From: John Rogge
To: Allegation Office
Date: 10/22/97 5:01pm
Subject: actions associated with allegation -Forwarded

Please put in file 97-A-0033 and 0126

John Rogge
610 337-5146

B/3

From: Gordon Hunegs
To: AJB3
Date: 10/22/97 1:35pm
Subject: actions associated with allegation

Alan, please see attached. We will Fed ex down some of the old referenced material including IRs and NRC/NYPA correspondence related to GL 83-28. Call if you would like to discuss any aspects. gordon

CC: JFR

Subject: Followup concerning NYPA response to concerns raised to the NRC regarding activities at the FitzPatrick Nuclear Plant

1. Action: Discuss alleger's satisfaction with NYPA's response.

At 9:00 a.m. on October 21, I spoke with alleger in my office to discuss the NYPA response. He first saw and read the response on September 30, 1997 and his first reaction was that it was "whitewash" and that "NYPA was trying to cover things up". After he had a chance to "cool off", he still "feels strongly" about the concerns that he raised and he wrote a 7 page rebuttal to NYPA. He provided this information to the Speakout coordinator who was also involved with developing NYPA's response. To paraphrase what he told me, he does not think that the licensee's response adequately addressed his concerns and he provided information to the Speakout coordinator to describe why he felt that way. He expects that the Speakout coordinator will review the information and address the concerns. He said that the Speakout coordinator told him one possible resolution was to revise the NYPA response to the NRC.

I informed him that the NRC had received NYPA's response and was in the process of reviewing it.

He also provided me with a copy of the information that he had provided to the Speakout coordinator. He said that he did not have new safety concerns that the NRC should be aware of. The information that he provided me is somewhat cryptic and would take some research to understand.

On October 22, I discussed the licensee's response with Mr. A. Zaremba. He said that J. Knubel was involved with the resolution of the issues and that he was aware that the alleger was not satisfied with NYPA's response. The licensee's plans are that Mr. Tom Dougherty, Corporate Design Engineering (Dan Ruddy, Dir. Site Eng reports to) would be sitting down with the alleger to discuss and understand the areas of conflict. This meeting was to take place by October 24. Based on that discussion, the licensee may submit additional information to the NRC. Mr. Zaremba also noted that Mr. Joe Carasco had been in touch with him and that he was collecting information for Joe.

2. Action: Review NRC resolution of LER 89-22, "Service Life Exceeded for Elastomeric Seals in 33 Safety Related Hydraulic Snubbers Due to Failures in Management of Maintenance Records."

NRC inspection report 89-11 documented the issue and concluded that corrective actions to replace suspected snubbers and complete evaluations to extend snubber life appeared appropriate. URI 89-11-02 was opened to review aspects of snubber records.

IR 89-12 documented review of LER 89-22 and concluded that LER was adequate and commitments made appropriate. The URI remained open.
IR 90-01 closed URI 89-11-02 based on non cited violation 90-01-02 which documented

NYPA's failure to maintain snubber service life records.

All IR documentation for the above is somewhat limited.

3. Action: Review NRC resolution of LER 91-21, RHRSW/ESW Pump Room Fire Dampers.

IR 92-80 documented that reporting of issue in LER 91-21 was timely, accurate and reports adequately describe the events and that licensee corrective actions remain to be completed. I noted that IR 92-80 used an incorrect title for the LER which was "Potential Inoperable EDGs due to Potentially Inoperable Ventilation fire Dampers, Deficient Penetration Seals and Cable Separation." This LER title is actually more applicable to LER 91-10, "Emergency Diesel Generator Potentially Inoperable Due to Fire Protection Deficiencies." However, LER 91-10 is associated with LER 91-21. It is not readily apparent that the NRC has specifically resolved the issue although the NRC has conducted extensive inspections of FitzPatrick App R issues.

4. Action: Determine when JAF was removed from the NRC watch list

NRC letter dated January 25, 1994 from J. Taylor documented that FitzPatrick had demonstrated sustained improvement sufficient to warrant removal from the category that requires increased attention from both NRC headquarters and Region I. Several cautions were directed toward the licensee, including that continued management attention was warranted to address weak root cause evaluations, untimely corrective actions, a significant backlog of modification requests and QA corrective actions.

5. Action: Determine resolution of licensee's response to Generic Letter 83-28, Salem ATWS

Alleger's concern applies to GL 83-28, item 2.2.1, Equipment Classification. The GL guidance summary is that the licensee shall establish a program to assure that safety related systems are identified in processes used to control safety related activities. The NRC closed GL 83-28 item 2.2.1 based upon six letters NYPA submitted between 1983 and 1989. According to a letter from NYPA to the NRC dated November 29, 1993, "Revised Response to Generic Immplications of Salem ATWS Events (GL 83-28), NRC inspections conducted in 1991 and 1992 identified weaknesses related to equipment classification. NYPA developed an equipment classification improvement project to address these weaknesses.