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JAN 14 1991

Docket No. 50-213

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

Gentlemen:

Subject: Inspection No. 50-213/89-22

This letter refers to your letter dated January 24, 1990, in response to the Notice of Violation (NOV) issued with our letter dated December 12, 1989. In your response, you concluded that the inspection staff had misinterpreted Technical Specification 6.4.1 related to the necessity of maintaining a training program for the health physics staff. You further indicated that the specific requirement cited (Technical Specification 6.4.1) applied only to licensed operators, thus issuance of the NOV constituted an attempt to impose a new interpretation of the definition of "facility staff" as stated in the Technical Specifications, and that this was not in keeping with 10 CFR 50.109 (Backfitting).

We have reviewed and evaluated the information provided in your response, and in particular the information in support of the denial of the violation. Based on our evaluation, and after consultation and review by the Office of Nuclear Reactor Regulation (NRR), NRC has concluded that your Technical Specification 6.4.1 does apply to replacement training and retraining of facility staff. The Technical Specification (TS) 6.4.1 requires that the training program meet or exceed the requirements and recommendations of Section 5.5 of ANSI N18.1-1971 and 10 CFR 55.9. Section 5.5 of the ANSI Standard further states that a "training program shall be established which maintains the proficiency of the operating organization..." Section 3.2.3 states that individuals responsible for radiation protection activities are considered Professional-Technical personnel. While, historically, you may not have interpreted the Technical Specifications correctly, we are of the view that the requirement is clearly stated.

In your response, you also noted that the NRC approved License Amendment No. 19 for the Clinton Power Station, deleting the requirement for the training and retraining program to meet ANSI N18.1-1971, Section 5.5. Based on that information, you proposed that the Haddam Neck requirement should be interpreted to only include licensed operators in the retraining requirements. We have reviewed the Clinton Technical Specification and, while the license amendment issued to Clinton Power Station was silent regarding training and retraining

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programs for non-licensed staff, Clinton had provided other commitments to NRC for a training program for non-licensed personnel. Accordingly, no changes were made to the Clinton training program for non-licensed personnel as a result of the amendment issued. However, based on the question you raised, the necessity for any additional action related to clarifying the Clinton Technical Specifications will be evaluated by the NRC.

Based on the issues and evaluation as discussed above, the violation stands. The basis supporting this citation is consistent with the long-standing regulatory position on training and retraining; thus, the issuance of this NOV does not constitute a backfit. Therefore, your request for withdrawal of the proposed violation is denied.

The corrective actions specified in your January 24, 1990, letter have been reviewed and determined to be acceptable. I regret that we were unable to provide a more expeditious response. No response to this letter is necessary, however, if you have any additional questions, please feel free to call me.

Your cooperation with us is appreciated.

Sincerely,

Original Signed By:  
Edward W. Cooper, III

*for*

Malcolm R. Knapp, Director  
Division of Radiation Safety and  
Safeguards

cc:

W. D. Romberg, Vice President, Nuclear Operations  
J. P. Stetz, Station Director  
D. O. Nordquist, Director of Quality Services  
R. M. Kacich, Manager, Generation Facilities Licensing  
S. E. Scace, Station Director, Millstone  
Gerald Garfield, Esquire  
Public Document Room (PDR)  
Local Public Document Room (LPDR)  
Nuclear Safety Information Center (NSIC)  
NRC Resident Inspector  
State of Connecticut

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bcc:  
Region I Docket Room (with concurrences)  
Management Assistant, DRMA (w/o encl)  
J. Joyner, DRSS  
DRP Section Chief  
J. Shedlosky, SRI, Haddam Neck  
W. Raymond, SRI, Millstone  
J. Caldwell, EDO  
A. Wang, PM, NRR  
J. A. Zwolinski, NRR  
J. Hickman, NRR  
E. Greenman, NRR  
J. Stolz, NRR  
D. Holody, EO  
D. Haverkamp, DRP

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**NORTHEAST UTILITIES**

THE CONNECTICUT LIGHT AND POWER COMPANY  
 WESTERN MASSACHUSETTS ELECTRIC COMPANY  
 NEW YORK WATER POWER COMPANY  
 NORTHEAST UTILITIES SERVICE COMPANY  
 NORTHEAST NUCLEAR ENERGY COMPANY

General Offices • Selden Street, Berlin, Connecticut

P.O. BOX 270  
 HARTFORD, CONNECTICUT 06141-0270  
 (203) 665-5000

January 24, 1990

Docket No. 50-213

B13437

Re: 10 CFR 2.201

Mr. Ronald R. Bellamy, Chief  
 Facilities Radiological Safety  
 and Safeguards Branch  
 Division of Radiation Safety and Safeguards  
 U.S. Nuclear Regulatory Commission  
 475 Allendale Road  
 King of Prussia, PA 19406

Dear Mr. Bellamy:

Connecticut Yankee Atomic Power Company  
 Inspection Report No. 50-213/89-22  
Response to Notice of Violation

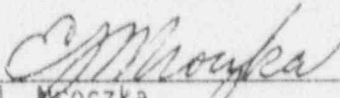
On December 12, 1989, <sup>(1)</sup> the NRC Staff transmitted to Connecticut Yankee Atomic Power Company (CYAPCO) Inspection Report No. 50-213/89-22. As discussed in the Inspection Report, the NRC Staff identified one Violation to Technical Specification 6.4.1 regarding a health physics training requirement.

Pursuant to 10 CFR 2.201, and in accordance with the instructions contained in the Inspection Report, CYAPCO hereby provides the attached information (Attachment 1) in response to the Notice of Violation cited in Appendix A of the Inspection Report. Per a telephone conversation with Region I Staff, a two-week extension until January 25, 1990, for the response to the notice of violation was granted.

We trust you find the attached information satisfactory.

Very truly yours,

CONNECTICUT YANKEE ATOMIC POWER COMPANY

  
 \_\_\_\_\_  
 E. J. Mroczka  
 Senior Vice President

cc: W. T. Russell, Region I Administrator  
 A. B. Wang, NRC Project Manager, Haddam Neck Plant  
 J. T. Shedlocky, Senior Resident Inspector, Haddam Neck Plant  
 U.S. Nuclear Regulatory Commission, Document Control Desk

(1) R. R. Bellamy letter to E. J. Mroczka, dated December 12, 1989, "Inspection Report No. 50-213/89-22."

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Attachment 1  
Connecticut Yankee Atomic Power Company  
Response to Notice of Violation

January 1990

Connecticut Yankee Atomic Power Company  
Response to Notice of Violation

1. Description of Violation

As a result of the inspection conducted on November 13-17, 1989, and in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR 2, Appendix C, the following violation was identified:

Technical Specification 6.4.1 requires the licensee to maintain a retraining and replacement training program for the facility staff in accordance with, in part, Section 5.5 of ANSI N18.1-1971. The facility staff is described in Technical Specification 6.2.2 and Section 3.2 of the ANSI Standard and includes the health physics staff.

Contrary to the above, the retraining and replacement training program does not include the health physics staff.

This is a Severity Level IV violation.

2. Admission or Denial of Violation

Connecticut Yankee Atomic Power Company (CYAPCO) contests the violation as set forth in the Notice of Violation.

3. Reason for Denial

CYAPCO has considered in detail the Notice of Violation issued on December 12, 1989, and concludes that Technical Specification 6.4.1 has been misinterpreted. The Specification reads:

A retraining and replacement training program for the facility staff shall be maintained under the direction of the Training Coordinator assigned program responsibility and shall be in accordance with Section 5.5 of ANSI N18.1-1971 and Appendix "A" of 10 CFR Part 55.

An examination of the references cited in Technical Specification 6.4.1 leads us to conclude that the focus of this Technical Specification is, and has always been, licensed reactor operators. The subject of Appendix "A" was "Requalification Programs for Licensed Operators of Production and Utilization Facilities" which quite clearly only applies to licensed operators; hence, both standards could apply to operators only. Section 5.5 of ANSI N18.1-1971 taken literally can be interpreted as applying more broadly to the entire on-site organization, but taken in context of paragraph 5.5.1, describes an operator-oriented retraining

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program. As such, both references support the interpretation that licensed operators are the subject of the Technical Specification.

In support of our interpretation of Technical Specification 6.4.1, we call your attention to License Amendment No. 19, approved February 22, 1989, for Clinton Power Station, Unit 1. Section 6.4.1 of their Technical Specifications, prior to Amendment 19, read as follows:

A retraining and replacement training program for the unit staff will be maintained under the direction of the Director-- Nuclear Training, shall meet or exceed the requirements and recommendations of Section 5.5 of ANSI/ANS 3.1-1978 and Appendix "A" of 10CFR Part 55, and the supplemental requirements specified in Sections A and C of Enclosure 1 of the March 28, 1980 NRC letter to all licensees, and shall include familiarization with relevant industry operational experience.

Amendment 19 changed Section 6.4.1 to read:

A retraining and replacement training program for the unit staff shall be maintained under the direction of the Manager-- Nuclear Training, and shall meet or exceed the requirements of 10 CFR Part 55.

The Safety Evaluation Report (SER) prepared by the Office of Nuclear Reactor Regulation in support of Amendment 19 contained the following statements, "Specifications 6.3 and 6.4 are being revised to delete the references to the old operator license requalification requirements and guidance contained in Section 5.5 of ANSI/ANS 3.1-1978, the March 28, 1980 letter issued by the NRC to all licensees, and the familiarization with relevant industry operational experience. This material can be deleted from the Technical Specifications since the retained requirement to comply with 10 CFR Part 55 is identical."

Since the only remaining reference in the specification is 10CFR55, Operator's Licenses, it is clear that the original intent of the specification was limited to licensed operators.

CYAPCO considers the Notice of Violation as an attempt to impose a new interpretation of the definition of facility staff, as stated in Technical Specification 6.4.1. This is not in keeping with 10 CFR 50.109. CYAPCO's interpretation of the subject specification has been unchanged throughout the years, and we are unaware of any prior differing interpretation on the part of the NRC.

With these considerations in mind we request the withdrawal of the subject Notice of Violation. In the interest of eliminating any potential ambiguity for the future, we plan to seek an amendment similar to that issued for Clinton as Amendment 19.

4. Additional Background

Notwithstanding the above, of greater safety import is the priority of and resources expended on the general subject of training throughout the unit. The continuing training of our on-site organization is one which we consider to be of vital importance. To accomplish this task, we presently have in place an integrated training program which relies on a variety of training resources, programs, and industry seminars. This matrix effort allows us to capitalize on a wealth of knowledge and skills.

During the conduct of the NRC's inspection on November 13-17, 1989, we were unable to provide a cogent presentation of our existing training program due first to the lack of advance notice and second to the unavailability of training personnel who were on vacation. In meeting our commitment to safety and the nuclear industry, we have a very comprehensive initial training and continuing training program for a significant portion of our staff which has been accredited by the National Academy for Nuclear Training. These programs cover the following job classifications.

- o Licensed Operators
- o Nonlicensed Operators
- o Senior Control Operators
- o Health Physics Technicians
- o Radworkers
- o Chemistry Technicians
- o Electrical/Mechanical Maintenance Technicians
- o Generation Test Technicians
- o Instrument and Control Technicians
- o Technical Staff and Managers

While these training programs encompass a large portion of our job functions, several staff and supervisory level positions were not included as part of the industry initiative. However, supervisory and staff personnel are and have been required to attend periodic training on a select group of topics. Typical examples of these courses include:

- o Quality Services Training
- o General Employee Training
- o Fitness-for-Duty Training
- o Managing for Performance
- o Principles of Effective Supervision
- o Radworker Training
- o Intervention Training
- o Emergency Plan Training

In addition, many of our supervisory/staff people serve as members of their department's respective Training Program Control Committee (TPCC).



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These individuals oversee all aspects of their technical training programs and/or function as subject matter experts (SME). In the case of the latter, they actually contribute directly to the development of training material being presented in the classroom or during on-the-job technical training sessions.

At Haddam Neck, as a result of our agreement with the union, all on-the-job training evaluations are performed by management personnel. This in itself helps to maintain our supervisory staff's technical knowledge.

Additionally, we require that our supervisory staff personnel remain current in their respective technical areas. CYAPCO directly supports their active participation in seminars, site visits, and industry meetings sponsored by INPO, NRC, EEI, NUMARC, and local groups such as the Electric Council of New England (ECNE). As an illustration of our commitment to retraining, attached please find a summary of the training offered certain key supervisory/staff personnel within the Health Physics Department at Haddam Neck (Attachment 2).

A formalized program of initial and continuing training applicable to CYAPCO personnel not trained under accredited programs will be established. As such, it is our intention to have in place a formal means of identifying requisite training to be accomplished by all of our nuclear personnel. We expect to have this process fully implemented by July 1, 1990.

5. Corporate Assessments

Although not directly related to the subject Notice of Violation, Section 4.0 of Inspection Report No. 50-213/89-22 referenced a statement contained in Inspection Report No. 50-213/89-17 which expressed concern by the Staff regarding the termination of corporate assessments of the Haddam Neck site radiological controls program and activities. We wish to advise you that this appraisal program has not been terminated. Appraisals were deferred to the last quarter of 1989 due to attrition and loss of key personnel. We hope you find this additional information provides clarification to the Staff regarding our corporate assessment of site radiological controls programs and activities.