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Docket No. 50-443
NYN-96037

United States Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555

Seabrook Station
Reply to a Notice of Violation

In a letter dated April 29, 1996¹ the NRC described two violations regarding Foreign Material Exclusion controls and Security Unescorted Access Authorization at Seabrook Station. Accordingly, the enclosure provides North Atlantic Energy Service Corporation's (North Atlantic) response to these violations. North Atlantic is making certain commitments in response to these violations. The commitments are fully described in the enclosure to this letter.

Should you have any questions concerning this response, please contact Mr. Anthony M. Callendrello, Licensing Manager, at (603) 474-9521, extension 2751.

Very truly yours,

NORTH ATLANTIC ENERGY SERVICE CORP.

T. C. Feigenbaum
Executive Vice President and Chief Nuclear Officer

cc: T. T. Martin, Regional Administrator
A. W. De Agazio, Sr. Project Manager
J. B. Macdonald, NRC Senior Resident Inspector

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¹ NRC Inspection Report 96-02, dated April 29, 1996, J. F. Rogge to T. C. Feigenbaum.

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REPLY TO A NOTICE OF VIOLATION

Cuoco, L.	NU
DiProfio, W. A.	49-SS
Garfield, G.	DB&H
McKenna, K. A.	Millstone 475/5
Millstone Licensing	cc:Mail
Sovetsky, E. J.	49-SS
Warnock, J. J.	02-07
Letter Distribution	cc:Mail
File 0001	01-48
RMD	02-06

ENCLOSURE 1 TO NYN-96037

REPLY TO A NOTICE OF VIOLATION

NRC Inspection Report 96-02 described two apparent violations regarding Foreign Material Exclusion (FME) controls and Security Access Authorization, respectively. North Atlantic's response to these violations is provided below.

I. Description of Violations

The following are restatements of the respective violations.

A. Foreign Material Exclusion: VIO 96-02-01

Seabrook Station Technical Specification 6.7.1 requires that written procedures shall be established, implemented, and maintained covering the activities referenced in Appendix A of Regulatory Guide 1.33, Revision 2, February 1978. Regulatory Guide 1.33 requires licensees to establish and implement administrative procedures for safety-related activities.

Station Management Manual, Chapter 2, Policies, Section 7, Housekeeping/Cleanliness/Foreign Material Exclusion requires that controls for foreign material exclusion from systems and components shall be implemented per procedure MA 3.4, Foreign Material Exclusion. Procedure MA 3.4, Section 4.1, General Requirements, requires critical equipment important to safe operation and shutdown of the plant shall receive foreign material exclusion (FME) considerations and that openings shall be appropriately covered to prevent entry of dust, dirt, or other foreign objects.

Contrary to the above, on February 27, 1996, the inspector identified that temporary jumpers, which are used to perform surveillance testing of instrument air check valves associated with the steam admission valve MS-V-395 for the risk significant safety-related turbine driven emergency feedwater (EFW) pump in accordance with procedure OX 1436.02, Section 8.2.43, did not have FME covers installed.

This is a Severity Level IV violation (Supplement I).

B. Unescorted Access Authorization: VIO 96-02-03

The Seabrook, Units 1 and 2, Physical Security Plan, Revision 19, dated April 26, 1995, Section 3.1, states, in part, that all elements of NRC Regulatory Guide 5.66 have been implemented to satisfy the requirements of 10 CFR 73.56.

One of the requirements of 10 CFR 73.56, as stated in Section (b)(2)(iii), is that the unescorted access authorization program must include behavioral observation, conducted by supervisors and management personnel, designed to detect individual behavioral changes which, if left unattended, could lead to acts detrimental to the public health and safety. Additionally, one of the elements of Regulatory Guide 5.66, as noted in Section 3, under the "Clarification of Guidelines," is that prior to the reinstatement of an employee's

access authorization, it is reasonable to expect that the licensee will ascertain that the activities the employee was engaged in during his or her absence would not have the potential to affect the employee's trustworthiness and reliability.

To satisfy the physical security plan commitments, the licensee's continual behavioral observation program requires, as documented in the Seabrook Station Security Program (SSSP), Revision 16, Section 3.9, titled "Reinstatement of Unescorted Access Authorization," that if more than 30 days have lapsed since an individual was at Seabrook Station, conduct an interview with the individual to ascertain that the activities of the individual during his or her absence would not affect his or her trustworthiness and reliability.

Contrary to the above, the licensee had developed a procedure which addressed contractors with unescorted access into the protected area that are away from Seabrook Station for more than 30 days and have not been under a continual behavior observation program, but the North Atlantic Energy Service Corporation failed to effectively implement the procedure. Therefore, the requirements for the reinstatement of unescorted access authorization relative to the continual behavioral observation program were not being met.

This is a Severity Level IV Violation (Supplement III).

II. Reply to Violations

A. FME Violation

Reason for FME Violation

North Atlantic agrees with this violation and notes that it is consistent with our internal findings and observations regarding the consistent application of FME controls. North Atlantic had scheduled enhancement of the FME program in 1996 based on industry experience and best practices in this area. However, this plan was to address only maintenance related aspects of FME.

North Atlantic has determined that Station personnel have historically viewed FME as the responsibility of the Maintenance Group without the full understanding that FME is the responsibility of all plant personnel. Additionally, with regard to this specific occurrence, Operators were not aware of FME requirements regarding small components that interface with plant systems. Maintenance procedure MA 3.4, "Foreign Material Exclusion," provides the administrative controls to prevent the introduction of foreign material into open systems and components. Although the procedure is not limited to large systems or components, it primarily addressed methods of FME for large components (e.g., steam generators) and large areas where FME controls are desired (e.g., Spent Fuel Pool, cavity, etc.). This procedure primarily provides guidance on how to establish FME areas, prepare work packages, provide administrative controls, retrieve

dropped items, and it designates mandatory FME areas. However, it does not address routine and non-routine activities performed by personnel outside of the Maintenance Group. North Atlantic has reviewed the training provided to support MA 3.4 and determined that enhancement is also required to broaden the scope to address activities performed outside of the Maintenance Group.

Corrective Actions Pertaining to FME Violation

1. North Atlantic initiated Adverse Condition Report (ACR) 96-308 to evaluate the cause for this violation and to develop corrective actions.
2. As an interim corrective action, caps were installed on the tube jumpers utilized to perform the Emergency Feedwater Turbine Driven Quarterly Pump Surveillance to prevent foreign material from entering the tubing. Additionally, a procedure search was performed for other tube jumpers installed by the Operations Department and two other instances were found. Caps were installed on these other tube jumpers. It should be noted that caps may not be utilized in the future if other FME controls are determined to be more appropriate.
3. North Atlantic will review the evaluation for ACR 96-308 with appropriate site personnel. It is anticipated that this review will be completed by July 31, 1996.
4. North Atlantic is evaluating staffing a new position that will be responsible for overseeing the conduct of FME and housekeeping practices in the plant and will act as an information source for management to ensure that adverse plant materiel conditions are identified, prioritized and resources appropriately applied. This will include oversight of production activities including those of Operations, Maintenance, Construction, Chemistry, Health Physics, and Radioactive Waste. With regard to FME, the individual in this new position will assist the responsible line organizations in implementing sound FME practices. This individual will coach workers and supervision in these practices to ensure comprehensive understanding, consistent application, and ownership of FME.
5. North Atlantic will evaluate the existing FME program at Seabrook Station to identify potential short-term programmatic enhancements. The applicable FME procedures will be revised, as appropriate, to reflect the results of this evaluation. It is anticipated that the evaluation of the FME program and any procedural enhancements will be completed by June 28, 1996.
6. For the longer term, North Atlantic will evaluate industry best practices regarding FME and will revise the FME program, as appropriate. This will include a review of FME related training. It is anticipated that this action will be completed by January 1997.

B. Security Violation

Reason for Security Violation

In order to understand the reason for this violation, it is first necessary to provide background information on unescorted access authorization as it is described in the statement of the violation.

Seabrook Station Quality Assurance Audit Report 95-A03-01 identified that unescorted access does not expire when individuals are away from the Seabrook Station Continual Behavior Observation Program (CBOP) for more than 30 days. The audit cited procedural requirements contained in the Seabrook Station Security Manual, Rev. 16, Chapter 2, Section 3.9, "Reinstatement of Unescorted Access Authorization." For the responsibilities of the Processing Center Supervisor, the procedure stated, in part:

If more than 30 days have lapsed since the individual was at Seabrook Station, conducts an interview with the individual to ascertain that the activities of the individual during his or her absence would not have the potential to affect the individual's trustworthiness and reliability.

Notwithstanding the Quality Assurance audit finding, the referenced section of the Security Manual pertains only to the reinstatement of unescorted access authorization if access had been previously terminated, not an absence from the site greater than 30 days while maintaining unescorted access. However, to address the intent of the audit finding, the Security Department had agreed to revise the Security Manual to ensure that unescorted access would be denied for individuals who were away from the Seabrook Station or other approved CBOP for 30 days or more. Unescorted access would be granted only after ascertaining that the activities the individual was engaged in during his or her absence from a CBOP did not have the potential to affect the individual's trustworthiness and reliability.

The Security Department planned to perform the above described procedure change in the next routine revision to the Security Manual. This was believed to be adequate since the procedure change was not necessary to satisfy regulatory requirements. This position was based on the existing regulatory requirements and endorsed guidance pertaining to unescorted access authorization.

North Atlantic had committed to implement the provisions of Regulatory Guide 5.66, "Access Authorization Program for Nuclear Power Plants," dated June 1991 to satisfy the access authorization requirements of 10 CFR 73.56. This Regulatory Guide endorses, with a few exceptions and clarifications, NUMARC 89-01, "Industry Guidelines for Nuclear Power Plant Access Authorization Programs," dated August 1989. These documents do not contain any guidance or requirements for the verification of an individual's trustworthiness when an individual is away from an approved CBOP for more than 30 days if their unescorted access had not previously been terminated. Additionally,

these documents do not contain any provisions for terminating access if an individual is away from a CBOP for more than 30 days. This is also consistent with Regulatory Guide 5.66, Clarification No. 3, which pertains to the reinstatement of unescorted access for individuals whose access was previously terminated. Clarification No. 3 also does not address situations where an individual is away from a CBOP and their access had not been terminated. This clarification states:

The NUMARC Guidelines allow reinstatement of unescorted access authorization within 365 days of its termination if the authorization was terminated under favorable conditions. Requiring a complete psychological assessment and background investigation after every break of 365 days or less in the behavioral observation program is not feasible. However, there is information available to the licensee from other sources. For example, if an authorization lapses because an employee took a leave of absence, it is reasonable to assume that the licensee has some indication of the intended activities of the employee during such leave. Furthermore, prior to reinstatement of the access authorization, it is reasonable to expect that the licensee will ascertain that whatever activities the employee engaged in during his or her absence would not have the potential to affect the employee's trustworthiness and reliability. (Emphasis added)

NRC Temporary Instruction 2515/127, "Access Authorization," as issued on January 17, 1995, provided further clarification on the issue of reinstatement. In contrast with Regulatory Guide 5.66 and NUMARC 89-01, Temporary Instruction 2515/127 requires licensees to ascertain the activities of employees during their absence from a CBOP for more than 30 days when their unescorted access had not previously been terminated. Section 04.05.b states, in part:

Also, if an individual granted UA [unescorted access] is away from a licensee or licensee approved BOP for more than 30 days, prior to the individual gaining UA again, the licensee, or approved contractor or vendor, must ascertain that the activities that the employee engaged in during his or her absence from the BOP did not have the potential to affect the employee's trustworthiness and reliability. This is required for individuals whose UAA [unescorted access authorization] is not terminated (e.g., employees on extended vacations, leave, on business travel without behavioral observation by a trained supervisor, contractor/vendor employees away from a licensee program and not under the observation of a trained supervisor in an approved contractor/vendor program), as well as for transfer of UAA or reinstatement of a favorably terminated UAA.

North Atlantic Security Department personnel had recognized that this aspect of Temporary Instruction 2515/127 was different than the provisions of the Security Manual. North Atlantic Security Department personnel were also aware of confusion in the industry regarding how this aspect of the Temporary Instruction appeared to expand upon the existing regulations. Hence, while the Security Department intended to revise the

Security Manual to address this issue during the next routine revision, they only intended to expedite the revision if the regulatory requirements were amended.

Subsequently, the status of the procedure changes to address the Quality Assurance audit finding was questioned during the NRC Integrated Performance Assessment Process (IPAP) inspection. Based on discussions with North Atlantic Licensing personnel, Security Department personnel recognized that their interpretation of the regulations regarding this issue may have been too narrow. While the Security Manual was in compliance with the literal requirements of the existing regulation, it did not fully meet the underlying intent of the requirements for a CBOP.

Corrective Actions Pertaining to Security Violation

1. On February 29, 1996, North Atlantic reviewed the Security computer to determine those individuals who had not entered the protected area for the last 30 days. A total of 29 individuals were identified. North Atlantic reduced the access level for these individuals to prevent them from gaining protected area unescorted access.
2. North Atlantic initiated Adverse Condition Report 96-140 to document and evaluate the conditions pertaining to why the Quality Assurance finding regarding the CBOP was not resolved in a timely manner.
3. North Atlantic reviewed the small subset of those individuals who had their unescorted access authorization revoked for adverse behavioral reasons. It was determined that none of these individuals had previously been absent from Seabrook Station for more than 30 days, returned, and then exhibited adverse behavior that warranted termination of unescorted access authorization. It should also be noted that the existing program maintained individuals who were absent from Seabrook Station eligible for Fitness For Duty random testing. If any of these individuals were selected for random testing during their absence, then prior to entry to the protected area, these individuals were subjected to a Fitness For Duty test.
4. On March 4, 1996, the Security Manual was revised (Revision 18) to clarify the CBOP policy. Specifically, when an individual with unescorted access is away from either Seabrook Station's, another licensee's, or a contractor/vendor's approved CBOP for more than 30 continuous days, their access level will be reduced to prevent protected area unescorted access. The Security Department will notify the individual's North Atlantic sponsor to further determine the individual's need for unescorted access. If the individual still requires protected area access, the individual, upon returning to Seabrook Station, will be required to complete and sign a determination letter ascertaining the activities of the individual during the absence. Upon satisfactory completion of the letter, the individual's access level will be reinstated. Individuals who do not require continued unescorted access will be removed from the Security computer.

It should be noted that the foregoing provisions of access denial after 30 days also applies for individuals whose unescorted access authorization is not terminated. For example, this would include employees on extended vacations, leave, on business travel without behavioral observation by a trained supervisor, contractor/vendor employees away from a licensee program and not under the observation of a trained supervisor in an approved contractor/vendor program.

The Security Manual revision also included a provision to terminate protected area unescorted access for individuals who have been away from a CBOP for more than 60 continuous days. This is in addition to their access level being reduced after 30 days to prevent entry into the protected area.

5. On March 8, 1996, the Seabrook Station Security Department Instruction SDI0015.00, "Processing Center Operations," was revised to reflect the aforementioned changes to the CBOP.

6. Security Department management personnel were counseled on the need to maintain focus on the underlying intent of regulations and the applicable guidance.

III. Date When Full Compliance Will be Achieved

North Atlantic is currently in full compliance with regulatory requirements.