

TERA

NOV 09 1981

TELETYPE COPY

PDR
LPRC
NSIC



Docket No. 50-333
License No. DPR-59
EA 82-05

Power Authority of the State of New York
ATTN: Mr. George T. Berry
President and Chief Operating Officer
10 Columbus Circle
New York, New York 10019

Gentlemen:

During a routine inspection on August 21, 1981 at the James A. FitzPatrick Nuclear Power Plant the NRC resident inspector discovered sample line containment isolation valves 27-SOV-135A and B were shut which caused both drywell continuous atmosphere monitoring systems to be inoperable. These monitoring systems provide diverse means to the drywell sump monitoring system to detect abnormal coolant leakage from the reactor coolant system during power operation. These systems are used to provide early detection of leakage from the reactor coolant system and permit precautionary shut-down of the facility prior to a major break in the reactor coolant system. A limiting condition for operation is included in the plant Technical Specifications requiring the aforementioned monitoring systems to be operable during reactor operation. However, the sample line containment isolation valves were shut, in violation of the limiting condition for operation, for approximately twenty-two hours prior to the discovery by the NRC resident inspector. Subsequent investigation revealed that this event resulted from your failure to properly prepare and review the surveillance test procedure used for these isolation valves prior to a surveillance test conducted on August 20, 1981 in that when the surveillance test procedure was revised you failed to list these two valves for reopening. This failure of the management review process is of major importance in increasing the seriousness with which this violation is viewed.

On September 2, 1981, Mr. Bayne and Mr. Leonard of your staff met with Ronald C. Haynes, Director, Region I, and members of the Region I staff, to discuss this event and NRC concerns regarding the inadequacies in your management practices. At this meeting, you discussed corrective actions taken in response to this specific event. Further, you informed us of your actions intended to improve the overall performance of the James A. FitzPatrick facility. These actions include changes in the corporate and site staff dedicated to the support of the facility. The NRC is concerned regarding the possibility for the further deterioration of the management performance during the staff transition period. To address this concern, we understand that you have established

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

8111300015 811109
PDR ADOCK 05000333
Q FDR

NOV 09 1981

additional corporate oversight to more closely monitor management performance at the FitzPatrick facility. This additional oversight will include participation by selected corporate individuals, and will have as its purpose the assurance that corrective actions taken are resulting in the necessary improvements.

Further, we understand that you have agreed to obtain NRC Region I concurrence with your determination that the necessary improvements have occurred before terminating this special corporate oversight activity.

In addition, in order to emphasize the importance the NRC places on the proper management review of required procedures, in complying with license conditions, and in providing effective management practices to assure safe plant operations, we propose to impose civil penalties in the cumulative amount of Forty Thousand Dollars for the violations set forth in the Appendix to this letter. These items have been categorized at the severity levels described in accordance with the Interim Enforcement Policy published in the Federal Register, 45 FR 66754 (October 7, 1980). You are required to respond to the Appendix and should follow the instructions therein when preparing your response.

In your reply, you should give particular attention to those actions designed to assure continuing compliance with NRC requirements. Your reply to the Appendix and the results of future inspections will be considered in determining whether further enforcement action is appropriate. In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Appendix are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 56-511.

Sincerely,

Original Signed By
R. C. DeYoung

Richard C. DeYoung, Director
Office of Inspection and Enforcement

Enclosure:
Appendix - Notice of Violation and
Proposed Imposition of Civil Penalties

- cc w/encl:
- J. P. Bayne, Senior Vice President-Nuclear Generation
- A. Klausmann, Director, Quality Assurance
- M. C. Cosgrove, Site Quality Assurance Engineer
- J. F. Davis, Chairman, Safety Review Committee
- C. M. Pratt, Assistant General Counsel
- G. M. Wilverding, Manager-Nuclear Licensing

WPU:JE	EI:IE	EI:IE	ELD	D:EI:IE	DD:IE	D:IE
10/30/81	GBarber	DWessman	JMurray	DThompson	RDeYoung	VStello
5520	11/30/81	11/2/81	11/20/81	11/3/81	11/3/81	11/ X81

by please refer to Murray

Distribution

PDR

NSIC

LPDR

ACRS

SECY

CA

VStello, EDROGR

RCDeYoung, IE

JHSniezek, IE

TBrockett, IE

FIngram, PA

JMurray, ELD

JLieberman, ELD

RMount, ELD

JJCummings, OIA

Enforcement Coordinators: RI, RII, RIII, RIV, RV

IE Files

Central Files

CP Book

CON

EI Reading File

EDO Reading File

RBurnett, SG

PJPolk, NRR:ORB-2

Tippolito, NRR:ORB-2

Department of Public Service

ATTN: Charles A. Zielinski, Chairman

Public Service Commission

Empire State Plaza, Agency Bldg. 3

Albany, NY 12223

Department of Law

ATTN: Hon. Robert Abrams

Attorney General

2 World Trade Center

New York, NY 10047

State Energy Office

ATTN: Director

Bureau of Nuclear Operations

2 Empire State Plaza

Albany, NY 12223