

SEP 28 1988

Docket No. 50-333  
EA No. 88-239

Power Authority of the State of New York  
James A. FitzPatrick Nuclear Power Plant  
ATTN: Mr. Radford J. Converse  
Resident Manager  
P. O. Box 41  
Lycoming, New York 13093

Gentlemen:

Subject: Enforcement Conference

On March 23, 1986, your staff identified a potential violation of 10CFR 50.49 which relates to Equipment Qualification requirements. This item was documented in NRC Inspection Report No. 50-333/86-04. This deficiency involves the use of unqualified torque switches and limit switches (item 86-04-02) in the recirculation systems discharge and discharge by-pass valves.

The NRC is considering the potential violation for appropriate enforcement action. We plan to discuss the potential violation with you at an enforcement conference in the Region I office within 30 days of your receipt of this letter. At the enforcement conference, you should be prepared to discuss (1) the number of deficiencies and the number of systems and components affected in this case; (2) the specific and underlying cause(s) of the potential violation; and, (3) the actions taken or planned to correct the potential violation as well as to ensure yourself that the FitzPatrick Facility is currently in overall compliance with EQ requirements. Furthermore, you should be prepared to discuss the potential violation in light of the Modified Enforcement Policy for EQ Requirements which is described in the enclosure to Generic Letter 88-07, i.e., was the item identified by you and was it promptly reported to the NRC? What were your best efforts to comply with the rule within the deadline; and if appropriate, why you believe that you clearly should not have known of the deficiencies prior to the November 30, 1985 deadline for being in compliance with the rule?

We request that at the enforcement conference you provide a handout that succinctly describes your position concerning these enforcement considerations.

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Power Authority of the  
State of New York

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At your earliest convenience, please contact Mr. Jacque Durr, of my staff, at (215) 337-5282 to finalize arrangements for the enforcement conference. Your cooperation in this matter is appreciated.

Sincerely,

Original Signed By  
Thomas T. Martin

Thomas T. Martin  
Director  
Division of Reactor Safety

cc w/encl:

J. Phillip Bayne, President  
Mr. John C. Brons, Executive Vice President  
A. Klausmann, Senior Vice President - Appraisal and Compliance Services  
R. L. Patch, Quality Assurance Superintendent  
George M. Wilverding, Manager Nuclear Safety Evaluation  
Gerald C. Goldstein, Assistant General Counsel  
R. E. Beedle, Vice President Nuclear Support  
S. S. Zulla, Vice President Nuclear Engineering  
R. Burns, Vice President Nuclear Operation  
Dept. of Public Service, State of New York  
State of New York, Department of Law  
Licensing Project Manager, NRR  
Public Document Room (PDR)  
Local Public Document Room (LPDR)  
Nuclear Safety Information Center (NSIC)  
NRC Resident Inspector  
State of New York

bcc w/encl:

Region I Docket Room (with concurrences)  
Management Assistant, DRMA (w/o encl)  
Section Chief, DRP  
Robert J. Bores, DRSS  
B. Clayton, EDO

RI:DRS *PA*  
Paolino/pmb/rw

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*CIA*  
RI:DRS  
Anderson

9/19/88

*D*  
Durr  
9/27/88

*Martin*  
9/27/88

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