

August 14, 1997

Mr. James Knubel
Chief Nuclear Officer and Senior Vice President
New York Power Authority
123 Main Street
White Plains, NY 10601

Dear Mr. Knubel:

The U.S. Nuclear Regulatory Commission received information concerning activities at the FitzPatrick Nuclear Plant. This information was later provided to you directly by the concerne on July 25, 1997. A description of the concerns is enclosed.

We understand that you already have undertaken inspections or investigations as necessary to reasonably prove or disprove these concerns. We request that you inform NRC, (Region I) ATTN: Mr. David J. Vito, within 30 days of the date of this letter of the details of your resolution of this matter.

NRC review of your response will include whether: (a) the individual(s) conducting the investigation were independent of the organization affected by the concern; (b) the evaluator(s) were proficient in the specific functional area; (c) the evaluation was of sufficient depth and scope; (d) appropriate root causes and generic implications were considered if the concerns were substantiated; and (e) the corrective actions, if necessary, were sufficient.

We request that your response only be sent to Mr. Vito at the following address:

Mr. David Vito
P. O. Box 80377
Valley Forge, Pennsylvania 19484

No other copies should be sent to the NRC. Please do not submit your response to the Document Control Desk. If your response contains personal privacy, proprietary, or safeguards information, such information shall be contained in a separate attachment, appropriately marked, so that it will not be subject to public disclosure. The affidavit required by 10 CFR 2.790(b) must accompany your response if proprietary information is included.

This letter and its enclosure should be controlled and distribution limited to personnel with a "need to know."

The response requested by this letter and the accompanying enclosure are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. 96-511.

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Mr. James Knubel

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If you have any questions concerning this request, please contact Mr. Vito at (610) 337-5222.

Your cooperation with us is appreciated. We will gladly discuss any questions you may have concerning this information.

Sincerely,

CrLenjak for

Charles W. Hehl, Director
Division of Reactor Projects

Enclosure: As stated

cc w/encl:

A. Zaremba, FitzPatrick Licensing Manager

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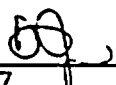
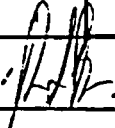
Mr. James Knubel

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bcc w/encl: Allegation File No. RI-97-A-0033/0126

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DATE	8/6/97	8/5/97	8/___/97			

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Mr. James Knubel

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bcc w/encl:
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DOCUMENT NAME: A:\NYPAREF.33

*See previous concurrences

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OFFICE	*RI/DRP	*RI/DRP	RI/DRP
NAME	DVito	RBerkley <i>Berkley</i>	CHehj <i>CH</i>
DATE	08/06/97	08/05/97	08/14/97

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ENCLOSURE

The NRC has received the following information regarding activities at FitzPatrick, information which was later directly provided to NYPA senior management:

- 1) Management has not pursued concerns with the need to upgrade the qualification of several vital and protected area doors, specifically the new control room door.
- 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.
- 3) ACTS item 8977 (involving a DER written in 1993-1994) regarding building/ structures configuration has not yet been approved. (There is purportedly a letter of commitment to the NRC in this matter (i.e. Generic Letter 83-28 response)).
- 4) The corrective actions to DERs 94-111, 97-045 & 95-997 have not yet been completed.
- 5) The response to DERs and/or corrective actions are given back to the concernee (and others) to handle in addition to regular duties.
- 6) Concernee's supervisor(s) discouraged the writing of DERs.
- 7) Concerns expressed regarding NYPA's follow-on actions committed to in their 10 CFR 50.54(f) reply.
- 8) Concern expressed with an instrument air system moisture sensor and NYPA's response to Generic Letter 88-14 involving instrument air systems.
- 9) NYPA purportedly knew in the 1989 timeframe that snubbers were past their rebuild date and took no immediate action.
- 10) Concerns were expressed with the Speakout program, specifically: 1) no action was taken with a list of concerns brought to Speakout in the 1993-1994 timeframe by a QA inspector, and 2) since the Speakout representative communicates directly with senior management, employees are discouraged from raising issues.
- 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.

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- 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 Generic Letter 83-28 response and DER 93-0611).
- 13) The reactor building roof started leaking in 1995 and is near the 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.
- 14) (Related to Concern #2) A question was raised regarding the adequacy of tornado missile protection for the new control room door to the administration building.
- 15) Concern expressed with ESW pump room ventilation isolation due to a possible fire damper actuation.
- 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.
- 17) Concern expressed with the resolution of DER 97-45, Mod. F1-92-145 involving seismic II over I piping.
- 18) AQCRs 92-289, 92-290 and 92-291 were never entered into the corrective action system and resolved.
- 19) The resolution of DERs related to the CAD steam line modification/condensate thermosiphon heat exchanger modification provide an example of the overall safety culture at FitzPatrick.

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