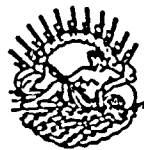


POWER AUTHORITY OF THE STATE OF NEW YORK
JAMES A. FITZPATRICK NUCLEAR POWER PLANT



JOHN D. LEONARD, JR.
Resident Manager

P.O. BOX 41
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October, 4, 1978
JAFP-78 - 512

Mr. Boyce H. Grier, Director
United States Nuclear Regulatory Commission
Region 1
631 Park Avenue
King of Prussia, Pennsylvania 19406

Reference: Docket #50-333 IE Inspection #78-16

Dear Mr. Grier:

With reference to the inspection conducted by Mr. K. Plumlee of your office on August 31 and September 1, 1978, at the James A. FitzPatrick Nuclear Power Plant, and in accordance with the provisions of Section 2.201 of Part II of Title 10 of the Code of Federal Regulations we are submitting our reply to Item A of Appendix A of the Notice of Violation transmitted by your letter dated September 19, 1978 as received by the undersigned on September 22, 1978.

APPENDIX A

Notice of Violation

Based on the results of an NRC inspection conducted on August 31 and September 1, 1978, it appears that one of your activities was not conducted in full compliance with the conditions of your NRC Facility License No. DPR-59 as indicated below. This item is an infraction.

- A. Technical Specifications Section 6.11.A, which was effective July 28, 1978, requires that any individual or group of individuals permitted to enter high radiation areas be provided with or accompanied by one or more of the following:
1. A radiation monitoring device which continuously indicates the radiation dose rate in the area.
 2. A radiation monitoring device which continuously integrates the radiation dose rate in the area and alarms when 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.

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3. 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 in the Radiation Work Permit.

Contrary to the above, up to September 1, 1978, unaccompanied individuals (operators and technicians) were routinely permitted to enter high radiation areas without being provided with a continuously indicating dose rate monitoring device, or a continuously integrating radiation dose rate monitor that alarms when a preset integrated dose is received.

We have reviewed Inspection Report 50-333/78-16 and take issue with the section entitled Appendix A Notice of Violation. Specifically we disagree with the inspector's finding that the alleged infraction exists. The specification cited clearly states "one or more of the following." We maintain that no violation exists since the operators and technicians referred to in the Inspection Report were acting in compliance with Technical Specification 6.11(A) 1.C. (your item A.3 above) in that:

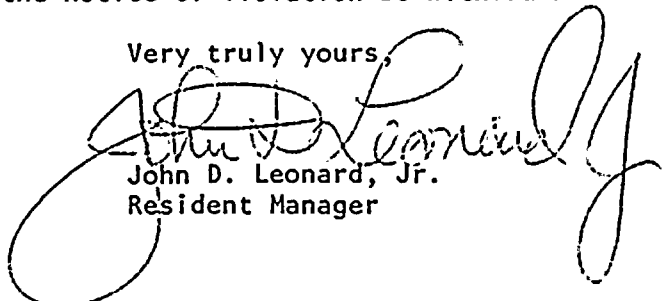
- 1) The digital radiation meter in question is a radiation dose rate monitoring device, therefore satisfies the requirement of having a "radiation dose rate monitoring device."
- 2) These instruments are used by individuals qualified in radiation protection procedures.
- 3) High radiation area entries made using these radiation dose rate monitoring devices are made in accordance with the plant radiation protection procedures (Extended RWP).
- 4) Only those personnel specifically qualified may use this Extended RWP procedure. Individuals so trained are qualified to exercise positive control over the activities within the area.

The digital meters are used because they are lightweight, compact, easy to operate, accurate, and have a wide range (1mR/hr to 999R/hr). The operators and technicians carry these meters with them while making routine plant "rounds."

RWPs used in connection with performing maintenance work in high radiation areas specify that continuous reading rate meters are to be used or a radiation protection technician assigned to provide monitoring during the progress of the job.

We therefore contend that we are not in violation of our Technical Specifications and respectfully request that the Notice of Violation be withdrawn.

Very truly yours,


John D. Leonard, Jr.
Resident Manager

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