

The NRC Region I office has completed its follow up in response to the nineteen technical concerns that were brought to our attention on February 10, 1997 and May 12, 1997. In response to these nineteen technical concerns the NRC has reviewed the licensee's response to these concerns. This review was conducted by J. Carrasco, G. Hunegs, J. Rogge, D. Dempsey and A. Blamey. The licensee's response is documented in the New York Power Authority letter JPN-97-029 dated September 16, 1997.

Listed below is a summary of the nineteen technical concerns that have been raised and the analysis that was performed. The items are listed by number and grouped where appropriate.

1. Management has not pursued concerns with need to upgrade the qualification of several vital and protected area doors, specifically the control room door.

Related question:

14. A question was raised regarding the adequacy of tornado missile protection for the new control room door to the administration building.

Response:

The licensee initiated Adverse Quality Condition Report (AQCR) 92-0360 to address the vital and protected area door (V&PAD) issues. 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. Based on this information the NRC has not been able to substantiate this allegation.

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 completion date for closure of this DER is 12/31/97. On Friday October 24, 1997 A. Blamey (NRC RI) spoke to Art Zaremba (Licensee's Licensing Manager). Our discussion focused on the layout of the control room door and its ability to be degraded by the design basis event. Based on our discussion it became apparent that this would be very unlikely due to the configuration and protection provided by the bridge and the new support and administration building. However, to complete this action the licensee will document this review under this DER. No further actions are required by the NRC.

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2. **Management was not responsive to concerns raised with the hot water boiler modification in that NYPA failed to qualify the existing 170,000 gallon # 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.**

Response:

The failure to qualify the existing 170,000 gallon #2 fuel oil tank to NFPA Standard 30 was questioned during a design review, performed by the licensee contractor. To address this standard's applicability 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 use 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 have been verified to be greater than the minimum separation distances prescribed in NFPA 31 Standard. Therefore, the NRC was not able to substantiate this concern and consider this concern closed because the licensee met the NFPA code requirements.

3. **ACTS item 8977 (involving a DER written in 1993-1994) regarding 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).**

Related question:

12. System 52 building not on SSC list; no list of components on PEDB for structures e.g. doors. (Reference made to GL 83-28 response and DER 93-0611).

Response:

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. Therefore, all the outstanding issues related to System 52 and its incorporation into MCM-6A is scheduled to be completed in November, 1997. Based on this information the concern was substantiated. However, based on our review of the safety significance the NRC considers this issue closed.

4. **The corrective actions of DERs 94-111,97-045 and 95-997 have not yet been completed.**

Related question:

17. Concern expressed with the resolution of DER 97-45, Mod F1-92-145 involving seismic II over I piping.

Response:

DER 94-111 states that the standard stick drawing FA and FB do not show the present plant configuration. DCR 97365 has been completed to document the current plant configuration. However, according to the licensee's procedures these changes will be updated on the drawing when a total of 5 more changes, on these drawings, are ready for incorporation. The licensee has determined these drawing updates to be category C in which this time is acceptable to update the drawing. New work and work in progress is required, by procedure, to review these changes as documented on DCR 97365 to ensure the design basis of the plant is maintained. Based on this information the allegation was substantiated and no further actions are needed because the licensee has control of plant configuration.

DER 97-045 deals with abandoning portions of the nitrogen purge vaporizer steam and condensate piping in place under Modification No. F1-92-145. This modification involved seismic II over I piping issue and was addressed 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 it create seismic II over I situation during a seismic event. The licensee will have the controlled prints updated by December 31, 1997. Based on this information the NRC has substantiated this concern. The licensee's analysis to address this concern was adequate. No further NRC actions are required.

DER 95-997 questions the ability of a single boiler to meet single failure requirements for operability of the station batteries, by maintaining room temperature above the required minimum temperature. Based on a review (Reference 1) we believe that applying this UFSAR single failure criteria to the heating boilers in reference to the station batteries is a misapplication of this criteria. However, the licensee has installed a redundant boiler. Based on this information this concern is not substantiated and no further actions are necessary.

5. **The response to DERs and/or corrective actions is given back to the concernee (and others) to handle in addition to regular duties.**

Related question:

11. Examples provided were DERs were turned back to the writer, purportedly as "Punishment"; ACTS 25549, 22356, 8997, DER 95-0997 and an issue with the auxiliary boiler room oil water separator being radiologically contaminated.

Response:

Regarding concerns about DERs that the licensee gave 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 appropriate person available to disposition DERs; The NRC concluded that the work distribution is an internal responsibility of the licensee. If 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 and not substantiated.

To decide if the allegor was singled out for "punishment" by having DER responses assigned to him (the allegor) by his supervisor, the licensee started an investigation that showed plant supervision did not treat him unfairly with respect to the assignment of DERs. The licensee provided a random sample that show the individual's percent of DERs written, to DERs returned for closure. The individuals ratio's are within the range of the other individuals used. The NRC concluded that the allegor was not singled out by his supervisor. 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 with procedure SP-01.11, "Unmonitored Paths Sampling and Analysis." Therefore, 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.

6. **Concernee supervisor discouraged the writing of DERs.**

Response:

Based on JPN-97-029 it appears that the licensee has instructed engineering supervisor, and managers not to discourage the use of DERs to report problems. The information provided shows a steady increase in the number of DERs initiated per year, for the last several years. Therefore, the allegor's concern is not substantiated because there is no specific evidence that employees, including the allegor, are systematically discouraged from using the DER process. No NRC follow-up is required.

7. **Concern expressed regarding NYPA's follow-on actions committed to their 10CFR 50.54(f) reply.**

Response:

Through licensee's interviews with personnel assigned to the preparation of the 10CFR50.54(f) response there has been no specific examples identified that substantiated a safety concern. This was confirmed through discussions with the Licensee's Licensing Manager. The NRC will continue to perform routine inspections at FitzPatrick which will further assess the licensee's ability to maintain the configuration of the plant. Thus, this concern could not be substantiated.

8. **Concerns expressed with an instrument air system moisture sensor and NYPA's response to GL 88-14 involving instrument air systems.**

Response:

A review of this allegation showed that the licensee meets the GL 88-14 requirement for moisture in the Instrument Air System. The licensee measures instrument air dewpoint quarterly per procedure No. RT-01.01. These licensee actions meet the plant's commitment to GL 88-14. In addition, the alieger informed the licensee that this concern was not applicable to FitzPatrick. Therefore, this concern not substantiated.

9. **NYPA purportedly knew in the 1989 time frame that snubbers were past their rebuild date and took no immediate action.**

Response:

This issue was previously identified in Licensee Event Report 89-22, Service Life Exceeded for Elastomeric Seals in 33 Safety Related Hydraulic Snubbers due to Failures in Management of Maintenance Records. This issue was closed in 1990 through IR 90-01, which resulted in a non cited violation, NCV 90-01-02. More recently, the licensee Quality Assurance Department (QA) reviewed the snubber program and concluded that the snubber technical documentation was accurate. This item was not substantiated since the item was identified and reported in a LER, thus no further NRC follow-up is required.

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.**

Response:

The NRC review identified that 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. Investigation of this concern showed that during the 1993-1994 period there was a Senior Speakout investigator and two contractor investigators. According to information available in Speakout files, this concern was not clearly communicated or clearly understood at the time it was provided to the Speakout program. However, the licensee's Speakout

program has resolved over 200 concerns since its inception. Therefore, we do believe that this is not a typical response of the Speakout Program and we do not believe that employees are discouraged from raising issues through the Speakout program. Part 1 is substantiated since no action was taken while Part 2 is not. Based on this information no further NRC action is needed.

11. **Examples provided where 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."**

See response to question 5

12. **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).**

See response to question 3

13. **The reactor Building roof started leaking in 1995 and is near end 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.**

Response:

Based on the information that was obtained from the licensee it appears that repairs to the Reactor Building Roof have been successfully performed 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. This concern was substantiated in the fact that the roof had leaked, however no impact on SBTG is expected. The NRC considers this issue closed.

14. **A question regarding the adequacy of tornado missile protection for the new control room door to the administration building.**

See response to question 1

15. **Concern expressed with ESW pump room ventilation isolation due to a possible fire damper isolation.**

Response:

Regarding the alleged concern expressed with the emergency service water (ESW) pump room ventilation as is described in License Event Report (LER) 91-021-00, the licensee has completed the corrective actions. These corrective actions are described and closed out in LER 91-010-01, issued on June 13, 1994. Therefore, while the concern is substantiated, the NRC considers this concern closed.

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.**

Response:

The licensee evaluated piping configuration of drain piping for the personnel and equipment decontamination areas. This piping is located under and between the administration building and the power block. This evaluation was performed following the guidance of NRC Regulatory Guide 1.143 which states welded connections for drain lines do not apply to "the sumps and floor drains provided for collecting liquid wastes" (reference 2). Even though the welded connections were not a requirement, the licensee issued ECN 024 to install welded piping in place of bell and spigot connections in the accessible areas. Further, the licensee performed a hydrostatic test of the drain line (before the construction outlined on ECN-024) that showed satisfactory leak tightness. Based on the information the licensee is meeting the requirements of the Regulatory Guide, no further actions are required. This concern is not substantiated since the design appears adequate.

17. **Concern expressed with the resolution of DER 97-45, Mod F1-92-145 involving seismic II over I piping.**

Response:

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 it create seismic II over I hazard during a seismic event. The licensee's analysis to address this concern was adequate. This concern is not substantiated and no further NRC action is required.

18. **AQCRs 92-289, 92-290 and 92-291 were never entered into the corrective action system and resolved."**

Response:

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, this concern is not substantiated since AQCR 92-291 does not exist but the original concerns were entered under 2 of the 3 reserved numbers.

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.**

Response:

The licensee is implementing corrective actions prescribed in DER 94-0471 that include an evaluation (revision to FAF-SE-91-095) to decide if the condensate thermosiphon heat exchanger mod can maintain the CST temperature above 40° F. The corrective actions of DER 97-0471 are not completed. The corrective actions are to evaluate if it was possible for the temperature to fall below the required 40 degrees Fahrenheit. Currently, the plant has an annunciator that is set higher than 40 degrees Fahrenheit to ensure the limit is not exceeded or appropriate action taken if it is exceeded. Additionally, the NRC concurs that at the time this DER occurred the Fitzpatrick safety culture was weaker than it is today. This is evident based on an independent study conducted late in 1996 which concluded that the licensee made significant progress in strengthening the site safety culture. In addition FitzPatrick was removed from the NRC watch list in January 1994.

Additional information on this issue were discussed in the response to the allegor's concerns No. 4 and No.17.

References:

Wayne Schmidt review of FitzPatrick Allegation.

Regulatory Guide 1.143, Rev. 1, dated October 1979

Eugene Kelly email dated 25 July 1997

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