

Indian Point 3
Nuclear Power Plant
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William A. Josiger
Resident Manager

May 30, 1989
IP3-89-044

Docket No. 50-286
License No. DPR-64

Mr. Ronald R. Bellamy, Chief
Facilities Radiological Safety
and Safeguards Branch
Division of Radiation Safety and
Safeguards
U.S. Nuclear Regulatory Commission
Region 1
475 Allendale Road
King of Prussia, PA 19406

SUBJECT: Inspection No. 50-286/89-04 and Associated Notice
of Violation (89-04-01)

Dear Mr. Bellamy:

This letter and Attachment I provide the Authority's response to Inspection Report No. 50-286/89-04 and its associated notice of violation (89-04-01).

The Authority, as stated in the violation response, disagrees with the NRC inspector's interpretation of the Indian Point 3 Technical Specification 6.12, "High Radiation Area", as outlined in the notice of violation. The Indian Point 3 Radiation Protection Program has been repeatedly evaluated in this area by the NRC over the last ten years and found to be in compliance. This feedback from the NRC, combined with consistently low annual exposures during routine operating and maintenance periods, not only has formed the basis of but has reinforced the Authority's position that its interpretation of the Technical Specifications is correct from a regulatory point of view and extremely effective in controlling radiation exposures at Indian Point 3.

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While the report was generally a fair representation of Health Physics activities during the current Steam Generator Replacement Outage and useful in pointing out some areas for improvement, especially in the area of procedural adequacy, two statements were especially troublesome to the Authority. These statements appear on page six of the report and are grouped with comments noted by the inspector concerning Health Physics procedures.

The first inspector comment deals with extremity and whole body dosimetry and takes issue with the Authority's definition of the whole body. The report states that, "this definition appears to be at variance with 10CFR Part 20". The Authority's program concerning extremity and whole body dosimetry is based on the guidance provided by the NRC in Information Notice No. 81-26, Part 3, Supplement No. 1, "Clarification of placement of personnel monitoring devices for external radiation". It is also consistent with the proposed revision to 10CFR Part 20. The Authority is aware of no documentation which reverses the direction provided in Information Notice 81-26.

The second comment of concern deals with the Authority's method of controlling radiation exposure to "fertile females" and states again that the Authority appears to be at variance with the law, specifically 10CFR19, Section 19.32 which prohibits discrimination on the basis of sex. The Authority's practice is based on NRC Regulatory Guide 8.13, which discusses NCRP recommended dose limits to an unborn child and the recommendation to avoid substantial variations in exposure rate. The administrative exposure guide for fertile females was developed by the Authority as a precautionary reminder or hold point to prevent exposure of the unborn child to a radiation dose beyond that which is recommended by the NRC. At the same time, the program allows a non-expectant female to receive the same radiation exposure as a male. In fact, during this last outage, we employed over 120 females who routinely worked in the radiologically controlled area. The Authority believes its program to be fair and effective and strongly objects to any implication that it is discriminatory in any way.

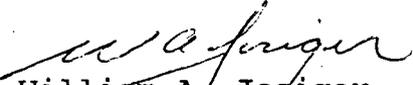
The Authority understands, based on discussions held with the inspector after the issuance of the inspection report, that these two situations are generic in nature and that further action is not required until the NRC clarifies its own position on these issues. If this is the case, then the Authority would propose that specific comments within licensee inspection reports may not be the proper forum for debating these issues.

In summary, the Authority disagrees with the notice of violation outlined in Appendix A of the report and takes issue with the implications that the Authority may be at variance with 10CFR19 and 10CFR20.

The Authority would welcome the opportunity to discuss these items further and looks forward to meeting with you and your staff to resolve these issues.

Should you or your staff have any questions concerning this matter, please contact Mr. M. Peckham of my staff.

Sincerely,


William A. Josiger
Resident Manager
Indian Point Unit 3
Nuclear Power Plant

WAJ:MFP:lh

Attachment

cc: Document Control Desk (original)
U.S. Nuclear Regulatory Commission
Mail Station P1-137
Washington, D.C. 20555

Resident Inspector's Office
Indian Point 3
U.S. Nuclear Regulatory Commission
P.O. Box 337
Buchanan, NY 10511

ATTACHMENT 1

VIOLATION:

Technical Specifications, section 6.12, "High Radiation Area", states that any individual permitted to enter high radiation areas shall be provided or accompanied by one or more of the following:

- a. A radiation monitoring device which continuously indicates the radiation dose rate in the area.
- b. A radiation monitoring device which continuously integrates the radiation dose rate in the area and alarms which a preset integrated dose is received. Entry into such areas with this monitoring device may be made after the dose rate level in the area has been established and personnel have been made knowledgeable of them.
- c. An individual qualified in radiation protection procedures who is equipped with a radiation dose rate monitoring device. This individual shall be responsible for providing positive control over the activities within the area and shall perform periodic radiation surveillance at the frequency specified by the facility Health Physicist in the Radiation Work Permit.

Contrary to the above, during the period March 14 - 25, 1989, and for an undetermined time before that period, workers were allowed to enter high radiation areas without being provided or accompanied by one of the options specified in the Technical Specifications, as listed above.

RESPONSE:

The Authority has reviewed the notice of violation in detail and disagrees with the inspector's interpretation of the Indian Point 3 Technical Specifications that forms the basis of this violation.

The violation contends that "...workers were allowed to enter high radiation areas without being provided or accompanied by one of the options specified in Technical Specifications...". The Authority maintains that the requirements to the Technical Specifications are being met in that the workers are being "provided" with "an individual qualified in radiation protection who is equipped with a radiation dose rate monitoring device." This individual is responsible for providing positive control over the activities within the area and does perform periodic radiation surveillance at a specified frequency.

Several control points are utilized in the Vapor Containment (V.C.) and are staffed by Health Physics technicians continuously (24 hours per day, 7 days per week). One of the primary functions of the control points is to maintain positive access control over entry into high radiation areas. This was recognized by the inspector and documented in the inspection report. Missing from the report, however, is mention of Health Physics technicians assigned to provide coverage of work in progress within the high radiation areas. These Health Physics technicians are required to perform periodic surveys of the work areas for which they are responsible while work is in progress and ensure REA requirements and good radiological work practices are followed. The Authority's position is that use of the high radiation area control points, coupled with the assignment of Health Physics technicians to provide coverage in the work area, satisfies the requirements of Technical Specification 6.12.c. Additionally, control points were established at access points to the steam generator platforms which provided the Health Physics technicians with camera surveillance of worker activities on the platforms.

Inspection Report (89-04) states, "The H.P. technicians provided good control at the control points inside the RCA and were aware of the status of on-going work and the number of workers at the work location." During this outage alone, in excess of 85 man-rem have been expended in the monitoring of personnel within the radiologically controlled area by Health Physics technicians. This exposure is indicative of constant Health Physics coverage, much of it within high radiation areas, that has directly contributed to an overall reduction in work force exposure.

In inspection reports 50-286/78-22 and 50-286/79-21, the NRC specifically evaluated the Indian Point 3 implementation of Technical Specification 6.12 and found it to be adequate. It should be noted that both of these inspections were conducted during outages when work was in progress in the V.C. and the controls described above are essentially the same as those implemented at IP-3 since 1978.

The Authority believes that it is in full compliance with the intent of the Technical Specifications and that proper and positive control over work performed in high radiation areas is being exercised. This type of positive control is evidenced by the low exposures which have been received by workers during the current steam generator replacement program (SGRP) outage, despite the magnitude of work that has been undertaken.