

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 from February 22, 1998 to April 19, 1998, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG 1600, the violations are listed below:

- A. 10 CFR 50, Appendix B, Criterion XI "Test Control," requires, in part, that a test program be established to assure that all testing required to demonstrate that structures, systems, and components will perform satisfactorily in service is identified and performed in accordance with procedures which incorporate the requirements and acceptance limits contained in applicable procedures.

Contrary to the above, on February 13, 1998, the test program for the reactor building system did not assure that all testing required to demonstrate that the system would perform satisfactorily in service was performed. Specifically, surveillance test procedure, ST-39D, Reactor Building Leak Rate Test, Revision 14, did not verify that individual reactor building isolation valves were sufficiently leak tight to maintain secondary containment integrity in the event of a single active failure.

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

- B. Technical Specification 6.11 requires, in part, that procedures for personnel radiation protection shall be prepared and adhered to for all plant operations. Administrative Procedure (AP)-07.00, Radiation Protection Program, Section 6.1.5, states that radiation workers shall comply with radiation protection instructions.

Contrary to the above, three examples were identified in which radiation workers did not comply with radiation protection instructions.

1. On March 31, 1998, two radiation workers exited the radiological controlled area (RCA) from the motor generator set room through a door that had a radiological posting which stated that the door was an unauthorized exit.
2. On December 9, 1997, a radiation worker did not have a thermoluminescent dosimeter before entering the RCA as required by AP-07.05, Exposure Monitoring and Controls, Rev. 0.
3. On September 25, 1997, a radiation worker did not log onto a radiation work permit before entering the RCA in the vicinity of the condensate storage tanks as required by AP-07.01, Rev. 4, Radiation Work Permit Program.

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

Pursuant to the provisions of 10 CFR 2.201, the New York Power Authority is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 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). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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. Where good cause is shown, consideration will be given to extending the response time.

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 identified 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 18th day of May