

APPENDIX A
NOTICE OF VIOLATION

New York Power Authority
James A. FitzPatrick Nuclear Power Plant

Docket No. 50-333
License No. DPR-59

As a result of the inspection conducted on November 27 to December 1, 1989, and in accordance with the NRC Enforcement Policy (10 CFR 2, Appendix C), the following violations were identified.

- A. 10 CFR 20.201 (b) requires, in part, that each licensee shall make or cause to be made such surveys as (1) may be necessary for the licensee to comply with the regulations in this part, and (2) are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present.

Contrary to the above, while touring the reactor building on November 28, 1989, the inspector noted that the general area dose rates on the drywell mezzanine were above 100 millirem/hr. Access to this area was not controlled in accordance with Technical Specification 6.11 (a) and the area was not posted as a High Radiation Area in accordance with 10 CFR 20.203(c). The most recent survey of this area was dated November 3, 1989 and indicated the general area dose rate to be 50 millirem/hr. The licensee resurveyed this area and determined the general area dose rate to be 280 millirem/hr.

This is a Severity Level IV Violation. (Supplement IV)

- B. Technical Specification 6.11 "Radiation Protection Program" requires, in part, that procedures for personnel radiation protection shall be prepared and adhered to for all plant operations.

Procedure RTP-23 "SAC-4 Scintillation Alpha Counter Operation and Calibration" dated November 23, 1987, requires, in part, in Section 4.6.1 that if the background is greater than 3 counts per 10 minutes, then decontaminate the instrument. Section 4.8 of this procedure also requires notification of a Radiological and Environmental Services (RES) Supervisor if any problems are encountered that cannot be resolved through the use of this procedure.

Contrary to the above, from November 8 to 28, 1989 the background on the SAC-4 (No. 440) in use at the control point ranged from 15 to 42 counts per 10 minutes without the instrument being decontaminated or RES Supervision being notified.

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

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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 thirty days of the date of the letter which transmitted this Notice, a written statement or explanation in reply, including: (1) the corrective steps which have been taken and the results achieved; (2) corrective steps which will be taken to avoid further violations; and (3) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending this response time.