

James A. FitzPatrick  
Nuclear Power Plant  
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Radford J. Converse  
Resident Manager

February 10, 1992  
JAFP-92-0140

U.S. Nuclear Regulatory Commission  
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SUBJECT: James A. FitzPatrick Nuclear Power Plant  
Docket No. 50-333  
Reply to a Notice of Violation  
INSPECTION 50-333/91-21

REFERENCE: NRC letter, C.J. Cowgill to R.J. Converse, dated January 10, 1992, regarding NRC  
Inspection Report 50-333/91-21.

Dear Sir:

This letter responds to the two Notices of Violation included in the referenced NRC  
Inspection Report. That report provided the results of the NRC Inspection conducted between  
October 27, 1991 and December 14, 1991 at the James A. FitzPatrick Nuclear Power Plant.

The NRC Inspection identified two violations associated with core spray system  
containment isolation valves. The Authority agrees with the violations and has taken corrective  
steps to avoid further violations.

Attachment I provides the Authority's detailed response to these violations. In accordance  
with 10 CFR 2.201, the Authority's response describes the reasons for the violation, the corrective  
steps that will be taken and the results achieved, the corrective steps that will be taken to avoid  
further violations, and the dates when full compliance will be achieved.

If you have any questions, please contact J. A. Gray, Jr.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'R. Converse'.

RADFORD J. CONVERSE

RJC/JAG/mam

CC: see next page

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During an NRC inspection conducted from October 21, 1991 to December 14, 1991, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," 10 CFR Part 2, Appendix C 1991, the violations are listed below:

- A. Violation - Final Safety Analysis Report (FSAR), section 5.2.3.5, states, in part that valves on lines that penetrate the primary containment, but do not communicate with the reactor vessel, with the primary containment free air space, or with the environs, require at least one containment isolation valve capable of remote manual operation.

Technical Specification Table 3.7-1, lists containment penetration 210A and 210B, (lines that satisfy the design, as stated above), and states that minimum flow valves 14MOV-5A and 14MOV-5B have a remote manual isolation function. Technical Specification 3.7.D.1 requires containment isolation valves specified in Table 3.7-1 to be operable when primary containment integrity is required.

Contrary to the above, the New York Power Authority (NYPA) operated FitzPatrick from initial plant operation until November 27, 1991, without operable containment isolation valves in containment penetrations 210A and 210B. This occurred due to design errors in the logic circuits which prevented minimum flow valves 14MOV-5A and 14MOV-5B from being closed and remaining closed when the core spray pumps were not operating.

This is a severity level IV violation (Supplement I).

**RESPONSE**

- (1) *Admission or denial of the alleged violation*

The Authority agrees with the violation.

- (2) *The reasons for the violation*

The Authority operated the FitzPatrick plant from initial plant operation until November 27, 1991, without operable containment isolation valves (CIVs) in containment penetrations X-210A and X-210B due to an error in the original design of the plant. An error in the logic circuitry for the Core Spray system minimum flow valves 14MOV-5A&B did not allow these valves to operate as containment isolation valves.

The Core Spray minimum flow valves (14MOV-5A&B) are normally open, motor operated containment isolation valves. The valves automatically open on system flow. If the system flow rate is less than 425 gpm, the valves will automatically open to prevent sustained operation of

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the Core Spray pumps at shut off head. There is a control switch for each of these valves in the Control Room. If an operator attempted to close this valve from the Control Room when the associated pump was not running, the valve would go fully closed but then immediately reopen because the circuit sensed low flow. The valve would reopen if the circuit sensed low flow for any reason, even if the operator held the switch in the closed position. This logic would have prevented the operator from isolating the line for primary containment isolation purposes when Core Spray System operation is unnecessary or undesirable.

(3) *The corrective steps that have been taken and results achieved*

On November 27, 1991, the Core Spray minimum flow valves 14MOV-5A&B were declared to be inoperable because the valves did not meet Section 3.7.D.1 of the Technical Specifications. In accordance with Section 3.7.D.3 of the Technical Specifications the plant was placed in cold shutdown.

On December 5, 1991, the Authority installed a "core spray pump running" permissive in the minimum flow bypass valve logic circuit of the Core Spray minimum flow valves 14MOV-5A&B. This allows these valves to be manually closed from the Control Room when the pumps are not running and assures that these valves meet the Technical Specification requirement for remote manual operation.

(4) *The corrective steps that will be taken to avoid further violations*

The Authority is in the process of performing an assessment of all primary containment isolation valves to ensure that their containment isolation functions can be achieved under varying system conditions. This assessment will be completed prior to startup from the current refueling outage.

(5) *The date when full compliance will be achieved*

Full compliance with the Technical Specifications was achieved at the time the plant was placed in cold shutdown. The completed modification to the logic circuits for the core spray minimum flow valves 14MOV-5A&B will provide continued compliance.

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- B. Violation - 10 CFR 50, Appendix B, criterion XVI, requires in part that measures shall be established to assure that, once identified, prompt corrective action is taken for conditions that are adverse to quality.

Contrary to the above, on November 14, 1991, the NYPA corporate licensing staff determined that the minimum flow valves 14MOV-5A and 14MOV-5B could not function as remote manual containment isolation valves as required by Technical Specification (TS) 3.7.D.1. This information was not escalated to the Control Room to ensure appropriate entry into the TS limiting condition for operation. This resulted in the plant operating until November 27, 1991 before plant management initiated appropriate corrective action to comply with TS.

This is a severity level IV violation (Supplement I).

**RESPONSE**

- (1) *Admission or denial of the alleged violation*

The Authority agrees with the violation, in that prompt corrective action was not taken.

- (2) *The reasons for the violation*

The plant request for a licensing review of these valves stated that the operator is able to shut the valve from the Control Room, but that the valve reopens when the operator releases the switch. The Authority's Licensing staff incorrectly understood this to mean that the valve would stay closed if the switch was held in the closed position. Licensing personnel relied on their understanding of the plant request and did not review the applicable plant drawings to verify valve operation.

The Authority's licensing staff reviewed the applicable requirements for the Core Spray minimum flow valves and issued a memorandum on November 14, 1991. The memorandum stated that these valves did not meet their containment isolation function as described in the Technical Specifications, because the operator was not able to keep them closed from the Control Room. However, Licensing personnel believed that the valves could be kept closed, if the operator held the switch in the closed position. Therefore, Licensing believed that the valves were operable and the letter of the Technical Specifications were met. For that reason, the memorandum did not conclude that the Technical Specifications were not met, and did not conclude that the valves were inoperable. For the same reason, Licensing did not immediately notify plant management but rather mailed the memorandum. The memorandum was not received in a timely fashion and therefore did not get evaluated until November 27, 1991.



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Licensing personnel did recognize that the logic design was poor and needed to be corrected. As a result, the memorandum stated that a modification should be installed promptly to allow the valves to properly perform their isolation function.

If Licensing personnel had in fact concluded that the Technical Specifications were not met or that the valves were inoperable, the Shift Supervisor and senior plant management would have been notified immediately.

(3) *The corrective steps that have been taken and results achieved*

On November 27, 1991, the Core Spray minimum flow valves 14MOV-5, &B were declared to be inoperable because the valves did not meet Section 3.7.D.1 of the Technical Specifications. In accordance with Section 3.7.D.3 of the Technical Specifications the plant was placed in cold shutdown.

(4) *The corrective steps that will be taken to avoid further violations*

The Authority will take the following steps to avoid further violations:

- (a) Effective immediately, Licensing will promptly review questions raised regarding compliance with the Technical Specifications or the licensing basis.
- (b) Effective immediately, if Technical Specifications are not met, the licensing basis is not met, or if the subject component is inoperable (based on Technical Specification requirements or the licensing basis) Nuclear Licensing memoranda on the subject will contain an explicit statement to that effect. These statements will eliminate the potential for misunderstandings regarding whether or not the FitzPatrick Technical Specifications licensing basis has been met.
- (c) The Authority will establish written Licensing guidelines to require that plant management or the Shift Supervisor be immediately notified whenever the FitzPatrick plant does not meet either the licensing basis, Technical Specifications, or if any component is determined to be inoperable based on its failure to meet any licensing requirements. This will be completed by June 30, 1992. A memorandum providing interim guidance will be issued by February 21, 1992.
- (d) The Authority will prepare a Design Basis Document detailing FitzPatrick's primary containment isolation system by June 30, 1993.

(5) *The date when full compliance will be achieved*

Full compliance with the Technical Specifications was achieved when the plant was placed in cold shutdown.