

To: Dave Vito, Senior Allegation Coordinator

From: Alan Blamey, Reactor Engineer

Date: October 17, 1997

Subject: Allegation 97-A-0126, 0033

On October 16, 1997 a conference call was held between Region I (J. Rogge, J. Carrasco, A. Blamey) and the Senior Resident Inspector (SRI) at Fitzpatrick (Gordon Hunegs). The purpose of the call was to review the DRS Engineering reviews and determine what further actions need to be taken to resolve this allegation. The following is a summary of actions discussed during the call.

G. Hunegs, Senior Resident Inspector, Fitzpatrick

Item	Concern	Action
1	1	Review LER 91-21 to determine if we have reviewed the actions taken in this LER and determine if they were acceptable? <i>See Attached Email</i>
2	3	Did we inspect the licensee's response to GL 83-28? Results of inspection? <i>See Attached Email</i>
3	5	When did Fitzpatrick come off the watch list? <i>See Attached Email</i>
4	9	Review the LER on the Snubber issue and verify that the licensee response was adequate. <i>See Attached Email</i>

J. Carrasco, Engineering Inspector

Status: R. Carrasco requested this information from the licensee at 1600 on October 16, 1997. The licensee projects that he will furnish much of this information, as well as previously requested information during the week of October 20, 1997.

A. Blamey will follow this during the week of October 20, 1997 in J. Carrasco's absence. This has been transmitted to the licensee.

B/20

The items listed in bold that are answers to these question were obtained through interviews with the licensee (Art Zaremba) and USNRC Region 1 (Alan Blamey). This information was obtained October 22 and October 23, 1997.

Item	Concern	Action
1	2	<p>Ask licensee how they discovered issued, if they did?</p> <p><i>This was discovered during the licensee review of work that they had contracted out to a contract engineering company. The licensee's fire protection organization discovered this discrepancy.</i></p>
2	3	<p>When will ACTS 8977 be completed?</p> <p><i>This will be completed in November 1997 and will include a MCM 6 sheet for all system 52 components. Once this is completed then they will be given a QA classification.</i></p>
3	4	<p>What is the current status of DERs 94-111,97-045, 95-997 and projected closure dates?</p> <p><i>97-111 DCR 97365 has been completed and the drawing will be updated after a total of 5 DCR against this print are generated.</i></p> <p><i>97-045 This will be completed 12/31/97, due to higher priority work.</i></p> <p><i>95-997</i></p>
4	7	<p>Were there specific question or weakness identified on the 50.54(f) effort?</p> <p><i>There were no specific weakness identified.</i></p>
5	14	<p>Please provide drawing to show layout of the control room door with respect to other building on site.</p> <p><i>This has been provided. The drawing showed that the only way a telephone pole could penetrate the door is to travel through the new administration and service building. The analysis will be updated to document this review.</i></p>
6	15	<p>Is the allegor satisfied with the licensee response to this question?</p> <p><i>Unknown at this time.</i></p>
7	16	<p>Was there any documentation that you sent to the NRC on the drain line and the criteria for meeting Reg. Guide 1.143?</p> <p><i>No, the licensee followed the guidance in Reg. guide 1.143.</i></p>
8	16	<p>Action for J. Carrasco to review Reg. Guide 1.143 to determine if</p>

		<p>the licensee met this Reg. Guide.</p> <p><i>The NRC has received the information. This piping is not required to meet the requirements of Reg. Guide 1.143.</i></p>
9	17	<p>Are there any outstanding operability issues with the open modification that are being installed, ie. does the physical plant match the design analysis of record?</p> <p><i>Based on the information reviewed the plant modification procedure does review the condition of the modification to prevent long term inoperable equipment install in the plant.</i></p>
10	19	<p>What is the status of DER 94-0471?</p> <p><i>This should be completed by the end of November 1997.</i></p>
11	All	<p>What is the status of the allegers satisfaction with the licensee's answers on all these questions?</p> <p><i>Not know.</i></p>

Alan Blamey, Reactor Engineer

Item	Concern	Action
1	2	<p>Does the allegation provide more information on how the allegation was identified?</p> <p><i>No.</i></p>
2	7	<p>Does the allegation package provide more information on specifics of this allegation?</p> <p><i>No.</i></p>
3	All	<p>Compose closure letter to the individual.</p>

Based on the information collected it is expected that a final closure letter will be ready in mid November. If you have any questions please contact A. Blamey at 5244.

Document: G:\BRANCH2\ALLEGATI\AP97126.FTZ

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 Implications 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.