

ENCLOSURE 1

NOTICE OF VIOLATION

New York Power Authority
James A. FitzPatrick Nuclear Power Plant

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

During an NRC inspection conducted on July 20-23, 1998, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below.

10 CFR 73.55(d)(4) states that, "All vehicles, except under emergency conditions, must be searched for items which could be used for sabotage purposes prior to entry into the protected area. Vehicle areas to be searched must include the cab, engine compartment, undercarriage and cargo area."

The James A. FitzPatrick, Physical Security Plan (the Plan), Revision 17, dated February 22, 1996, Section 5.3.2, states, in part, that "All vehicles, except under emergency conditions, are searched for items which could be used for sabotage purposes prior to entry into the protected area. Vehicle areas that are searched include the cab, engine compartment, undercarriage and cargo areas."

The James A. FitzPatrick Security Implementing Procedure (SIP-5.1.4), Revision 14, dated July 10, 1996, section 8.1.3, states, in part, that "Searches of vehicles will include engine compartment, cab, undercarriage and cargo area."

Contrary to the above, on July 22, 1998, the inspectors observed the performance of an inadequate vehicle search. Specifically, the security force member failed to thoroughly search the passenger compartment (cab), undercarriage and engine compartment of the observed vehicle.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket in Inspection Report 50-333/98-04, dated September 10, 1998. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at the facility that is the subject of this notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated at King of Prussia, Pennsylvania
this 10th day of September, 1998