

David B. Hamilton
Vice President

440-280-5382

January 15, 2016
L-15-375

10 CFR 2.201

ATTN: Document Control Desk
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT:

Perry Nuclear Power Plant
Docket No. 50-440, License No. NPF-58
Reply to a Notice of Violation; VIO 05000440/2015010-01

REFERENCE: Inspection Report 05000440/2015010, dated December 4, 2015

In the referenced inspection report, the U.S. Nuclear Regulatory Commission (NRC) issued to FirstEnergy Nuclear Operating Company (FENOC) a finding of very-low safety significance (Green) and an associated violation of Technical Specification (TS) 5.3.1 when an unqualified individual was designated and performed the duties of the Radiation Protection Manager since early 2015.

On December 16, 2015, NRC Region III management, in a teleconference, approved FENOC's request for an extension of the required response to January 15, 2016. The attachment to this letter provides the required response to the violation.

There are no regulatory commitments contained in this letter. If there are any questions, or if additional information is required, please contact Mr. Nicola Conicella, Manager - Regulatory Compliance, at (440) 280-5415.

Sincerely,



David B. Hamilton

Attachment

Reply to a Notice of Violation; VIO 05000440/2015010-01

cc: NRC Regional Administrator, Region III
NRC Resident InspectorIEDI
NRR

**Attachment
L-15-375**

**Reply to a Notice of Violation; VIO 05000440/2015010-01
Page 1 of 3**

Violation Details

During an NRC inspection conducted from August 27, 2015, to November 23, 2015, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Technical Specification (TS) 5.3.1 states: "Each member of the Unit staff shall meet or exceed the minimum qualifications of ANSI N18.1-1971 for comparable positions as modified by TS 5.2.2.f, except for the Radiation Protection Manager (RPM), who shall meet or exceed the qualifications of Regulatory Guide (RG) 1.8, September 1975, and the licensed Reactor Operators and Senior Reactor Operators, who shall comply with the requirements of 10 CFR Part 55." RG 1.8, September 1975 requires at least 5 years of professional experience in applied radiation protection with at least 3 years of this professional experience in applied radiation protection work in a nuclear facility dealing with radiological problems similar to those encountered in nuclear power stations, preferably in an actual nuclear power station.

Contrary to the above, since April 28, 2015, an individual was designated and performed the duties of the RPM failed to meet the professional experience as required by the TS 5.3.1 as specified in RG 1.8.

This violation is associated with a (Green) Significant Determination Process finding.

Response

Reason for the violation:

The reason for the violation was that the decision process used by PNPP management was inadequate. A formal decision process was not implemented, resulting in a failure to adequately identify and assess risks and consequences.

At the time of assignment to the position, the Manager – Radiation Protection was a licensed Senior Reactor Operator (SRO) at the Perry Nuclear Power Plant (PNPP) and had been employed at PNPP for ten years. As an NRC-licensed SRO, the Manager – Radiation Protection was responsible for the overall safe operation of the facility which requires a broad understanding and responsibilities for implementation of the radiation protection program at the facility. Prior to obtaining an SRO license, the Manager – Radiation Protection was a qualified radiation protection technician at PNPP. The Manager – Radiation Protection has a Bachelor of Science degree in Other Technologies (i.e. Math). In the individual's duties as a control room unit supervisor and as the ALARA Fix-It-Now Team lead and other specific project management positions, the Manager – Radiation Protection demonstrated to PNPP management the technical competence to establish radiation protection programs and supervise the work of professionals, technicians and journeymen. Additionally, the Manager – Radiation Protection demonstrated the sound judgement necessary to ensure adequate protection of worker health and safety from exposure to radiation.

Not implementing a formal decision making and documentation process prevented adequate justification and basis for RPM qualifications.

Corrective steps that have been taken and the results achieved:

In September 2015, PNPP management put measures in place to ensure that qualified individuals are approving required radiation protection issues prior to the Manager – Radiation Protection. A self-assessment was initiated to review the adequacy of approval for documents that were signed or approved by the Manager – Radiation Protection for the time period from when the individual was placed in position to when the measures were put in place (April 6, 2015 to September 21, 2015). The self-assessment was completed on October 30, 2015, with no issues identified. The scope of the review focused on the Manager – Radiation Protection approval signature for the following documents:

- Radiation Work Permits
- ALARA Plans
- Radiological Surveys
- Radiological Risk Assessment Worksheets
- Dose extensions
- LHRA and VHRA approvals
- Member of public / visitor dosimetry
- Emergent LHRA entries

The documents signed by the Manager – Radiation Protection were reviewed and counter signed by another qualified individual. This review concluded that the original approval met the procedure requirements and were technically accurate.

On October 5, 2015, a USAR Change Notice was approved to allow for the assignment of a Technical Specification qualified RPM in the event the Manager - Radiation Protection does not fully satisfy the Regulatory Guide 1.8 requirements.

On January 12, 2016, PNPP management designated the Supervisor - ALARA as the Technical Specification qualified RPM. The Supervisor - ALARA meets the qualification requirements of Regulatory Guide 1.8 – September 1975.

Corrective steps that will be taken:

No additional corrective actions are required.

Date when full compliance will be achieved:

Full compliance was achieved on January 12, 2016.