

APR 10 1990

Docket No.: 50-333
License No.: DRP-59
EA No.: 90-30

New York Power Authority
James A. FitzPatrick Nuclear Power Plant
ATTN: Mr. John C. Brons
Executive Vice President - Nuclear Generation
123 Main Street
White Plains, New York 10201

Gentlemen:

Subject: Notice of Violation (Special Inspection Report No. 50-333/90-11)

This letter refers to the findings in NRC Special Inspection Report 50-333/90-11 conducted on January 31 through February 7, 1990, at the James A. FitzPatrick Nuclear Power Plant, Lycoming, New York. The inspection report, forwarded to you on February 16, 1990, documented three potential violations. We discussed these potential violations with you and members of your staff during an enforcement conference in the Region I office on March 20, 1990.

Based on the inspection findings and the discussions during the enforcement conference, we identified the two violations set forth in the enclosed Notice. The first violation deals with your failure to prevent exceeding the licensed thermal power because of a design error during a 1988 instrument modification. We concluded that inspection report potential violations 90-11-02 and 90-11-03 should be combined into this one violation because the licensed power was exceeded as a result of the design calculation error. The second violation deals with your lack of timely and effective review of industry information. We categorized these issues as Severity Level IV violations based primarily on the low safety significance of the event. We determined the low safety significance based on your 10 CFR 50, Appendix K, Emergency Core Cooling System Analysis which bounds operation up to 101.4% of licensed power.

This event is similar to the 1988 crescent area unit cooler incident. In both cases your staff had information that questioned the operation of components that affect safety and did not take timely corrective action. At the enforcement conference, you described your revised program for review of industry operating experience, including an initial review and establishment of priorities. We encourage you to improve your performance as a result of the lessons learned in the unit cooler and transmitter calibration incidents such that future corrective actions are timely.

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We appreciate your cooperation.

Sincerely,

ORIGINAL SIGNED BY:

William F. Kane, Director
Division of Reactor Projects

Enclosure: Notice of Violations

cc w/encl:

W. Fernandez, Resident Manager
J. Phillip Bayne, President
A. Klausmann, Senior Vice President - Appraisal and Compliance Services
R. Patch, Quality Assurance Superintendent
G. Wilverding, Manager Nuclear Safety Evaluation
G. Goldstein, Assistant General Counsel
R. Beedle, Vice President Nuclear Support
S. Zulla, Vice President Nuclear Engineering
R. Burns, Vice President Nuclear Operations
J. Gray, Director Nuclear Licensing - BWR
Department of Public Service, State of New York
State of New York, Department of Law
Public Document Room (PDR)
Local Public Document Room (LPDR)
Nuclear Safety Information Center (NSIC)
NRC Resident Inspector
State of New York, SLO Designee

bcc w/encl:

Region I Docket Room (with concurrences)
Management Assistant, DRMA (w/o encl)
T. Martin, RA
D. Holody, EC
W. Kane, DRP
J. Linville, DRP
G. Meyer, DRP
D. Limroth, DRP
D. Vito, DRP
R. Bellamy, DRSS
L. Rossbach, SRI - Indian Point 3
W. Cook, SRI - Nine Mile
J. Dyer, EDO
J. Lieberman, OE
D. LaBarge, NRR
R. Kiessel, NRR

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WSchmidt/mjd

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GMeyer

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JLinville

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RI:DRP
W Kane

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RI:RA
J Martin

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