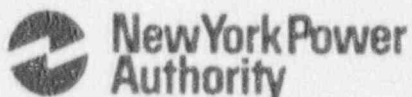


James A. FitzPatrick
Nuclear Power Plant
P.O. Box 41
Lycoming, New York 13093
315 342-3840



William Fernandez II
Resident Manager

January 14, 1991
JAFP-91-0042

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

ATTENTION: DOCUMENT CONTROL DESK

SUBJECT: RESPONSE TO NOTICE OF VIOLATION -
INSPECTION NO. 90-22 (DOCKET 50-333)

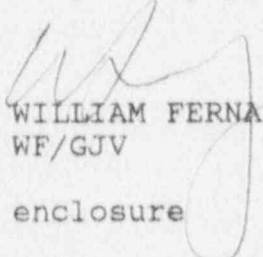
Reference: 1. USNRC Letter Dated December 13, 1990
Subject: Inspection Report 50-333/90-22

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 December 13, 1990. This refers to the inspection conducted by Messrs. Peter O'Connell and Robert Lance November 5 through November 9, 1990 at the James A. FitzPatrick Nuclear Power Plant.

Very truly yours,


WILLIAM FERNANDEZ
WF/GJV

enclosure

cc: R. Beedle, WPO
J. Brons, WPO
R. Liseno
G. Vargo
NRC Sr. Resident Inspector - JAF

J. Gray
J. Joyner, NRC Region I-DRSS
Document Control Center
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ENCLOSURE 1

NOTICE OF VIOLATION

As a result of the inspection conducted on November 5 to November 9, 1990 and in accordance with the NRC Enforcement Policy (10 CFR 2, Appendix C), the following violation was identified.

Technical Specification 6.11, Radiation Protection Program, states, in part, that "Procedures for personnel radiation protection shall be prepared and adhered to for all plant operations."

- A. Licensee procedure RES-SO-9, "High Radiation Area Key Control", states, in Section 7.1.10, that High Radiation Area "keys are not to be taken from site."

Contrary to the above, on November 7, 1990, the inspector conducted an inventory of the High Radiation Area key locker, noted that two High Radiation Area keys were missing, and subsequently determined that the keys had been taken from the site. An individual had taken the two keys home at the end of his shift.

- B. Licensee procedure RPP-5, "Plant Radiological Surveillance Program", specifies, in part, in Section 6.3.2, to perform a survey of each of the areas listed in Table 1. Table 1 requires a neutron radiation survey in addition to a gamma radiation survey of the drywell entrance mezzanine whenever the reactor is critical. This survey is required on a weekly basis.

Contrary to the above, upon review of seven of the weekly surveys for the period from August 14, 1990 through October 29, 1990, it was noted that neutron surveys had not been done during the weekly surveys dated August 14, October 22, and October 29, 1990.

- C. Licensee procedure RPP-9, "Radiological Survey Techniques", designates, in part, in Section 6.5.2, that "the charcoal cartridge (is) unsuitable for noble gas sampling." It allows noble gas samples to be collected "either by opening an evacuated Marinelli beaker or by emptying and recapping a collection bottle filled with water in the area to be sampled."

Contrary to the above, on October 31, 1990 the licensee sampled for noble gas using a charcoal cartridge at the Hydrogen Analyzer in the Turbine Building. The area was posted as an Airborne Radioactivity Area based on a value of 75% MPC calculated from a sample collected on a charcoal cartridge. The licensee also assigned personnel intakes based on the charcoal cartridge sample.

These samples, in the aggregate, constitute a Severity Level IV Violation. (Supplement IV)

RESPONSE

A. The Authority agrees with the violation.

Procedural requirements for the control of High Radiation Area keys were reaffirmed in Tailgate Training sessions on radiological procedures and through a memorandum from the Resident Manager to all radiation workers. In addition, the worker involved in the instance cited in this inspection was counseled in the need for procedural compliance. Radiation workers have been advised, in writing, that further violations of radiological procedures may result in appropriate disciplinary action.

Recent initiatives to increase personnel awareness of procedural requirements include the Tailgate Training program, conducted by the Radiological Protection staff, and meetings with workers conducted by the Resident Manager and the Superintendent of Power. These initiatives are ongoing and will be continued as necessary to achieve a high level of awareness for procedural requirements.

B. The Authority agrees with the violation.

This violation was, in part, due to the poor structure of the radiological surveillance procedure. The requirement for performing a neutron radiation survey was contained in one part of the procedure; however, it was not contained on a data sheet that would be used by the Radiological Technician performing the survey. This procedure has undergone extensive revision with a view toward improving human factors and clarifying procedural requirements. The revised procedure will be issued by January 31, 1991.

A systematic review of the radiological protection program's implementing procedure is in progress to address previous commitments (Inspection 50-333/90-17). One objective of this review is to address weaknesses such as the one identified in this instance.

The Authority recently augmented its training staff to upgrade the continuing training program for the radiological protection staff. The upgraded continuing training program will include specific training in the radiological protection program's implementing procedures. This training will be completed prior to the next refueling outage, currently scheduled to begin in October 1991.

- C. The Authority agrees with the violation.

The corrective actions for this violation will be incorporated into the continuing training discussed in Item B above. In addition, improved technical guidance for noble gas monitoring will be incorporated into the radiological survey procedure. This will be completed by April 30, 1991.