalties, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and 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 factors addressed in Section V.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 parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee 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 subsequently have been 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(c).

The response noted above (Reply to Notice of Violation, letter with payment of civil penalties, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406 and a copy to the Senior Resident Inspector, FitzPatrick.

Dated at King of Prussia, Pennsylvania
this 15th day of September 1992