

NOTICE OF VIOLATION

New York Power Authority
James A. FitzPatrick Nuclear Power Plant

Docket No. 50-333
Licensee No. DPR-59

As a result of the inspection conducted on April 13 through May 1, 1992 and in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10CFR Part 2, Appendix C (Enforcement Policy) (1992), the following violation was identified:

10CFR 50.59 (a) allows the holder of a license to make changes to the facility as described in the safety analysis report (SAR) without prior Commission approval unless it involves an unreviewed safety question. 10CFR 50.59 (b) requires, in part, that the records of a change to the facility be maintained by the licensee and must include a written safety evaluation which provides the basis for the determination that the change does not involve an unreviewed safety question.

Contrary to the above, the safety evaluation SE-90-067, which downgraded the control room chiller condensers from safety-related to non-safety related did not provide an adequate basis for the determination that the change does not involve an unreviewed safety question. The evaluation did not include an evaluation of flooding and was performed based in part on a 1970 control room heat generation analysis, which did not account for changes made to the control room since 1970. An updated control room heat generation rate analysis indicated that the control room temperature could exceed the maximum design temperature.

This is a Severity Level IV Violation (Supplement I).

Pursuant to the provisions of 10CFR 2.201, New York Power Authority is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region I and a copy to the NRC Resident Inspector within 30 days of the receipt of the letter transmitting this Notice of Violation (Notice). This reply should include for each violation: (1) the reason for the violation, if admitted, or if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending the response time.