

ENCLOSURE 1

NOTICE OF VIOLATION

New York Power Authority
James A. Fitzpatrick Nuclear Power Plant

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

During an NRC inspection conducted from November 17, 1996 to January 4, 1997, 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:

- A. 10 CFR 50.59, "Changes, tests, and experiments," permits licensees to make changes to the facility, as described in the Safety Analysis Report, without prior Commission approval, provided that the proposed changes do not involve a change in the technical specifications or involve an unreviewed safety question. Records of these changes must include a written safety evaluation which provides the bases for the determination that the change does not involve an unreviewed safety question.

Contrary to the above, on November 7, 1995, all four residual heat removal (RHR) system pumps were operated in the suppression pool cooling mode for ten hours, prior to performance of and documentation of a safety evaluation to provide the bases for the determination that the operation did not involve an unreviewed safety question.

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

Pursuant to the provisions of 10 CFR 2.201, 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 receipt 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: (1) the reason for the violation, or, if contested, the basis for disputing the violation; (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.

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. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at King of Prussia, PA
this 30th day of January, 1997