



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

June 12, 1997

RI-97-A-0033
RI-97-A-0126

Subject: Concerns You Raised to the NRC Regarding the FitzPatrick Nuclear Plant

Dear

This refers to the concerns you have provided to the NRC since those concerns acknowledged in our letter to you dated March 7, 1997. Specifically, you provided additional concerns in a telephone conversation with Sharon Johnson of this office on April 4, 1997, your personal interview with Mr. Curtis Cowgill and myself on April 25, 1997, and your letter dated to me on May 12, 1997. During your conversations and correspondence, you expressed concern related to the resolution of safety concerns and deficiencies by the New York Power Authority as well as your alleged harassment via the performance appraisal process for spending too much time on safety concerns that you had raised.

The concerns you raised on April 4, 1997, are as follows: 1) ACTS item 8977 regarding building/structures configuration has not yet been approved; 2) the NRC should look at Deficiency/Event Report (DER) Nos. 94-111, 97-045 & 95-997 since corrective actions have not been completed; 3) you believe that the response to DERs and/or corrective actions are given back to you to handle in addition to regular duties; 4) your supervisor discouraged you from writing DERs; and, 5) the NRC should "keep an eye on" your supervisor who has been tasked with preparing a 50.54(f) package response. This assertion is based on your perception of your supervisor's performance capability.

With respect to concern #5 above, the NRC received the New York Power Authority (NYPA) response to the request made pursuant to 10 CFR 50.54(f) regarding the adequacy and availability of design bases information on February 7, 1997; the cover letter of this response is enclosed. The NRC has already performed a preliminary review of this response and is planning future inspections of aspects of all such licensee responses in the future. Since you did not provide specific details of inadequacies in NYPA's 50.54(f) response, we plan to review the 50.54(f) issues as previously planned. We do not plan to correspond with you specifically on this matter unless you delineate specific issues that you feel are not being addressed or are being inadequately addressed.

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 7C
FOIA- 2004-0107

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Portion withheld - Ex 7C

E/5

You raised several additional concerns on April 25 and May 12, 1997. Your additional concerns are characterized as follows: 1) inadequacies in the response to Generic Letter 88-14 (this issue is related to Niagara Mohawk, all others deal with NYPA/FitzPatrick); 2) NYPA knew that snubbers were past their rebuild date at the end of an outage in 1989 (although our focus of review will be on the current adequacy of installed snubbers given the historic nature of your concern); 3) concern with the handling of issues raised to the Speakout program by another individual; 4) examples of DERs returned to you as "punishment"; 5) System 052 buildings not on the structures, systems and components list; 6) the reactor building roof has been leaking and the roof decking may be rusted, impacting on the operation of the SBT system; 7) concern with the tornado missile protection for the new control room door to the S&A building; 8) concern with inadvertent actuation of the ESW pump room ventilation fire dampers; 9) concern with the design of the drain line from the S&A contaminated area; 10) concern with DER 97-45 involving seismic class II over I piping; 11) AQCR's 92-289, 92-290 and 92-291 were never entered into a tracking system and resolved; and, 12) DER issues related to CAD steam line/condensate thermosiphon heat exchanger modification.

We have initiated actions to examine your concerns and will inform you of our findings. On several of these issues, we may need additional information from you while we proceed with our inquiry into your concerns. Our inspectors will contact you as needed in a manner that protects your identity.

The NRC notes that in resolving technical issues, the NRC is also protecting the identity of allegers and intends to take all reasonable efforts to not disclose your identity to any organization, individual outside the NRC, or the public unless you clearly indicate no objection to being identified. However, you should be aware that your identity could be disclosed if disclosure is necessary to ensure public health and safety, if disclosure is necessary to inform Congress or State or Federal agencies in furtherance of NRC responsibilities under law or public trust, and disclosure is necessary to support a hearing on an NRC enforcement matter or if you have taken actions that are inconsistent with and override the purpose of protecting an allegers' identity.

Also, your identity will be disclosed as part of any NRC investigation of an issues of potential discrimination against an individual for raising safety issues. Since you have alleged harassment for raising safety concerns, the NRC Office of Investigations intends to conduct interviews of you and several other individuals regarding your discrimination concerns.

If a request is filed under the Freedom of Information Act (FOIA) related to your areas of concern, the information provided will, to the extent consistent with that act, be purged of names and other potential identifiers. Further, you should be aware you are not considered a confidential source unless confidentiality has been formally granted in writing.

FitzPatrick, Ex 7C

Should you have any additional questions, or if the NRC can be of further assistance in this matter, please call me via the NRC Safety Hotline at 1-800-695-7403.

Sincerely,



David J. Yito
Senior Allegation Coordinator

Enclosure:

Cover Letter of 10 CFR 50.54(f) Response dated February 7, 1997

Portion, Ex 7C