



10 CFR 2.201

August 24, 2011

ND 2011-0055

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D C 20555-0001

Subject: **PSEG Early Site Permit**
NRC Docket No. 52-043
PSEG Reply to Notice of Violation 05200043/2011-201-01

Pursuant to 10 CFR 2.201, PSEG submits herein the response to Notice of Violation 05200043/2011-201-01, transmitted by the NRC on July 28, 2011. The Notice of Violation relates to a limited-scope inspection conducted by the U.S. Nuclear Regulatory Commission (NRC) at PSEG in Salem, NJ. The inspection focused on assessing PSEG's compliance with the provisions of selected portions of Appendix B to 10 CFR Part 50.

There are no regulatory commitments made in this submittal.

Should you have any questions or require additional information, please contact me at (856) 339-7908.

Sincerely,

A handwritten signature in black ink, appearing to read "James Mallon".

James Mallon
Nuclear Development
Early Site Permit Manager
PSEG Power, LLC

IED1
NRO

Attachment: 1) Response to Violation 05200043/2011-201-01

cc: Richard Rasmussen, Chief, Quality and Vendor Branch B, Division of
Construction Inspection and Operational Programs, Office of New
Reactors
Director, Office of Enforcement, United States Nuclear Regulatory
Commission,
NRC Project Manager, PSEG Early Site Permit Application
NRC Region I Regional Administrator

Attachment 1

Response to Violation 05200043/2011-201-01

I. VIOLATION

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted at the PSEG Power, LLC, and PSEG Nuclear, LLC, collectively referred to as PSEG, facility in Salem, New Jersey, on May 31-June 3, 2011, and, for additional document inspection, at NRC Headquarters on June 10-16, 2011, the NRC inspection team identified a violation of NRC requirements. In accordance with the NRC Enforcement Policy, the violation is listed below:

Criterion II, "Quality Assurance Program," of Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities," states, in part, that the quality assurance program shall provide for indoctrination and training of personnel performing activities affecting quality as necessary to assure that suitable proficiency is achieved and maintained.

TQ-ND-101, "Nuclear Development Training and Indoctrination Procedure," Revision 1, dated May 16, 2011, establishes the requirements for indoctrination and training for PSEG Nuclear Development (ND) personnel performing safety-related activities that affect the quality of the PSEG Site early site permit application (ESPA). Step 4.1 states, in part, that "required indoctrination and training shall be accomplished prior to performing activity governed by the implementing procedures."

Contrary to the above, as of June 3, 2011, PSEG ND personnel did not accomplish the required training before performing activities governed by implementing procedures. Specifically, PSEG ND personnel who had not received indoctrination and training per TQ-ND-101 performed receipt inspections, an activity governed by PSEG implementing procedures, for safety-related calculations provided by Sargent & Lundy (Calculation Numbers 2011-03075 and 2009-10130).

This issue has been identified as Violation 05200043/2011-201-01.

This is a Severity Level IV Violation (Section 6.5.d of the NRC Enforcement Policy).

II. PSEG REPLY TO THE NOTICE OF VIOLATION

1. Admission or Denial of the Alleged Violation:

PSEG does not dispute the alleged violation.

2. Reason for the Violation:

PSEG did not ensure that all personnel performing acceptance reviews (receipt inspection) of vendor supplied calculations had documented their indoctrination and training on the procedure prior to performing the acceptance reviews.

Three Nuclear Development (ND) personnel were assigned the task of performing the acceptance reviews of vendor generated calculations. Each of these individuals has over 25 years experience in the nuclear industry and are considered subject matter experts in their areas of expertise. Each of these three individuals also performed in-line reviews of procedure CC-ND-101 when it was originally issued and when it was revised in May 2011. The individuals' signatures on the procedure approval documentation, indicating that they had performed cross-disciplinary reviews prior to final approval, is evidence that they were well aware of the process to be implemented in the performance of the acceptance reviews of the calculations.

Based on the education and experience of these individuals, as permitted by NQA-1-1994, and the fact that all three individuals had performed in-line reviews of the procedures prior to issuance, the procedure originator and ND management determined that no additional indoctrination or training was required.

3. Corrective Steps That Have Been Taken and the Results Achieved:

This issue was entered into the ND corrective action program on June 3, 2011, prior to the NRC exit meeting. Procedure CC-ND-101, Revision 1 had been reviewed by two of the individuals prior to the NRC inspection; the remaining individual completed the review on June 3, 2011. The completion of the procedure reviews is documented on a Procedure Change Management Review Acknowledgement form which has been filed in the ND Records Management System.

Procedure CC-ND-101 has been revised to enhance the guidance for performing the acceptance reviews of vendor prepared calculations and technical reports. Each individual who will be assigned to perform the acceptance reviews has been indoctrinated and trained on the revised procedure. The completion of the training and indoctrination is documented on a Procedure Change Management Review Acknowledgement form which has been filed in the ND Records Management System.

The acceptance reviews for the calculations cited in the violation have been re-performed using the enhanced checklist from CC-ND-101, Revision 2.

4. Corrective Steps That Will Be Taken to Avoid Further Violations:

Procedure AD-ND-101-1002, Nuclear Development Writer's Guide and Process Guide for Procedures and T&RMs, has been revised to require that a procedure review acknowledgement form be generated for all new procedures or non-editorial revisions to existing procedures that implement QAPD requirements. This procedure change was approved on July 27, 2011, and became effective on July 28, 2011.

5. Date When Full Compliance Will Be Achieved:

PSEG achieved full compliance on June 3, 2011.