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Docket No.: 50-333
License No.: DPR-59
EA No.: 91-29

New York Power Authority
ATTN: Mr. Ralph E. Beedle
Executive Vice President - Nuclear Generation
123 Main Street
White Plains, New York 10201

Dear Mr. Beedle:

SUBJECT: NOTICE OF VIOLATION (NRC INSPECTION REPORT NO. 50-333/90-09)

This refers to the inspection conducted on December 23, 1990 through February 14, 1991, at the James A. FitzPatrick Nuclear Power Plant, and to the apparent violations identified in NRC Inspection Report No. 50-333/90-09, dated March 1, 1991. On April 2, 1991, you and members of your staff attended an enforcement conference at the Region I office to discuss the apparent violations. Based on the inspection findings and the discussions during the enforcement conference, we identified the violations as discussed below.

We agree that the safety significance of the technical issues involving both the torus temperature and fire protection issues was low. However, we are concerned about the time it took before appropriate levels of management became aware of these issues so that their safety significance could be evaluated and corrective actions taken. These issues were similar to the 1988 crescent area unit cooler incident and the 1990 overpower incident caused by feed water flow calibration errors, in that the determination of safety significance and corrective actions were not timely. Further, the NRC is concerned that the existing corrective action program does not promptly provide the technical review needed to correct identified deficiencies and ensure that regulatory and design requirements are met. The violation deals with the failure of the corrective action program to promptly identify and correct the torus temperature and fire protection deficiencies.

With respect to the torus bulk temperature monitor inoperability, the violation deals with the lack of adequate controls over the installation and modifications to this instrumentation to ensure that it would provide the operators with accurate temperature information.

At the enforcement conference you stated that the electrical cable penetrations were determined by your staff to be functional, i.e., seal integrity maintained without air flow. NRC review has determined that this acceptance criteria has no technical basis. It was your responsibility to ensure that all technical specification fire barriers met the intended design of a three-hour barrier, as required by your Facility License. The violation deals with your failure to maintain electrical

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cable penetrations in their three-hour rated design configuration and to ensure that the configuration was being met through visual surveillance testing.

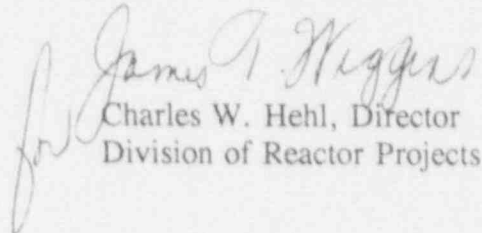
You are required to respond to this letter and should follow the instructions specified in the enclosed Notice of Violation (Notice) when preparing your response. In your response you should document the specific actions taken and any additional actions you plan to prevent recurrence. In your response to Violation A, please discuss any planned improvements to your corrective action program. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice" a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice 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. No. 96-511.

Sincerely,

CHARLES W. HEHL BY:


Charles W. Hehl, Director
Division of Reactor Projects

Enclosure:
As Stated

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cc w/encl:

J. Brons, President

W. Fernandez, Resident Manager

J. Gray, Director, Nuclear Licensing - BWR

G. Goldstein, Assistant General Counsel

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

K. Abraham, PAO - RI (2)

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- bcc w/encl:
- Region I Docket Room (with concurrences)
- Management Assistant, DRMA (w/o encl)
- J. Taylor, EDO
- K. Brockman, EDO
- J. Lieberman, OE
- T. Murley, NRR
- J. Partlow, NRR
- R. Capra, NRR
- B. McCabe, NRR
- D. LaBarge, NRR
- T. Martin, RA
- W. Kane, DRA
- D. Holody, EC
- T. Easlick, EC
- W. Hehl, DRP
- J. Wiggins, DRP
- J. Linville, DRP
- D. Haverkamp, DRP
- D. Vito, DRP
- T. Vogel, DRP
- W. Schmidt, SRI - FitzPatrick
- B. Cook, SRI - Nine Mile
- W. Hodges, DRS
- W. Lanning, DRS
- J. Durr, DRS
- L. Bettenhausen, DRS
- M. Knapp, DRSS
- R. Cooper, DRSS
- J. Joyner, DRSS
- M. Miller, SLO

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