

December 22, 1990

Docket Nos. 50-245; 50-336; 50-423; 50-213
License Nos. DPR-61; DPR-21; DPR-65; NPF-49
EA Nos. 90-176; 90-177

Northeast Nuclear Energy Company/
Connecticut Yankee Atomic Power Company
ATTN: Mr. E. J. Mroczka
Senior Vice President- Nuclear
Engineering and Operations Group
P.O. Box 270
Hartford, Connecticut 06141-02740

Gentlemen:

Subject: NOTICE OF VIOLATION
(NRC Combined Inspection Report Nos. 50-245/90-22, 50-336/90-24,
50-423/90-22 and 50-213/90-17; 50-245/90-24, and 50-336/90-26;
50-423/90-26, and 50-213/90-18

This letter refers to the initial NRC inspection conducted on September 24-28, 1990, of the Fitness-for-Duty (FFD) Program developed and implemented for the Millstone Nuclear Power Station, (Millstone) Units 1, 2 and 3 and the Haddam Neck Plant in accordance with the requirements of 10 CFR Part 26. The results of this inspection were forwarded to you on October 10, 1990. During this inspection, three examples of a violation of NRC requirements were identified involving the failure to provide the required FFD training for licensee and contractor supervisory personnel at these facilities.

This letter also refers to two additional inspections conducted on September 24-27, 1990 at Millstone and on September 26, 1990, at Haddam Neck. These inspections, the reports of which were also sent you on October 10, 1990, were conducted to review the circumstances associated with conditions identified by you and reported to the NRC involving potential FFD-related events. The event at Millstone involved granting access to a contractor employee who had a presumptive positive drug screen (due to a mixup of names with another individual) and constituted a violation of NRC requirements. This is being issued as a non-cited violation because the criteria for the exercise of enforcement discretion has been met, including the fact that it was identified by your staff and corrective actions were taken. The event at Haddam Neck, involving an individual whose appearance was deemed to be unusual, did not result in a violation of NRC regulatory requirements.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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On October 22, 1990, an enforcement conference was held with Mr. Wayne Romberg, Vice President, Nuclear Operations and members of your staff to discuss these matters, the related violations, their causes, and your corrective actions. The cited violation is described in the enclosed Notice. The violation involves the failure to provide initial FFD training to 18 supervisors, failure to provide refresher training to the other supervisors, and failure to provide FFD training to your vendor and contractor supervisory personnel (except for your security contractor), or to ensure that these supervisory personnel were subject to training through an equivalent FFD program that had been reviewed and approved by you. During the enforcement conference, you acknowledged that 18 supervisors had not received the initial training, and that the requirements for training of contractor and vendor personnel had not been met. However, you stated that you interpreted 10 CFR 26.22(c) as not requiring refresher training until a nominal twelve months after the program implementation date (January 3, 1990), and asserted that NRC guidance on this matter (NUREG-1385, Q/A 3.2) did not suggest otherwise. The NRC disagrees with this interpretation. NUREG-1385 which documents industry questions and NRC answers on fitness for duty issues, Q/A 3.2 explicitly states that "training or portions thereof need not be completed before January 3, 1990, unless more than 12 months, nominally have elapsed since the previous training was completed" [emphasis added]. Since your initial training was provided beginning in June 1988, more than 12 months had elapsed, and refresher training should have been initiated beginning in approximately June 1989.

The examples of this violation that are discussed in the enclosed Notice of Violation (Notice) represent an unacceptable failure of several aspects of your training program, including both licensee and contractor employees. However, the NRC recognizes that the overall development and implementation of the FFD program at Haddam Neck and Millstone has otherwise met the initial NRC objective set forth in 10 CFR Part 26. Further, the NRC notes that you have initiated corrective actions with respect to the training deficiencies at both facilities. Therefore, the violation has been classified at Severity Level IV in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, (Enforcement Policy) (1990). However, any similar violations of FFD training requirements in the future may result in escalated enforcement action.

Notwithstanding this classification at Severity Level IV, the NRC is concerned that not all of your supervisors had received the initial FFD training as required. Supervisory personnel play an integral role in the effective implementation of the FFD Program. A supervisor who is not adequately trained may not properly respond when an actual or potential FFD concern exists. In fact, one of the supervisors at Haddam Neck who had not completed the supervisory training was the one involved in the decision not to test an individual whose appearance he deemed to be unusual. Although the NRC has concluded, based on your presentation at the enforcement conference, that there was insufficient evidence to conclude that the supervisor's observation raised a FFD concern, he would not have been prepared to respond in accordance with your procedures if the incident had involved an actual FFD concern.

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You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice", a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,

Original Signed By:
Thomas T. Martin

Thomas T. Martin
Regional Administrator

Enclosure: Notice of Violation

cc w/encl:

W. D. Romberg, Vice President, Nuclear Operations
S. E. Scace, Station Director, Millstone
D. O. Nordquist, Director of Quality Services
R. M. Kacich, Manager, Generation Facilities Licensing
J. P. Stetz, Station Director, Haddam Neck
E. A. DeBarba, Vice President, General Engineering and Construction
Gerald Garfield, Esquire
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Nuclear Safety Information Center (NSIC)
NRC Resident Inspector
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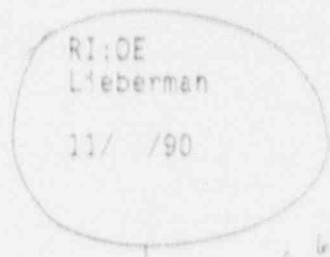
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