

*D. Vito*  
*- A. Blamey*  
*- P. Kaufman*

**From:** John Rogge  
**To:** Allegation Office, AJB3, PDK  
**Date:** 10/23/97 6:02pm  
**Subject:** Fitz Closure Letter for RI-97-A-0126/0033

Dave, get right on this. Edit for flavor and wording tone as necessary. Needs you grooming. Alan, Joe, Gordon, and me will be completing the assessment activity Monday. We need to get group concurrence. Once done this needs to fly out the door on angels wings.

John Rogge  
610 337-5146

D/1

RI-97-A-0126  
RI-97-A-0033

Alleger's name  
and address

**SUBJECT: CONCERNS YOU RAISED TO THE NRC REGARDING FITZPATRICK NUCLEAR PLANT, 50-333.**

Dear \_\_\_\_\_:

The NRC Region I office has completed its follow up in response to the concerns you brought to our attention on February 10, 1997 and May 12, 1997. Specifically, you indicated that you had nineteen technical concerns and you alleged harassment via the performance appraisal process for spending too much time on the resolution of safety concerns that you have raised. On August 14, 1997, we formally referred the technical concerns to the licensee after you had decided to afford your management the opportunity to resolve the issues.

In response to your first concern, the NRC has reviewed the licensee's response to the nineteen technical concerns that you raised. The licensee's response is documented in the New York Power Authority letter JPN-97-029 dated September 16, 1997. Upon receipt of the licensee response we performed a review and determined that it adequately addresses the technical concerns and finds no significant issues remaining for us to further pursue. We also note that your raising these concerns appears to have resulted in aggressive licensee attention, and has developed areas requiring further corrective action on the part of the licensee. We are also aware that you are continuing to clarify and resolve, with the licensee, the response as contained in the letter. Based on this information we are considering these issues completed. If the licensee does not resolve any specific concern, and you feel it is a significant issue needing resolution, please bring it promptly to our attention so we can re-examine the concern. A copy of the licensee response is included (Letter JPN-97-029).

In response to your second concern, related to your alleged harassment via the performance appraisal process for spending too much time on the resolution of safety concerns, we are continuing the review by the NRC Office of Investigation (OI). When we have completed our review of these issues, we will notify you of our findings, actions and the final resolution.

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**Thank you for informing us of your concerns. We feel that our actions in this matter have been responsive to those concerns. Should you have any additional questions, or if I can be of further assistance in this matter, please call me via the NRC Safety Hotline at 1-800-695-7403**

**Sincerely,**

**David J. Vito  
Senior Allegation Coordinator**

**Enclosure(s): As stated**

bcc:  
Allegation File No. RI-\_\_-A-\_\_

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NAME	DVito	JRogge					
DATE	10/ /97	10/ /97					