

December 20, 2002

Mr. Raymond Shadis  
P.O. Box 76  
Edgecomb, Maine 04556

Dear Mr. Shadis:

Your petition dated October 15, 2002, addressed to Samuel J. Collins, Director, Office of Nuclear Reactor Regulation, has been referred to the Division of Licensing Project Management pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206 of the Commission's regulations. In the petition, you requested that the U.S. Nuclear Regulatory Commission (NRC) undertake enforcement action at Vermont Yankee Nuclear Power Station (VY), requiring a complete review of training and qualification of nuclear operations and maintenance personnel. You also request that the NRC undertake an evaluation of the VY [Updated] Final Safety Analysis Report (UFSAR) to determine if the document accurately reflects the configuration of the facility in detail sufficient for operations personnel to be able to familiarize themselves with pump/protection features such as the trip device referred to in the VY Event Notification 39250 dated October 15, 2002. Additionally, your petition requested that the NRC staff review three other issues outside of the 10 CFR 2.206 process.

Subsequently, you met with the NRC petition review board (PRB) on October 29, 2002, via teleconference to provide further information in support of your petition. The results of that discussion have been considered in the PRB's determination regarding your request for action and whether or not the petition meets the criteria for consideration under 10 CFR 2.206. Using the guidance provided by Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," the staff has concluded that your submittal does not meet the criteria for consideration under 10 CFR 2.206, because you did not provide sufficient facts to substantiate the need for a complete review of the training of operational and maintenance personnel, as well as a review of the UFSAR. The petition also did not provide a request, pursuant to 10 CFR 2.206, for an enforcement-related action such as an Order modifying, suspending, or revoking a license, or the issuance of a notice of violation.

At your request, you again met with the PRB via teleconference on November 18, 2002, to discuss the PRB's recommendation that your petition did not meet the criteria for a 10 CFR 2.206 petition. The PRB met after the conference call and again determined that your petition did not meet the criteria for a 10 CFR 2.206 petition, as stated earlier, and that your petition should be treated as routine correspondence. The enclosure to this letter provides a response to each of the questions from your petition and to the questions raised during the November 18, 2002, conference call.

R. Shadis

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Thank you for bringing these issues to the attention of the NRC. Please feel free to contact Mr. Robert M. Pulsifer at (301)415-3016 ([rmp3@nrc.gov](mailto:rmp3@nrc.gov)) to discuss any questions related to this letter.

Sincerely,

***/RA TMarsh for/***

John A. Zwolinski, Director  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docker No. 50-271

Enclosure: Response to Requests

cc w/encl: See next page

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R. Shadis

- 2 -

Thank you for bringing these issues to the attention of the NRC. Please feel free to contact Mr. Robert M. Pulsifer at (301)415-3016 ([rmp3@nrc.gov](mailto:rmp3@nrc.gov)) to discuss any questions related to this letter.

Sincerely,

***/RA TMarsh for/***

John A. Zwolinski, Director  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-271

Enclosure: Response to Requests

cc w/encl: See next page

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RESPONSE TO TITLE 10 OF THE CODE OF FEDERAL REGULATIONS (10 CFR).

SECTION 2.206 PETITION REGARDING VERMONT YANKEE

NUCLEAR POWER STATION (VY)

Background

On October 6, 2002, Entergy Nuclear Vermont Yankee, LLC (ENVY, the licensee) informed the U.S. Nuclear Regulatory Commission (NRC) that a VY accident mitigation system, the reactor core isolation cooling system (RCIC), was inoperable during a planned unit shutdown heading into a refueling outage. In an official Event Notification (EN), ENVY explained, "Following reactor core isolation cooling system injection check valve surveillance testing, the check valve apparently did not fully close. This resulted in a high pump suction pressure trip which would have prevented further system operation" (emphasis added). Five days later, ENVY wrote to the NRC retracting the notification stating, "The RCIC pump does not have this aforementioned trip device."

In a formal request to Samuel J. Collins, Director of the Office of Nuclear Reactor Regulation, dated October 15, 2002, Mr. Raymond Shadis, the staff advisor to the New England Coalition on Nuclear Pollution, asked the NRC to review the training and qualification of VY personnel and to examine the quality of the plant's design documents. Specifically, the NRC was asked if the plant's [Updated] Final Safety Analysis Report (UFSAR) accurately reflects the configuration of the facility in detail sufficient for operations personnel to be able to familiarize themselves with pump/protection features such as the phantom trip device referred to above. Included in the request were other additional questions or concerns relative to the quality of VY's EN reports and the synergistic challenges associated with Entergy's purchase of the plant.

Concerns From Petitioner

Several Petition Review Board meetings have taken place in order to determine whether the petitioner's concerns met the criteria of a 10 CFR 2.206 petition. The staff held additional conversations with the petitioner to communicate the results of the board's decisions. In summary, the petitioner had the following requests/concerns based on the formal petition filed, and based on the telephone conversations on October 29 and November 18, 2002.

- A. The following two requests were provided in a letter dated October 15, 2002 (Reference 1) under the provisions of 10 CFR 2.206.
1. The NRC should undertake enforcement action at Vermont Yankee Nuclear Power Plant requiring a complete review of training and qualification of nuclear operations and maintenance personnel.

Response: The NRC has reviewed your concern and agrees that the initial EN 39250 report did not meet VY's Event Notification standards. Specifically, the description of the event was incorrect with regard to the effect on the RCIC System. However, the NRC does not believe, based on the following discussion, that a programmatic concern exists with the training and qualification of VY personnel. Therefore, the NRC does not

Enclosure

consider that additional review of the training and qualification of VY personnel is warranted at this time, other than the continual assessment that occurs in this area through baseline inspections.

The NRC onsite inspectors had an interest in this issue and selected it for further review and follow-up, independent of the request from the petitioner (see Reference 3 for the licensee's response). The inspectors determined that while the incorrect information may have constituted a violation of 10 CFR 50.9, which requires the licensee to provide complete and accurate information in all material respects, this issue had no safety consequences and would be considered minor in accordance with the NRC Enforcement Policy (NUREG-1600). The inspectors also noted that the event description did not conform to the licensee standard for reporting as defined in VY's procedure, AP-0156, "Notification of Significant Event." This procedure requires that the event description and reportability be reviewed by the personnel who were on shift and that the individual approving the report ensure the accuracy of the description. Again, the significance of this deficiency was determined to be minimal. Notwithstanding the minor risk significance classification, the NRC resident inspectors reviewed this issue to verify that it had been placed in the licensee's corrective action system (VY Event Report 2002-2595) to ensure the deficiency would be addressed by the licensee. The licensee did recognize the error, retracted EN 39250 on October 6, 2002, and placed it into their corrective action system.

While we believe this event notification was deficient, we do not share the petitioner's belief that a complete review of the training and qualification of nuclear operations and maintenance personnel is warranted. The NRC Reactor Oversight Program (ROP) establishes the NRC response to issues in accordance with the NRC Action Matrix. For events which have increased risk significance there is a graded NRC response, resulting in additional supplemental inspections up to the point of issuing Orders to modify, suspend or revoke a license for the unacceptable licensee performance range. For this specific area, the NRC inspection resulted in no findings of risk or safety significance in VY's training and qualification programs, and therefore, we determined no supplemental inspection is warranted. Currently VY is within the licensee response band which means that all Performance Indicators and cornerstone inspection findings are green (very low safety significance).

With respect to operator qualification, there are requirements which must be met to obtain an operator license.

#### Regulatory Background

Title 10, Part 55, of the *Code of Federal Regulations* (10 CFR Part 55) requires that applicants for Reactor Operator (RO) and Senior Reactor Operator (SRO) licenses pass written examinations and operating tests (both initial and requalification). The regulations mandate that the license examination must be developed and administered in accordance with 10 CFR 55.41 and 55.45 for RO's, or 10 CFR 55.43 and 55.45 for SRO's. Title 10, Section 55.59(a) requires licensed RO's and SRO's to complete a required program developed by the facility licensee and to pass a comprehensive requalification written examination and an annual operating test.

### Baseline Inspections

The revised oversight program includes Inspection Module 71111.11, "Licensed Operator Requalification Program." The objective of this inspection is to verify that the facility licensee's requalification program ensures safe power plant operation by adequately evaluating how well the individual operators and crews have mastered the training objectives.

This inspection procedure also serves to supply regional management with the information necessary to assess the performance of the licensee's licensed-operator requalification program and determine the need for additional inspection or NRC conducted examinations. Regional management would consider conducting "for cause" requalification examinations or operational evaluations, when:

- Requalification inspection findings indicate an ineffective licensee requalification program (e.g., one yellow finding or multiple white findings based on the operator requalification human performance);
- Operational problems to which operator error is a major contributor; or
- Significant training program deficiencies are alleged.

Inspection Report 2002-006, dated November 7, 2002, (ADAMS number ML023120226) included the most recent licensed operator requalification results. Inspectors reviewed documentation of operating history since the last requalification program inspection. Documents reviewed included NRC inspection reports, licensee event reports, and licensee deficiency reports. The inspector did not detect operational events that were indicative of possible training deficiencies. Additionally, the inspector had no findings with regard to licensed requalification exam results for the complete 2002 annual testing cycle.

In summary, there have been no NRC inspection findings associated with operator performance of a greater than very low safety significance during this assessment cycle (January 2002 to present). Therefore, the NRC does not believe additional review of the qualification of VY personnel is warranted at this time other than the continual assessment in this area through baseline inspections.

2. The NRC undertake an evaluation of the Vermont Yankee [Updated] Final Safety Analysis Report [UFSAR] to determine if the document accurately reflects the configuration of the facility in detail sufficient for operations personnel to be able to familiarize themselves with pump/protection features such as the phantom trip device.

Response: At the time this issue was identified, the NRC inspectors reviewed the UFSAR and determined that the UFSAR accurately depicted the RCIC turbine trip design features. The NRC does not consider that the circumstances involved with the licensee's erroneous EN warrant any further review of the UFSAR.

B. The following three requests were provided in Reference 1 outside of the 2.206 process.

1. That the NRC undertake an evaluation of the safety implications inherent in relying on economics of synergies (shared personnel, engineering analysis, etc) between ever larger numbers of nuclear power plants.

Response: The staff reviews the technical qualifications of any organization that takes over a license that is transferred from a previous owner/operator, whether that new organization already owns or operates other nuclear facilities. The technical support organization was found acceptable in the safety evaluation (SE) provided by the staff with the order approving the transfer, dated May 17, 2002 (Reference 2), from Vermont Yankee Nuclear Power Corporation (VYNPC) to ENVY and Entergy Nuclear Operations, Inc. (ENO). The SE states, "The staff concludes that ENO will have acceptable corporate organization, onsite organization, and adequate resources to provide technical support for the safe operation of the plant under both normal and off-normal conditions after the transfer of licensed operating authority from VYNPC to ENO."

The staff used the guidance described in the NRC Standard Review Plan (NUREG-0800), Chapter 13, "Conduct of Operations," Section 13.1.1, "Management and Technical Support Organization," and Section 13.1.2-13.1.3, "Operating Organization." The evaluation was also based on 10 CFR 50.40(b), "Common Standards," and American National Standards Institute N18.1-1971, "Selection and Training of Nuclear Power Plant Personnel."

The ROP is designed to detect indications of adverse licensee performance issues. As noted earlier, risk significant issues when identified, will be treated with the appropriate NRC graded response per the Action Matrix.

This specific performance deficiency had nothing to do with shared personnel as the operating crew involved were exclusively assigned to VY.

2. That the NRC undertake to determine how much of pump trip faux pas is attributable to the integration of ENVY personnel from other facilities.

Response: The NRC determined that the Event Report description was initiated by experienced VY personnel. The Shift Engineer and Shift Manager involved in this issue were not recent additions from other facilities but were experienced Vermont Yankee personnel before the Entergy transition. There has been no integration of new Entergy personnel in this chain of event reporting decision making. There were no changes since the sale that would have made the availability of required information more difficult to verify.

3. That the NRC publicly review its Event Notification standards with the licensee to ensure that at least preliminary risk determination can proceed from Event Notification.

Response: As noted above, the NRC has determined that the licensee's failure to meet their event notification standards was captured within the licensee's corrective action

system (VY Event Report 2002-2595). The NRC had determined that the licensee's event notification standards do meet NRC standards for event notification. The NRC Inspection Procedure 71152 allows inspectors the ability to follow up on corrective actions related to selected issues. With regard to risk-assessment, at the time of any ENS (emergency notification system) notification, the NRC assesses the state of the reactor to determine if it is in a safe condition. The headquarters operations officer will obtain as complete a description as is available at the time of the notification of the event or condition, its causes, and its effects, in order to more fully understand the safety significance of the event.

Based on the licensee's overall recent performance, the NRC does not consider meeting with the licensee to review notification standards to be warranted.

C. The following are requests provided on the November 18, 2002, conference call.

1. What was the NRC's position on whether the licensee's call was conservative?

Response: The inspectors believe the licensee's call was adequate and sufficiently conservative in that the licensee declared a safety-related system non-functional due to an anomaly with pressure within the system which was unexpected. However, the NRC believes that providing erroneous information within event descriptions is not appropriate and should be addressed to prevent future incidents of this nature. The NRC has noted that the licensee has entered this issue into their corrective action program to address the concern that their initial event notification was not clear with respect to the effect on a safety system. As appropriate, we will review the licensee's corrective actions to ensure that they addressed the performance deficiency.

2. Is there a 50.9 violation?

Response: The inspectors determined that, while on the surface the incorrect information may have constituted a violation of 10 CFR 50.9, in that the licensee is required to provide complete and accurate information in all material respects, this issue had no safety consequences and would be considered minor in accordance with the NRC Enforcement Policy (NUREG-1600).

#### Reference

1. Letter dated October 15, to Samuel J. Collins (NRC), from Raymond Shadis, New England Coalition on Nuclear Pollution, Re: Vermont Yankee Personnel Unfamiliar with Plant Design
2. Letter dated May 17, 2002 to Ross P. Barkhurst (VYNPC) and Michael R. Kansler (ENVY), from Robert M. Pulsifer (NRC), "Order Approving Transfer of License For Vermont Yankee Nuclear Power Station from Vermont Yankee Nuclear Power Corporation to Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., and Approving Conforming Amendment (TAC NO. MB3154)
3. Letter dated October 28, 2002 to the NRC from Robert J. Wanczyk (ENVY), "Response to Questions from Resident Inspectors"