

Lickman, OE
Cy: Lickman
TT Martin, RI

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223

PUBLIC SERVICE COMMISSION

PETER A. BRADFORD
Chairman
LISA ROSENBLUM
Deputy Chairman

HAROLD A. JERRY, JR.
WILLIAM D. COTTER
RAYMOND J. O'CONNOR



WILLIAM J. COWAN
General Counsel

JOHN J. KELLNER
Secretary

February 10, 1993

Mr. James H. Sniezek
Deputy Executive Director for
Nuclear Regulatory Regulation
Regional Operations and Research
Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Sniezek: *Jim*

Please correct your records. Your cc list should be changed from Power Division to Energy and Water Division. See attached example.

Done
Thank you in advance for your attention to this request.

Sincerely,

Fred Haag

FRED G. HAAG
Nuclear Power Generation Planner
Power System Planning
Energy and Water Division

190015

9303190161 930210
PDR ADOCK 05000333
H PDR

moob
1/1



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

JAN 29 1993

2/6/93
OPRINS
ROBERTS

Docket No. 50-333
License No. DPR-59
EA 92-033

New York Power Authority
James A. FitzPatrick Nuclear Power Plant
ATTN: Mr. Ralph Beedle, Executive Vice
President - Nuclear Generation
123 Main Street
White Plains, New York 10601

Dear Mr. Beedle:

SUBJECT: ORDER IMPOSING CIVIL MONETARY PENALTIES - \$300,000
(NEW YORK POWER AUTHORITY)

This refers to your letter, dated October 15, 1992, in response to the Notice of Violation and Proposed Imposition of Civil Penalties (Notice) sent to you by our letter dated September 15, 1992. Our letter and Notice described numerous violations identified at your facility during the NRC inspections conducted between December 2, 1991, and May 1, 1992. As stated in the letter transmitting the Notice, the violations, when considered collectively, indicate a significant breakdown in management and administrative control of licensed activities at the FitzPatrick facility. To emphasize the significance of the conditions that existed at FitzPatrick, and to ensure that (1) the plant is operated and maintained safely and in accordance with Technical Specifications, and (2) conditions adverse to quality, when they exist, are properly identified and corrected, civil penalties in the amount of \$500,000 were proposed.

In your response, you admitted the violations, but requested full mitigation of the civil penalties for the reasons set forth in your response. After consideration of your response, we have concluded for the reasons given in the Appendix attached to the enclosed Order Imposing Civil Monetary Penalty that you did not provide an adequate basis for full mitigation of the civil penalties. However, we do recognize that you have taken extensive corrective actions which included substantive management changes. While sufficient time has not elapsed to demonstrate sustained improved performance, we are encouraged by the recent trend as exemplified by your conservative approach during the recent restart of the FitzPatrick reactor. In recognition of those factors, the NRC has decided to exercise broad discretion and reduce the amount of the proposed civil penalties to \$300,000. Accordingly, we hereby serve the enclosed Order on New York Power Authority imposing civil monetary

9500020378
APP

penalties in the amount of \$300,000. We will review further the effectiveness of your corrective actions during a subsequent inspection.

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

Sincerely,

James H. Sniezek

James H. Sniezek
Deputy Executive Director for
Nuclear Reactor Regulation, Regional
Operations and Research

Enclosures: As Stated

cc w/encls:

J. Brons, President

H. Salmon, Jr., Resident Manager

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-RI (2)

Public Document Room (PDR)

Local Public Document Room (LPDR)

Nuclear Safety Information Center (NSIC)

NRC Resident Inspector

State of New York, SLO Designee

Energy and Water Division