

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



May 31, 1996  
JAFF-96-0224

Michael J. Colomb  
Plant Manager

United States Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Mail Station P1-137  
Washington, D.C. 20555

SUBJECT: James A. FitzPatrick Nuclear Power Plant  
Docket No. 50-333  
Response to Notice of Violation  
Office of Investigations Report No. 1-95-005

Gentlemen:

In accordance with the provisions of 10 CFR 2.201, Notice Of Violation, we are submitting our response to notice transmitted by your letter dated May 2, 1996. This refers to the investigation conducted by the NRC Office of Investigations (OI) from January 20, 1995 to February 13, 1996, at the James A. FitzPatrick Nuclear Power Plant.

Attachment 1 provides the description of the violation, reasons for the violation, corrective actions that have been taken and results achieved, corrective actions to be taken to avoid further violations, and the date of full compliance.

Attachment 2 provides a summary of the commitments contained in the submittal.

If you have any questions, please contact Mr. Arthur Zaremba at (315) 349-6365.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Michael J. Colomb'.

MICHAEL J. COLOMB  
Plant Manager

MJC:JB:las

cc: next page

STATE OF NEW YORK  
COUNTY OF OSWEGO  
Subscribed and sworn to before me  
this 31<sup>st</sup> day of May, 1996

A handwritten signature in dark ink, appearing to read 'Tammy L. Calkins'.  
NOTARY PUBLIC

TAMMY L. CALKINS 4985563  
Notary Public, State of New York  
Qualified in Oswego County  
Commission Expires 8/19/99

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960604042: 960531  
PDR ADOCK 05000333  
Q PDR

Handwritten initials in dark ink, possibly 'JED'.

cc: Regional Administrator  
U.S. Nuclear Regulatory Commission  
Region I  
475 Allendale Road  
King of Prussia, PA 19406

Office of the Resident Inspector  
U.S. Nuclear Regulatory Commission  
P.O. Box 136  
Lycoming, NY 13093

Ms. Jan Cotton, Acting Project Manager  
Project Directorate 1-1  
Division of Reactor Projects 1/11  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Attachments:

- 1 - Reply to a Notice of Violation
- 2 - Summary of Commitments

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REPLY TO NOTICE OF VIOLATION

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Violation

During an NRC investigation conducted from January 20, 1995 to February 13, 1996, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 50.9(a) requires, in part, that information required by the Commission's regulations or license conditions to be maintained by the licensee, shall be complete and accurate in all material respects.

Technical Specification (TS) 6.8(a)(2) requires that written procedures and administrative policies shall be established, implemented, and maintained that are recommended in Appendix A of Regulatory Guide 1.33, November 1972.

Appendix A of Regulatory Guide 1.33 requires, in part, radiation protection procedures including access controls to radiation areas and radiation work permit procedure. Licensee's Administrative Procedure AP-07.10, Revision 1, Radiological Requirements for Site Access and Egress, requires, in part, that an escort get the visitor dosimetry. Licensee Procedure AP-07.20, Revision 3, Radioactive Work Permit (RWP) Program, requires, in part, that a RWP be used by individuals entering a radiologically controlled area (RCA) and to sign in and out of a RWP Entry Log. Records generated by AP-07.20 are controlled by AP-02.08, Quality Assurance Record Identification and Control.

Contrary to the above, on January 17, 1995, information required by the Commission's regulation and license conditions (Technical Specifications), to be maintained by the licensee, was not accurate in all material respects. Specifically, a RWP Entry Log, maintained by the Licensee was not accurate, in that, on December 8 and 9, 1994, a visitor from NAB entered the condenser bay area with a Site Project Manager from NAB who:

1. provided the visitor with a thermoluminescent dosimeter belonging to another NAB employee in lieu of having dosimetry issued specifically to the visitor by the site dosimetry office, and
2. instructed the visitor to log in and out of the RCA under a different name (the name of another NAB employee).

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The inaccurate RWP Entry Log was material because it was a record required to be maintained in order to document dose received by individuals entering radiologically controlled areas.

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

Admission or Denial of the Alleged Violation

The Power Authority agrees with the violation as stated.

Reasons for the Violation

The causes for this violation were poor supervisory methods and unsatisfactory worker practices. These causes were demonstrated when: (1) the NAB Construction Corporation Project Manager directed the NAB employee to perform an action which the Manager knew was in direct violation of both NRC and J.A. FitzPatrick Nuclear Power Plant requirements; (2) the NAB Project Manager knowingly and willfully violated Radiation Protection procedures by not obtaining a thermoluminescent dosimeter (TLD) or a Radiation Work Permit pre-job briefing for the NAB employee prior to entering the radiologically controlled area; and (3) the NAB visitor knowingly signed onto the Radiation Work Permit using a name other than his own.

Corrective Actions That Have Been Taken

1. The NAB Project Manager was escorted off site and his unescorted access privileges were immediately rescinded (security badge was voided) after revealing, during an interview with J.A. FitzPatrick Construction Services Department Manager, that he knowingly violated plant procedures.
2. Site access privileges for the NAB visitor have been rescinded.
3. An evaluation was performed to determine if other similar events had occurred. A listing of all visitors associated with NAB Construction Corporation since 8/30/94 (date of hire of NAB Construction Manager) was compiled. Radiation protection records for these visitors were compared to Security records. No deviations were discovered.

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4. The site orientation instruction module, "Plant Access Training" was revised to place stronger emphasis on NYPA policies with respect to compliance with the NRC regulations. Included was the severity of the consequences, including NRC enforcement actions, to any individual who willfully violates or causes the Authority to be in violation of these regulations.
5. Immediately following the discovery of this violation, escort responsibilities for obtaining visitors' dosimetry were reinforced to plant personnel, and interim administrative measures were implemented to enhance controls over visitor TLDs.
6. Dosimetry procedures have since been revised to simplify the TLD issue process, clarify Radiation Protection Department, Escort and visitor responsibilities, and strengthen controls over personnel radiation monitoring devices.

Results Achieved

The plant's dosimetry control procedures now provide more stringent administrative control and are less complex. Plant personnel have a heightened awareness of such willful acts and their consequences. No further similar violations have been identified.

Corrective Actions To Be Taken

Fall 1996 pre-outage briefings will be conducted with plant staff, including contract personnel, and contain a discussion of this violation, its consequences, the importance of complying with all regulations and procedures, and that deliberately violating procedures will not be tolerated.

We will continue to monitor worker performance through critical self-assessments and management/supervisory observations to identify areas for continuing improvement.

Date When Full Compliance Was Achieved

Full compliance with the corrective actions taken has been achieved. The two individuals were denied access to the JAF site February 03, 1995.

Attachment 2 to JAFP-96-0224  
COMMITMENT STATUS

| Number          | Commitment   | Due Date |
|-----------------|--|----------|
| JAFP-96-0224-01 | Fall 1996 pre-outage briefings will be conducted to include a discussion of this violation and its consequences, to clearly communicate the importance of complying with all regulations and procedures, and that deliberately violating procedures and willful misconduct is not tolerated. | 10/31/96 |