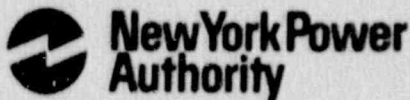


James A. FitzPatrick
Nuclear Power Plant
P.O. Box 41
Lycoming, New York 13093
315 342-3840



October 15, 1990
JAAP-90-0760

William Fernandez II
Resident Manager

U.S. Nuclear Regulatory Commission
Mail Station Pl-137
Washington, DC 20555

ATTENTION: DOCUMENT CONTROL DESK

SUBJECT: RESPONSE TO NOTICE OF VIOLATION -
INSPECTION NO. 90-05 (DOCKET 50-333)

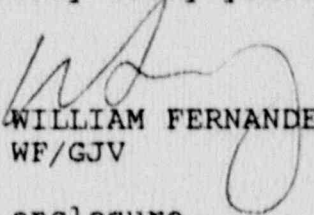
Reference: 1. USNRC Letter Dated September 4, 1990
Subject: Inspection Report 50-333/90-05

Enclosure: Response to Notice of Violation

Gentlemen:

In accordance with the provisions of 10 CFR 2.201, the Authority is submitting our response to Appendix A Notice of Violation transmitted by your letter (Reference 1), dated September 4, 1990. This refers to the inspection conducted by Messrs. Wayne Schmidt and Richard Plasse July 1 through August 11, 1990 at the James A. FitzPatrick Nuclear Power Plant.

Very truly yours,


WILLIAM FERNANDEZ
WF/GJV

enclosure

R. Beedle, WPO	J. Ellmers
T. Brons, WPO	J. Joyner, NRC Region I-DRSS
. Liseno	Document Control Center
G. Vargo	WPO Records Management
NRC Sr. Resident Inspector - JAF	

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ENCLOSURE 1

NOTICE OF VIOLATION

As a result of the inspection conducted on July 1 through August 11, 1990 and accordance with the NRC Enforcement Policy (10 CFR 2, Appendix C), the following violation was identified.

- A. Technical Specification 6.11 requires, in part, that the licensee implement procedures for personnel radiation protection.

NYPA's Radiation Protection Manual, Chapter 6, Exposure Control and Chapter 8, Radiation Work Permit require adherence to all radiological postings. Further, entry into a posted high radiation area requires a pre-entry discussion with radiation technicians and the use of a radiation work permit (RWP).

Contrary to the above, August 1 and 2, 1990 nine security guards, at separate times, failed to adhere to posting requirements. Specifically, one individual entered the east crescent area, a posted high radiation area, without using an RWP. The eight other individuals entered the same area without a pre-entry discussion with a radiation technician and without using an RWP.

This is a Severity Level IV violation (Supplement IV).

RESPONSE

A. The Authority agrees with the violation.

The fundamental cause of this violation was failure to follow the requirements of established radiological postings and access controls for high radiation areas.

Several years ago a number of security personnel were trained as self-monitors to perform the fire watch function in certain posted high radiation areas. A master high radiation area key was issued to the security vital area watch to be used in conjunction with the extended radiation work permit for self-monitoring. Several years ago the number of plant self-monitors was reduced to allow for better radiological control. Security personnel's formal qualification was allowed to lapse as part of this reduction. The security force, however, continued to retain a master high radiation area key for access to the refuel floor (not a high radiation area requiring a RWP, but access controlled with a radiological key) for the required hourly fire watch. This key was maintained with the continuous vital area patrol.

On August 1, 1990 a temporary fire watch was required for the East Crescent because of an inoperable smoke detector. The Shift Supervisor directed the Security Coordinator to provide an hourly fire watch as required by Technical Specifications. The Security Coordinator, in turn, directed the vital area patrol to assume the fire watch function. The Security Officer assigned to the vital area patrol, in turn, asked a Radiation Protection Technician what controls were in effect for the East Crescent area. This is a normal practice for self-monitors. The Radiation Protection Technician interpreted this as an inquiry as to the protective clothing requirements for entry into the area. Since the East Crescent was being maintained as a clean area, no specific protective clothing requirements were in effect. This miscommunication resulted in the Security Officer's mistaken belief that no radiological controls were in effect for the area.

The door to the East Crescent was posted "Caution - High Radiation Area" in addition to "RWP Required for Entry" and "Contact Radiation Protection Prior to Entry". Although seldom a true high radiation area, the East Crescent access is controlled as a high radiation area due to physical configuration. The Security Officer, believing that the requirements for entry were satisfied, entered the East Crescent area using the vital area patrol's key, but did not have a radiation work permit (RWP) or dose rate monitoring instrument. Subsequent vital area patrols continued this fire watch for approximately eighteen hours until a subsequent Radiation Protection Technician learned of the fire watch and the improper practice being followed.

The immediate corrective action was the generation of a radiation work permit for entries into the East Crescent area and the on-shift retraining of security personnel on radiation work permit and high radiation area access control requirements. This training was completed on August 6, 1990. This event will also be included in routine training and discussion sessions with all plant personnel.

New controls on the issuance of high radiation area keys had already been initiated and, in fact, the master key held by security was to be collected within the next two days. The new controls require the signing out of keys on a shift or job basis in conjunction with a radiation work permit.