

APR 15 1992

Docket No. 50-333

EA No. 92-033

New York Power Authority
James A. FitzPatrick Nuclear Power Plant
ATTN: Mr. Harry P. Salmon, Jr.
Resident Manager
Post Office Box 41
Lycoming, New York 13093

Dear Mr. Salmon:

SUBJECT: NRC REGION I INSPECTION NO. 50-333/92-80

A special safety team inspection of your fire protection program was conducted by Region I, NRR, and contractor personnel at your facility from March 6 - 20, 1992. Areas important to the public health and safety were examined during the inspection and are identified in the enclosed report. The focus of this inspection was to assess the status of corrective actions taken as a result of the fire protection issues identified by the Diagnostic Evaluation Team, to evaluate the adequacy of the fire protection and prevention program and its implementation, and to assess compliance with Sections III.G, III.J, and III.L of Appendix R to 10 CFR 50. The inspection also reviewed corrective actions taken for weaknesses identified by the Power Authority and for previous NRC inspection findings in the fire protection area. A summary of the inspection findings was presented to Mr. Beedle and members of your staff at the conclusion of the inspection.

Based on the results of this inspection, five 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). Accordingly, no notice of violation is presently being issued for these inspection findings. The first apparent violation concerns the failure to implement an adequate fire protection and prevention program to meet the requirements of License Condition 2.C(3)(Amendment 47). The team found weaknesses and inadequacies in the areas of combustible controls, ignition source controls, firewatches, the fire brigade, fire fighting pre-plans, and fire protection plant inspections. The second apparent violation concerns the failure to provide fire protection features for equipment necessary to achieve and maintain safe shutdown required by Section III.G of Appendix R for redundant safe shutdown equipment located in the Control Room, Cable Spreading Room, Relay Room, East and West

OFFICIAL RECORD COPY - K:FBFIT928 & A:FBFIT928

04/14/92

9204280149 920415
PDR ADOCK 05000333
G PDR

1E01 1/1

Cable Tunnels, Battery Room Corridor, and the North Cable Run Room. The third apparent violation concerns a lack of prompt and effective corrective actions, required by 10 CFR 50, Appendix B, to preclude the recurrence of fire protection program weaknesses identified by Quality Assurance audits. The fourth and fifth apparent violations concerned inadequate emergency lighting, specifically, the Appendix R, Section III.J, requirement to provide emergency lighting needed to operate safe shutdown equipment. The violations are described in detail in the enclosed inspection report. 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.

An enforcement conference to discuss these apparent violations will be scheduled in the near future. I understand that you will contact Mr. Lee Bettenhausen of my staff within one week of receipt of this letter and report, to schedule the enforcement conference. My staff will coordinate the logistics of that meeting with you. 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 about the broad programmatic concerns identified and the ineffectiveness of corrective actions taken on a number of occasions prior to 1991.

As discussed in the enclosed inspection report, the NRC staff recognizes the fact that corrective actions taken to address your substantive July 1991 Triennial Fire Protection Audit led to your identification of the safe shutdown issues, the comprehensive Appendix R reanalysis completed in February 1992, and your reporting of the safe shutdown issues as they were identified.

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.

Sincerely,

Original signed by
Marvin W. Hodges

Marvin W. Hodges, Director
Division of Reactor Safety

New York Power Authority

3

Enclosure: NRC Region I Inspection Report Number 50-333/92-80

cc w/encl:

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)

Public Document Room (PDR)

Local Public Document Room (LPDR)

Nuclear Safety Information Center (NSIC)

NRC Resident Inspector

State of New York, SLO Designee

OFFICIAL RECORD COPY - K:FBFIT928 & A:FBFIT928

04/14/92

bcc w/encl:

Region I Docket Room (with concurrences)

Management Assistant, DRMA (w/o encl)

W. Lanning, DRS

C. Cowgill, DRP

M. Hodges, DRS

N. Blumberg, DRS

D. Haverkamp, DRP

R. Summers, DRP

W. Cook, SRI - FitzPatrick

G. Tracy, SRI - IP-3

R. Lobel, OEDO

R. Capra, NRR

S. Rubin, AEOD

B. McCabe, NRR

H. Bailey, AEOD

E. Jordan, AEOD

L. Spessard, AEOD

P. Madden, SPLB, NRR

C. McCracken, SPLB, NRR

S. Pullani, DEIIB, AEOD

J. Stang, PD3-1, NRR

D. Holoty, DRS

L. Chandler, OGC

J. Lieberman, OE

F. Bower, DRS

D. Caphton, DRS

R. Paolino, DRS

A. Fresco, Brookhaven National Lab

K. Sullivan, Brookhaven National Lab

DRS SALP Coordinator

DRSS SALP Coordinator

DRS Files (2)

RI:DRS

Bower/dmg/ajk

04/14/92

RI:DRS

Anderson

04/15/92

RI:DRS

Bejtenhausen

04/14/92

RI:DRS

Hodges

04/15/92

OFFICIAL RECORD COPY - K:FBFIT928 & A:FBFIT928

04/14/92