

Docket No. 50-333
EA No. 92-033

DCS
FEB 20 1992

Mr. Radford Converse, Resident Manager
New York Power Authority
James A. FitzPatrick Nuclear Power Plant
Post Office Box 41
Lycoming, New York 13093

Dear Mr. Converse:

Subject: NRC Region I Inspection No. 50-333/91-22

This refers to the inspection conducted by Messrs. W. Cook and R. Plasse of this office on December 15, 1991 to February 1, 1992. The inspection included a review of activities authorized for James A. FitzPatrick Nuclear Power Plant, Scriba, New York. A summary of the inspection findings was presented to you and members of your staff at the conclusion of the inspection.

This inspection was directed toward areas important to public health and safety. Areas examined during the inspection are described in the NRC Region I inspection report, which is enclosed with this letter. Within these areas, the inspection consisted of observation of activities, interviews with personnel, and document reviews.

Based on the results of this inspection and the Diagnostic Evaluation Team (DET) Inspection, seven apparent violations were identified and are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), 10 CFR Part 2, Appendix C (1992). The apparent inoperability of the reactor protection system (RPS) due to the installation of analog transmitter trip unit system (ATTS) relays beyond their qualified service life and the apparent lack of adequate response time testing of the RPS per Technical Specification surveillance requirements were identified in this inspection period. Numerous other examples of inadequate design control and corrective action highlighted in the DET report are collectively being considered apparent violations of 10 CFR 50 Appendix B, Criterion III and XVI, respectively. Also, as identified by the DET, three examples of inadequate administrative control of station activities are discussed in this report as apparent violations. Accordingly, no Notice of Violation is presently being issued for these inspection findings. Please be advised that the number and characterization of the apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations. No response regarding these apparent violations is required at this time.

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An enforcement conference to discuss these apparent violations will be scheduled in the near future. My staff will coordinate the logistics of that meeting with you and when finalized, the meeting will be noticed through separate correspondence. The purposes of this conference are to discuss the apparent violations, their causes and safety significance; to provide you the opportunity to point out any errors in our inspection report; to provide an opportunity for you to present your proposed corrective actions; and to discuss any other information that will help us determine the appropriate enforcement action in accordance with the Enforcement Policy. The NRC staff is particularly concerned that the broad programmatic concerns identified and assimilated in the DET report continue to be reflected in the handling of current issues such as the ATTS relay problem. This raises serious concerns about the adequacy of your technical staff and the interim and long-term corrective measures implemented to support day-to-day station activities. I expect NYPA to discuss this immediate concern and what actions you deem appropriate to address it during the enforcement conference.

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

Your cooperation with us is appreciated.

Sincerely,

Original Signed By:
Charles W. Hehl, Director
Division of Reactor Projects

Enclosure: NRC Region I Inspection Report Number 50-333/91-22

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cc w/encl:

J. Erons, President

R. Beedle, Executive Vice President - Nuclear

G. Goldstein, Assistant General Counsel

J. Gray, Jr., Director, Nuclear Licensing - BWR

Supervisor, Town of Scriba

C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law

Director, Power Division, Department of Public Service, State of New York

K. Abraham, PAO (2)

Public Document Room (PDR)

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NRC Resident Inspector

State of New York, SLO Designee

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New York Power Authority

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bcc w/encl:

- Region I Docket Room (with concurrences)
- Management Assistant, DRMA (w/o encl)
- C. Cowgill, DRP
- D. Haverkamp, DRP
- R. Summers, DRP
- W. Cook, SRI - FitzPatrick
- L. Rossbach, SRI - IP-3
- J. Joyner, DRSS
- L. Bettenhausen, DRS
- D. Holody, EO
- R. Lobel, EDO
- W. Bateman, EDO
- L. Chandler, OGC
- J. Lieberman, OE
- R. Capra, NRR
- B. McCabe, NRR
- DRS SALP Coordinator
- DRSS SALP Coordinator

bcc w/Report Cover Letter and Executive Summary only

- W. Hehl, DRP
- J. Wiggins, DRP
- W. Hodges, DRS
- W. Lanning, DRS
- J. Durr, DRS
- M. Knapp, DRSS
- R. Cooper, DRSS

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 WCook/mjc DHaverkamp

*RI:DRP RI:DRP
 CCowgill WHehl

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*See Previous Concurrences

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 R. Cooper, DRSS

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