

MAR 17 1992

Docket No. 50-333

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

Dear Mr. Converse:

SUBJECT: INSPECTION NO. 50-333/91-08

This refers to your letter dated September 13, 1991, in response to our letter dated July 31, 1991, and to your supplemental response letter dated November 14, 1991. We consider these responses to be satisfactory. In the telephone call Dr. Lee Bettenhausen held with you on October 23, 1991, you stated that you would base your supplemental response on a Human Performance Evaluation System review. It is not clear from your November 14, 1991, letter that the corrective action proposed was based on such a review. Nevertheless, the issue is identified in your Results Improvement Program as MO12.3.1, Administrative Controls, and will be followed accordingly.

Thank you for informing us of the corrective and preventive actions documented in your letters. These actions will be examined during a future inspection of your licensed program.

Your cooperation with us is appreciated.

Sincerely,

Original Signed by
Marvin W. Hodges

Marvin W. Hodges, Director
Division of Reactor Safety

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cc:

- J. Brons, 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) (w/copy of ltr dtd 9/13/91)
Public Document Room (PDR)
Local Public Document Room (LPDR)
Nuclear Safety Information Center (NSIC)
NRC Resident Inspector (w/copy of ltr dtd 9/13/91)
State of New York, SLO Designee (w/copy of ltr dtd 9/13/91)

bcc:

- Region I Docket Room (with concurrences)
- Management Assistant, DRMA (w/o encl)
- W. Lanning, DRS
- C. Cowgill, DRP
- D. Haverkamp, DRP
- R. Summers, DRP
- W. Cook, SRI - FitzPatrick
- W. Schmidt, SRI - Nine Mile Point
- L. Rossbach, SRI - IP-3
- R. Lobel, EDO
- R. Capra, NRR
- B. McCabe, NRR
- DRS SALP Coordinator
- DRSS SALP Coordinator
- DRS Files (3)

RI:DRS *[Signature]*
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3/10/92

RI:DRS *[Signature]*
Blumberg

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RI:DRS
Bettenhausen

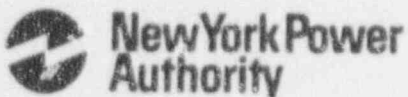
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James A. FitzPatrick
Nuclear Power Plant
P.O. Box 41
Lycoming, New York 13093
315 342-3840



Radford J. Converse
Resident Manager

November 14, 1991
JAFF-91-0739

United States Nuclear Regulatory Commission
Document Control Desk
Mail Station P1-137
Washington, D.C. 20555

SUBJECT: SUPPLEMENTAL RESPONSE TO INSPECTION NO. 91-08
(DOCKET 50-333)

Reference: 1. USNRC Letter Dated July 31, 1991,
Subject: Inspection Report 50-333/91-08

Gentlemen:

This supplemental response is in regard to a portion of the fourth paragraph of the referenced NRC letter which transmitted Inspection Report 50-333/91-08.

The fourth paragraph of the transmittal letter states, in part, "We also noted several apparent inaccuracies in your January 25, 1991 response letter to Examination Report No. 50-333/90-21. Please include in your response those measures you are taking to improve your management controls to preclude such apparent inaccuracies from recurring."

In the future, activities described in correspondence (such as responses to inspection reports and licensee event reports) will include review and concurrence by the individuals that performed the activities described in the correspondence. This review and concurrence process will increase the probability that the individual that drafts the correspondence has accurately stated the nature, scope, and completion date of the activities described. In addition, when correspondence includes the description of planned, but not yet complete, activities (that is, commitments), the Authority will formally notify the NRC when circumstances require changes to the nature, scope, or completion date of the commitment.

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TO: USNRC
FROM: R. J. CONVERSE
SUBJECT: SUPPLEMENTAL RESPONSE TO
INSPECTION 91-08

November 14, 1991
JAFP-91-0739
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While the Authority will implement these improvements to the correspondence review and concurrence process informally by December 1, 1991, formal implementation (that is, control of the review and concurrence process in accordance with a written procedure) is considered part of the broad Plant Improvement Program and/or Business Plan. As a result, the formal implementation will be completed by June 1992.

Very truly yours,


RADFORD J. CONVERSE

RJC:WVC:lar

cc: NRC Regional Administrator, Region I
NRC Resident Inspector
Director - BWR Licensing
Document Control Center
WPO Records Management

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Fitzpatrick Results
Improvement Program

MO12.2.9 Safety Reviews

Implement an improved procedure for performing 10CFR50.59 safety reviews including: 1) initial screening, 2) documentation, and 3) reporting to the NRC (due 12/31/92).

MO12.3 Working Environment

Create a working environment to enhance regulatory compliance (due 12/31/92).

MO12.3.1 Administrative Controls

Enhance administrative controls to achieve timely compliance with commitments and regulatory requirements including 1) developing action plans, 2) assigning responsibility, and 3) establishing an effective review process for all submittals prepared by plant and corporate personnel (due 6/30/92).

MO12.3.2 Documentation Standard

Establish a standard for the documentation required to demonstrate compliance with regulatory requirements (due 3/31/92).

MO12.3.3 Implementation of Documentation Standard

Implement the documentation standard developed (see MO12.3.2) (due 12/31/92).

MO12.3.4 Verifying Compliance

Implement a process for verifying regulatory compliance (due 6/30/92).

MO12.3.5 INPO Backlog

Prioritize and eliminate the backlog of overdue INPO corporate commitments (due 9/30/92).

MO12.3.6 Licensing Organization Review

Perform a review of the licensing organizations and revise position descriptions in accordance with new administrative controls (see MO12.3.1) (due 12/31/92).

James A. FitzPatrick
Nuclear Power Plant
P.O. Box 41
Lycoming, New York 13093
315 342-3840



Radford J. Converse
Resident Manager

September 13, 1991
JAFP-91-0578

United States Nuclear Regulatory Commission
Mail Station PL 137
Washington, DC 20555

Attention: Document Control Desk

SUBJECT: RESPONSE TO NOTICE OF VIOLATION -
INSPECTION NO. 91-08 (Docket 50-333)

Reference: 1) USNRC Letter Dated July 31, 1991
Subject: Inspection Report 50-333/91-08

Enclosure: 1) Response to notice of violation
2) Response to other comments

Gentlemen:

In accordance with the provisions of 10CFR-2.201 the Authority is submitting in enclosure number 1) our response to Appendix A, Notice of Violation Transmitted by your letter (Reference 1), dated July 31, 1991. This refers to the inspection conducted by D.L. Capton and J.H. Williams, April 25 to May 3, 1991 at the James A. FitzPatrick Nuclear Power Plant. Enclosure number 2 contains responses to other comments in your Inspection Report 91-08.

Very truly yours,

Radford J. Converse

RJC:RAH:dmh

CC: NRC Regional Administrator - Region I
NRC Resident Inspector
Records Management - WPG
Director of BWR Licensing
Document Control Center

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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Enclosure (1) - Response to Notice of Violation

Page 1 of 6

Notice of Violation:

During an NRC inspection conducted April 29th to May 3, 1991, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions, "10CFR Part 2 Appendix C (1991) the violation is listed below:

- A: Technical Specification 6.8 states that procedures shall be established, implemented and maintained for the Fire Protection Program. Administrative Procedure AP-1.6, states that the Fire Protection Program includes Fire Fighting Preplans; and AP-1.3 requires a procedure review every 2 years.

Contrary to the above, Fire Fighting Preplan (FPP) 5.21 was inadequately maintained and reviewed in that new fire hazards associated with hydrogen addition lines to the condensate booster pumps or the oxygen lines to the condensate pumps were not identified by the review conducted on October 29, 1990. Consequently, FPP-5.21 was not revised to include the new fire hazards. The hydrogen and oxygen lines have been in use since 1988.

Response:

A. The Authority agrees with the violation.

The reason for this violation was a personnel error that failed to document the reviews of pre-plans in a timely manner.

The fire fighting pre-plan (FPP) 5.21 was reviewed on October 29, 1990. The pre-plan does contain a statement in the 5.0 Hazards Section noting that hydrogen lines within this area are painted yellow. There is no specific statement on the routing of the piping.

The corrective action that has been taken is the revision of FPP-5.21 to note the hydrogen lines feeding the condensate booster pumps in the Hazards section of the pre-plan. An additional statement has been included to address the oxygen lines in the area.

The corrective step that has been taken to avoid further violations is to put more emphasis on recording the review of fire fighting pre-plans. Additionally the pre-plans will be reviewed again by February 28, 1992 to correct deficiencies.

Full compliance was achieved when the FPP-5.21 was revised on August 30, 1991.

1. Observation one, page 4, second paragraph:

"No formal time goal has been established for all station procedures to comply with the station procedures writers guide."

"Management decisions are still pending relative to providing improved use guidance and clarity of policy to procedure users. Management recognizes a need to improve the plant's administrative procedures; however, the management decisions and resource commitments to effect improvements in the near term have not yet been made."

Response to observation one:

The three departments specifically addressed in this observation are the Maintenance Department, Instrument and Control Department and the Operation's Department.

The Maintenance Department has established a time goal of December, 1992 to have procedures comply with the procedure writers guide.

The Instrument and Control Department reviewed procedures for temporary changes greater than one and one half (1 1/2) years and indicate a total of four (4) ISPs with an anticipated completion date of November, 1991 and nine (9) IMPs with an anticipated completion date of December 1, 1991. Procedures with temporary changes greater than one (1) year old are ISPs twenty one (21) with an expected completion date of April 1, 1992 and twenty three (23) IMPs with a completion date of May 1, 1992.

The Operations Department has twenty (20) Surveillance Test Procedures remaining that require change. The anticipated completion date is December 31, 1991.

2. Observation two:

QA audits and surveillances have provided some focus and coverage of procedures; however, there is a lack of independent assessment recommendations in the audits. QA coverage of procedure maintenance is not providing assessments regarding the maintenance of procedures per Technical Specifications 6.8. The licensee's January 25, 1991, response letter to the NRC stated that an audit would be conducted; however, a surveillance was substituted which did not correspond to the committed action.

Response to observation two:

The James A. FitzPatrick Quality Assurance Department recently performed an audit (Audit No. 720, issued October 1990), which addressed Section 6.8 of the Technical Specifications. Included in the scope of this audit was a review and evaluation of selected requirements from Technical Specification, Section 6.8 and other regulatory commitments. Additional Quality Assurance audit activities related to Section 6.8 of the Technical Specifications are currently scheduled for the 4th Quarter of this year. Additionally, the recently implemented (1st Quarter 1991) "Standard Surveillance Program", developed to enhance the existing Quality Assurance Surveillance Program, provides continuous feedback related to various aspects of procedural control and maintenance.

The original response commitment specified certain actions to be performed by Quality Assurance and documented in an audit. The actions were performed as committed, however due to the limited scope of those actions, the results were documented in a surveillance report format rather than an audit report format.

Concerns were raised by NRC personnel at the inspection exit related the report being issued in surveillance report format rather than in an audit report format. These concerns were related not to the scope, content, or overall conclusions of the surveillance report, but rather to the fact that the original commitment specified an audit and the subsequent report was issued in a surveillance report format. As a result of these concerns, the surveillance report information (S/R 1439) was re-issued in an audit report format (Audit No. 744).

3. Observation three:

The inspector performed a comparison review of FSAR Section 13.8 "Plant Procedures," actual plant procedures, and Regulatory Guide 1.33 requirements of Technical Specification (TS) 6.8. The inspector noted that several, apparently safety-related administrative procedures identified in the Regulatory Guide were not classified as administrative procedures by the licensee. These procedures cover areas such as:

- Equipment Control
- Procedure Adherence
- Shift Turnover
- Log Entries and Record Retention
- Bypassing Safety Functions and Jumper Control

There is a concern that TS 6.8 safety-related administrative procedures and other procedures may bypass a QA review and verification similar to the Fire Protection Program procedures discussed in paragraph 6.0 Conclusions. This is an Unresolved Item (50-333/91-08-02), pending the licensee's verification that all administrative and other safety-related procedures identified by Regulatory Guide 1.33 receive appropriate QA review and verification.

Response to Observation Three:

The James A. FitzPatrick Quality Assurance Department has reviewed the applicable Technical Specification Sections, Regulatory Commitment Documents, Nuclear Administration Policies, FSAR, and Quality Assurance Program Documents and determined that the Quality Assurance Department is providing the appropriate level of reviews for the procedures identified.

Technical Specification Section 6.8(B) requires that all procedures identified in 6.8(A), which affect Nuclear Safety, be reviewed by PORC and approved by the Resident Manager.

Nuclear Administrative Policy 1.2.20 - "Charter for QA Section, Appraisal & Compliance Services Department", Section 3.5, requires Quality Assurance to review and concur with the Administrative Procedures in effect at JAF. The Quality Assurance Department review all Administrative Procedures (AP's) and the Quality Superintendent indicates his concurrence by signature on the cover sheet of each AP issued.

Enclosure (2) - Response to Other Comments

Page 6 of 6

Although Quality Assurance is not included as a formal PORC member, the Quality Assurance Department is routinely included on distribution for procedures requiring PORC review, and also routinely attends PORC meetings. An example of some of the procedures included in this review are WACP's, PSO's ODSO's, OP's, ST's, RAP's MP's, etc.

As stated previously, the Quality Assurance Department has scheduled audit activities related to Section 6.8 of the Technical Specifications later this year.