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Concerns	Resolution/Corrective Action –	NRC proposed response to concerns:
1."Management has not pursued concerns with need to upgrade the qualification of several vital and protected area doors, specifically the new control room door."	→The technical evaluation performed by Design Engineering on the safety classification issue AQCR No. 92-360 were reviewed and determined to be adequate with the exception of a failure to consider one design issue of one cable tunnel door. New action items have been developed to address these issues. This is closed! Need to identify time table for the New action items to address Electrical Bay and Cable Tunnel Door	The licensee initiated Adverse Quality Condition Report (AQCR) 92-0360 to address the vital and protected area door (V&PAD) issues. It appears that the licensee has completed the resolution of AQCR No. 92-360 with the following exceptions: a) classifying the Electrical Bay doors and b) omission from the evaluation of one cable tunnel door. The licensee has developed new action items to address these issues. The NRC concluded that the licensee actions to address this concern were adequate. However, the NRC needs to know about the licensee plans to close AQCR 92-360.

2.- "Management was not responsive to concerns raised with the hot water boiler modification to that NYPA failed to qualify the existing 170,000 gallons # 2 fuel oil tank to NFPA 30 standards, but used a loophole allowing qualification to NFPA 31. This is a concern due to the proximity of the tank to the control room and its air intakes." Not Substantiated	→Plant drawings were reviewed to establish the minimum separation between the control room (including its air intakes) and the fuel oil storage tank (AQCR 92-360). These distances are fully in compliance with NFPA 31 and the fuel oil storage tank does not poses a threat to the control room or its air intakes.	The licensee reviewed and compared the applicability of NFPA 31 and NFPA 30 standards used to determine the minimum separation between the control room and the fuel storage tank. The licensee concluded that standard NFPA 31 is the correct standard for this application. Further, the licensee found no safety concerns in the regarding the uses of standard NFPA 31 to qualify the existing 170,000 gallon capacity tank. The distances between the control room and the fuel oil storage tank are above the minimum separation distances prescribed in NFPA 31 Standard. The licensee's action to address this concern was adequate. Therefore, no NRC follow-up is needed.

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3.-"ACTS item 8977 (involving a DER written in 1993-1994) regarding a building/structures configuration has not been approved. There is a letter of commitment to the NRC in this matter (i.e., GL 83-28 response).	→There was no design or licensing basis for the evaluation of a "System 52" component since system 52 was not included in the MCM-6A (System Safety Function Sheet). →→System 52 was added to MCM-6A and components presently existing in system 52 were reviewed for appropriate designation. →→→ A review of the system 52 Work Requests in a maintenance database did not find safety significant concerns.	The licensee self-assessed their response to the NRC Generic Letter 83-28. This self-assessment showed that they made no commitments to the NRC. However, the licensee noted that there was no design or licensing basis to evaluate System 52 and its associated components. They attributed this omission to the fact that they did not include System 52 in the MCM-6A (System Safety Function Sheet). Subsequently, the licensee reviewed the components presently existing within the scope of System 52 to ensure their appropriate safety designation. In addition, a review of System 52 Maintenance Work Requests (MWRs) did not find safety significant concerns. The licensee's actions to address these concerns were adequate. Therefore, no NRC follow-up is needed.

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Concerns	*Resolution/ Corrective Action*	*NRC proposed response to concerns:*
4.- "The corrective actions to DERs 94-111, 97-045 & 95-997 have not yet been completed."	→ DER 94-111: The FA and FB, standard stick drawings do not show the present plant configuration.→→licensee's assessment is unclear on the status of DER 94-111. → DER 97-045:Type A drawings have not been updated. →→ 2 out of 3 corrective actions of DER 97-045 are closed, but the 3th remain open. →DER 95-0997: The single boiler may not meet the single failure criteria of FSAR section 8.7.2.3. →→ Corrective action for the DER proposed installation of a redundant boiler was completed.	Although the licensee started some corrective actions prescribed in DERs 94-111, 97-045, and 95-997, we may review the licensee actions listed in DERs 94-111, 97-045 and 95-997 to ensure the proper and timely closing of these DERs. The licensee's actions to address these concerns were adequate. Therefore, no NRC follow-up is needed.

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5.- "The response to DERs and/or corrective actions is given back to the concernee (and others) to handle in addition to regular duties."	→Frequently DERs written within engineering disciplines will be returned to the writer for evaluation since this individual is the most knowledgeable person available to perform this task.	Regarding concerns about DERs that were given back to the originator, the NRC assessed the licensee distribution of DERs for disposition, and it appears that frequently the licensee supervisors return DERs that are written within engineering disciplines to the DER originator for evaluation. This is done because the DER originator is the most knowledgeable person available to disposition DERs; this approach appears logical to the NRC. The NRC concluded that the distribution is an internal responsibility of the licensee, and unless safety is compromised by starting a poor work distribution, then the NRC may intervene to ensure that the licensee work distribution does not create a negative impact on the overall safety of the plant. Therefore, this concern is closed.

6.-"Concernee's supervisor(s) discouraged the writing of DERs.	→Engineering supervisors, and managers have been instructed to not discourage the use of DERs to report problems.	Overall in this concern, it appears that the licensee has instructed engineering supervisor, and managers not to discourage the use of DERs to report problems. Therefore, the alleger's concern is not substantiated because there is no specific indication that employees, including the alleger, are systematically discouraged from using the DER process.Therefore, the alleger's concern is not substantiated because there is no specific evidence that employees, including the alleger, are systematically discouraged from using the DER process. Here, no NRC follow-up is required.

Concerns	Resolution/ Corrective Action	NRC proposed response to concerns:
7.- "Concerns expressed regarding NYPA's follow-on actions committed to their 10CFR 50.54(f) reply." ?	→ Through interviews with personnel assigned to the preparation of the 10CFR50.54(f) response. No adverse data of safety related the noncompliance was found.	Through licensee's interviews with personnel assigned to the preparation of the 10CFR50.54(f) response, it appears that no adverse data of safety related nature was found. In conclusion, in routine inspections at FitzPatrick the NRC will further assess the licensee ability to maintain the configuration of the plant current.

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8.- "Concerns expressed with an instrument air system moisture sensor and NYPA's response to GL 88-14 involving instrument air systems." This is Nine Mile Concern	→ The plant Instrument Air System meets design requirements for moisture, *Instrument air dewpoint is measured on a* quarterly basis per procedure No. RT-01.01. →→ This meets the plant's commitment relative to NRC GL 88-14 for moisture in the Instrument Air System.	The alleger's concern expressed with regard to instrument air system moisture sensors is not substantiated. Since at FitzPatrick, the plant Instrument Air System meets design requirements for moisture, the licensee measures instrument air dewpoint quarterly per procedure No. RT-01.01. These licensee actions meet the plant's commitment about NRC GL 88-14 for moisture in the Instrument Air System. **These licensee actions meet the plant's commitment about NRC GL 88-14 for moisture in the Instrument Air System. Therefore, this concern is closed, and no NRC follow-up is required.**
9.-"NYPA purportedly knew in the 1989 time frame that snubbers were past theirs rebuild date and took no immediate action." Not Sut LER 89-22 Report Conclusion	→ An evaluation of snubber elastomeric seals service life was performed. This evaluation determined longer life span of the snubbers.	On November of 1989, the licensee performed an evaluation of snubber elastomeric seals. This evaluation determined a longer life span of the snubbers. Recently, the licensee Quality Assurance (QA) reviewed the snubber program as presently carried out and concluded that the snubber technical documentation was accurate. **The licensee's actions to address these concerns were adequate. No NRC follow-up is needed.**

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Concerns	Resolution/ Corrective Action	NRC proposed response to concerns:
10.- "Concerns were expressed with the Speakout Program, specifically: 1) no action was taken with a list of concerns brought to speakout in a 1993-1994 time frame by QA inspector, and 2) since the speakout representative communicates directly with senior management, employees are discouraged from raising issues."	→ During the 1993-1994 period there were a Senior Speakout investigator and two contractor investigators. According to information available in Speakout files, the concernee did not clearly annunciate his intentions at the time he came to Speakout. → The Speakout program is independent of the site or Nuclear Generation management. The purpose of the program is to provide an outlet for employees and contractors to express nuclear safety concerns.	The Speakout program is independent of the site or Nuclear Generation management. The purpose of the program is to provide an outlet for employees and contractors to express nuclear safety concerns. An evaluation of concern No. 10 showed that during the 1993-1994 period there was a Senior Speakout investigator and two contractor investigators. According to information available in Speakout files, the alleger did not clearly annunciate his intentions at the time the alleger came to Speakout. The NRC closed this concern due to a lack of specifics. Therefore, no NRC follow-up is needed.

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11.- "(Related to Concern # 6) Examples provided were DERs were turned back to the writer, purportedly as "punishment": ACTs 25549, ACTS 22356, ACTS 8997, DER 95-0997 and an issue with the auxiliary boiler room oil water separator being radiologically contaminated."	(Note: There is no text in this cell)	To decide if the alleger was singled out for "punishment" by having DER responses assigned to him (the alleger) by his supervisor, the licensee started an investigation that shows that plant supervision did not treat him unfairly with respect to the assignment of DERs. About the issue of contamination of the boiler rooms oil water separator, the licensee is aware that these rooms and the components inside the rooms have the potential to be radiologically contaminated. Therefore, the licensee has radiation contamination controls for these rooms and the components in these rooms through the use of procedure SP-01.11, "Unmonitored Paths Sampling and Analysis." The NRC concluded that the alleger was not singled out by his supervisor. The NRC found the licensee actions to control radiation contamination controls for these rooms and the components in these rooms adequate. No NRC follow-up is required.

12.- "(Related to Concern #4) System 52 buildings not on SSC List; no list of components on PEDB for "structures," e.g. doors. (References made to GL 83-28 response and DER 93-0611).	→→ The issue of designation of System 052 for buildings, and addition of components assigned to the system to the PEDB is discussed in response to concern 3 (therefore, Response 3 provides the response for concern 12, as well).	The alleger's concern involving the issue of designation of System 52 for buildings and associated components was extensively discussed in responses to concern No.3. This concern is closed. No NRC follow-up is needed.
13.- "The reactor Building roof started leaking in 1995 and is near of its useful life. As a result, the steel roof decking may be rusting, potentially impacting on the future operation of the Standby Gas Treatment System." **** Design Basis for the Secondary Containment **** *– The Reactor Building (RB) is designed to be sufficiently leak tightto allow the Standby Gas Treatment System (SGTS) to reduce the reactor building pressure to a minimum subatmospheric pressure of 0.25 in. of water (under neutral wing conditions) when the SGTS fans are exhausting RB atmosphere at a rate of 200% (6,000 cfm) per day of RB free volume.– This safety basis takes into account expected leakage into a structure of the size of the RB.*	→Currently, as leaks are identified, corrective action is planned, The reactor building roof has sustained only minor leaks, which have been successfully repaired. →The current condition of the Reactor Building roof and the existence of roofing leaks do not adversely affect secondary containment integrity. Because of the following: →→ JAF Technical Specifications contain surveillance requirements to ensure this safety design basis (9) is met (last test was performed on October16, 1996.). →→ To support 10CFR 50.56 (Maintenance Rule) performance monitoring, a baseline walkdown of the RB roof was performed in 1996. Further inspection is required once every two years.	Regarding the condition of the Reactor Building Roof, it appears that the licensee has successfully performed repairs to this roof in the past. The current condition of this roof and the existence of minor leaks do not adversely affect the functional and structural integrity of the secondary containment. Therefore, the licensee maintains the secondary containment design basis by using Technical Specifications surveillance and maintenance rule walkdowns. The NRC considers these actions acceptable and no follow-up is required.

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14.- "(Related to Concern # 1) A question regarding the adequacy of tornado missile protection for the new control room door to the administration building."	→A new Control Room door was installed in accordance with plant modification F1-90-013. This mod. installed a new QA Cat. I door designed for tornado pressure loading along with other design attributes.	The licensee has installed a new Control Room (CR) door following plant modification No. F1-90-013. This modification installed a new QA Category "I" door designed for tornado pressure loading along with other design attributes. However, regarding the adequacy of tornado missile protection of the new control room door, the licensee upgraded the access bridge installed between the new support and administration building and the control room. The new access bridge was installed to provide missile protection to the new CR door. The licensee has initiated a DER to further assess the adequacy of the missile protection for the CR door. The NRC needs additional information on the general layout of the missile protection for the CR door.
15. "Concern expressed with ESW pump room ventilation isolation due to a possible fire damper isolation."	→This problem was previously described to the NRC in LER 91-021-00. →→ Inadequate ventillation following fire damper closure resulted from inadequate analysis of the effects of the closure of dampers installed to meet NRC requirements in 1980.→→→ Corrective actions described in LER 91-021-00 have all been completed.	Regarding the alleger's concern expressed with the emergency service water (ESW) pump room ventilation as is described in License Event Report (LER) 91-021-00, it appears that the licensee has completed the corrective actions described in LER 91-021-00. Therefore, the NRC considers this concern closed with no further follow-up.

Did NRC Close this LER?

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Concerns	Resolution/ Corrective Action	NRC proposed response to concerns:
16.- "Concern expressed with the design of a contaminated drain line from the administration building RCA since it is a standard line buried in gravel without a guard pipe." Question for the licensee: "There was no documentation of the basis for choices made by the design engineering organization with respect to the modified piping configuration included with ECN-024." We need more information on this issue. How many branches of this piping was hydro tested?	→ Resulting from a review of modification F1-90-013, the Radiological and Environmental Services (RES) department evaluated this configuration against the guidance of Regulatory Guide 1.143. →→ RES determined the design was acceptable since the regulatory guide exempts drain lines from requiring welded connections. → ECN 024 was issued against modification F1-90-013 to install welded piping in place of bell and spigot connections. →→ ECN A hydrostatic test of the drain line (prior to construction outlined on ECN-024) demonstrated satisfactory leak tightness.	The licensee evaluated piping configuration of drains for the personnel and equipment decontamination located under and between the administration building and the power block. This evaluation was perfomed following the guidance of NRC Regulatory Guide 1.143. As a result of this evaluation, the licensee issued ECN 024 to install welded piping in place of bell and spigot connections. Further, the licensee performed a hydrostatic test of the drain line (before the construction outlined on ECN-024) that showed satisfactory leak tightness. It appears that the licensee has taken the proper steps to address this concern. However, the NRC has requested additional information on this issue.

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17.- "Concern expressed with the resolution of DER 97-45, Mod F1-92-145 involving seismic II over I piping.	→ Three corrective actions were specified in response to DER 97-045: 1) Engineering Change Notice (ECN) was written against mod. F1-92-145 documenting the current as-left configuration of the nitrogen purge vaporizer stem and condensate piping and to updateapplicable type "A" drawings. This corrective action is completed 2) complete a calculation justifying the acceptability of abandoning portions of the nitrogen purge vaporizer steam and condensate piping in place. The results of the calculation concluded that this piping will not have impact on the safe shutdown of the plant during a seismic event. 3) The 3th corrective action was to address the issue of a partially installed mod. by revising the mod. to delete the remaining and then closing the mod. The action will be completed October 22, 1997.	About the concern expressed with the resolution of DER 97-45, the licensee addressed Modification No. F1-92-145 involving seismic II over I piping in corrective action No. 2 of DER 97-045. Specifically, the licensee completed a calculation justifying the acceptability of abandoning portions of the nitrogen purge vaporizer steam and condensate piping in place. The results of the calculation concluded that this piping will not have an adverse impact on the safe shutdown of the plant nor will create seismic II over I situation during a seismic event. **The licensee's analysis to address this concern was adequate. No NRC follow-up is needed.**

18.- AQCRs 92-289, 92-290 and 92-291 were never entered into the corrective action system and resolved."	→ AQCR 92-289 was initiated on 8/28/92 and closed on 01/15/93. → AQCR 92-290 was initiated on 10/2/92 and was closed 1/12/93. → ACQR 92-291 was not issued.	The licensee's document control record showed the following: AQCR 92-289 was initiated on August 28, 1992 with concurrence from QA management. QA management accepted response to AQCR 92-289 (following independent verification of corrective action) and closed the document on January 15, 1993. AQCR 92-290 was initiated on October 2, 1992 with concurrence from QA management. QA management accepted response to AQCR 92-290 (following independent verification of corrective action) and closed the document on January 12, 1993. The licensee did not issue AQCR 92-291. The same individuals who were involved with preparation of AQCRs 92-289 and 92-290 had also originally "reserved" AQCR 92-291. There is no indication that they did not allow items into the system. Rather, it appears that after initiating the first two AQCRs, the individuals found that they did not need to use the third reserved number. Therefore, the alleger has no substantiation for his concerns regarding AQCR 92-291. Therefore, the alleger has no substantiation for his concerns

19.- "The resolution of DERs related to the CAD steam line modification/condensate thermosiphon heat exchanger mod provided an example of the overall safety culture at FitzPatrick." *The issue regarding the condensate thermosiphon heat exchanger modification is as follows:* *(1)* *PID 55112, written December 21, 1993 and subsequently converted into WR 93-04347-00 documented the following: "CST tank temperature is not maintained by the reboiler or the auxiliary boiler system (the steam supply to the thermosiphon heat exchangers was isolated in the late 1970's) as described in the FSAR Section 10.9.3. Instead, the licensee use condensate transfer pump minimum flow to maintain CST teperature above the FSAR prescribed 40° F required by the FSAR. In 1991, the licensee prepared Safety Evaluation No. JAF-SE-91-095 to address the substitution of Auxiliary Boiler Steam Supply.* *In 1994, the licensee prepared DER 94-0471 to revise SE No. JAF-SE-91-095, or to prepare a new SE. The contents of DER 94-0471 is described as follows:* (2) *The thermosiphon heat exchangers, 33E-24A/B, are steam supplied heat exchangers that were designed to maintain the water in condensate storage tank (CST) above 40° F. 40° F is mentioned in the FSAR Section 4.2 as being nil-ductility transition temperature (NDTT) for carbon steel. The NDTT is the temperature below which ferritic steel breakage is brittle rather than ductile.*	The CAD steam line DER (97-0045) was discussed in the response to concern 4 and 17. Regarding the issue of the condensate thermosiphon heat exchanger modification as is described in (1) and (2). Corrective actions for DER 94-0471 included evaluating whether it was possibly for CST temperature to lower to 40° F, revising FAF-SE-91-095 is incomplete.	Issues concerning the Containment Air Dilution (CAD) steam line DER (97-0045) were discussed in the response to the alleger's concerns No.4 and No.17. Regarding the condensate thermosiphon heat exchanger modification, the licensee is in the process of carrying out the corrective actions prescribed in DER 94-0471 that include an evaluation to decide if the present configuration can maintain the CST temperature to above 40° F. The corrective actions of DER 97-0471 are incomplete. About the issue of nuclear safety culture, an independent study conducted late in 1996 concluded that the licensee made significant progress at FitzPatrick in establishing a strong nuclear safety culture. The NRC will need additional information to ensure that the corrective actions prescribed by DER 97-0471 are addressed in reasonable time.