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Mr. Patrick J. Isaac

U. S. Nuclear Regulatory Commission

Attention: Document Control Desk

Washington, DC 20555-0001

Reply to a Notice of Violation

Docket No. 50-166

License No. R-70

Dear Mr. Isaak,

Attached is our Reply to a Notice of Violation.

Sincerely,

Mohamad Al-Sheikhly

Director,

Nuclear Reactor

July 29, 2010

IED7
MRR

Dear Mr. Adams and Mr. Isaac,

Reply to a Notice of Violation

Here are our responses to the Notice of Violation:

1. The reason of the violation:

We were applying the following rules:

It is true that the annual operating exam was not conducted. This was not an oversight but a difference of interpretation of the requalification plan. The plan reads as follows:

2.0 SCHEDULE

The operator Requalification Program cycle will last a period of two years, beginning on the first quarter of the biannual year. The licensed operator will enter the requalification program on the date the USNRC issues a license and will continue in the program until either the expiration date of the current license or the date the current license is terminated. If the operator should receive his/her operating license no greater than six months prior to the completion of the two-year cycle, the operator will be exempt from completing the requirements of the current program, but will be required to enter the following requalification program cycle. If the operator should receive his/her operating license greater than six months prior to the completion of the cycle, the operator will not be required to complete those program requirements required prior to the issuance of the license.

While Code of Federal Regulations, Title 10, Part 50.54 states in part:

(i-1) Within 3 months after either the issuance of an operating license or the date that the Commission makes the finding under § 52.103(g) of this chapter for a combined license, as applicable, the licensee shall have in effect an operator requalification program. The operator requalification program must, as a minimum, meet the requirements of § 55.59(c) of this chapter. Notwithstanding the provisions of § 50.59, the licensee may not, except as specifically authorized by the Commission decrease the scope of an approved operator requalification program.

And, Code of Federal Regulations, Title 10, Part 55.59 states in part:

§ 55.59 Requalification.

(a) Requalification requirements. Each licensee shall --

(1) Successfully complete a requalification program developed by the facility licensee that has been approved by the Commission. This program shall be conducted for a continuous period not to exceed 24 months in duration.

(2) Pass a comprehensive requalification written examination and an annual operating test.

(i) The written examination will sample the items specified in §§ 55.41 and 55.43 of this part, to the extent applicable to the facility, the licensee, and any limitation of the license under § 55.53(c) of this part.

(ii) The operating test will require the operator or senior operator to demonstrate an understanding of and the ability to perform the actions necessary to accomplish a comprehensive sample of items specified in § 55.45(a) (2) through (13) inclusive to the extent applicable to the facility.

(iii) In lieu of the Commission accepting a certification by the facility licensee that the licensee has passed written examinations and operating tests administered by the facility licensee within its Commission-approved program developed by using a systems approach to training under paragraph (c) of this section, the Commission may administer a comprehensive requalification written examination and an annual operating test.

(b) Additional training. If the requirements of paragraphs (a) (1) and (2) of this section are not met, the Commission may require the licensee to complete additional training and to submit evidence to the Commission of successful completion of this training before returning to licensed duties.

(c) Requalification program requirements. A facility licensee shall have a requalification program reviewed and approved by the Commission and shall, upon request consistent with the Commission's inspection program needs, submit to the Commission a copy of its comprehensive requalification written examinations or annual operating tests. The requalification program must meet the requirements of paragraphs (c) (1) through (7) of this section. In lieu of paragraphs (c) (2), (3), and (4) of this section, the Commission may approve a program developed by using a systems approach to training.

We were fully aware that the two operators in question had not been subjected to the exam but were enrolled in the two year cycle. Their licenses were issued within the six month period as outlined in the approved requalification plan and I interpreted the plan to require that these two operators were therefore exempt from the first exam after issuance of their licenses. The USNRC inspector could not explain why the six month provision was allowed into our plan originally but stated that we should receive a letter stating that the plan should be changed to eliminate the provision.

As the disagreement between the plan and the provisions of the CFR as interpreted by the examiner are valid, we made the decision to not argue or contest the NOV but to modify the requalification plan unofficially immediately and formally as soon as the NRC gives final approval to the new (May 2000) license application. The delay in a formal modification is required as we may not have two requalification plans pending NRC approval simultaneously.

In any case, we are not contending this issue with the NRC. We have already scheduled an exam next week. Once we conducted, I will send the results to the NRC.

2. Corrective steps that have been taken and the results achieved:

The senior SRO will administrate the written exam on the 6th of August for the affected operators. The operational aspects of the exam will be conducted during the following week. A letter outlining the results of both portions of the tests will be placed in each operators personnel file.

3. The corrective steps that will be taken to avoid further violation:

We shall follow 55.59 precisely. This includes a modification to the requal plan mandating annual testing in both the operation and the knowledge of the reactor and related systems.

4. The date when full compliance will be achieved:

August 23rd 2010.

With all best wishes,

Mohamad Al-Sheikhly