



ROCHESTER GAS AND ELECTRIC CORPORATION • 89 EAST AVENUE, ROCHESTER, N.Y. 14649-0001



AREA CODE 716 546-2700

ROBERT C. MECREDDY
Vice President
Nuclear Operations

December 20, 1996

U.S. Nuclear Regulatory Commission
Document Control Desk
Attn: Guy S. Vissing
Project Directorate I-1
Washington, D.C. 20555

Subject: Reply to a Notice of Violation
NRC Inspection Report 50-244/96-10, dated November 26, 1996
R.E. Ginna Nuclear Power Plant
Docket No. 50-244

Dear Mr. Vissing:

Rochester Gas and Electric (RG&E) provides this reply to the Notice of Violation (VIO 50-244/96-10-01 and VIO 50-244/96-10-02) submitted as an enclosure to a letter from Richard R. Keimig, USNRC, to Robert C. Mecredy, RG&E, dated November 26, 1996. During an NRC Inspection conducted on October 7-11, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600, the violations are listed below:

A. "10 CFR 26.21 requires supervisory refresher training in fitness-for-duty requirements to be completed on a nominal 12 month frequency.

10 CFR 26.20 requires each licensee subject to Part 26 to establish and implement written policies and procedures designed to meet the specific requirements of this part.

Fitness-for-Duty Procedure FFD-12, Revision 1, dated February 1, 1992, titled "Training Requirements," states, in Section 3.3.5, "refresher supervisor training must be completed on a nominal 12 month frequency, or more frequently where the need is noted."

Contrary to the above, a review of supervisor training records on October 8 and 9, 1996, disclosed that refresher fitness-for-duty training was not being given on an annual basis and that at least 10 supervisors had not received refresher supervisor training on a nominal 12 month frequency."

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- (1) the reason for the violation, or, if contested, the basis for disputing the violation:

Although RG&E does not dispute the fact that a violation of 10 CFR 26 occurred, we wish to point out that our staff did identify the failure to meet the training requirements of 10 CFR 26.21 requiring supervisory refresher training in fitness-for-duty be completed on a nominal 12 month frequency. RG&E's Nuclear Assessment Audit (A1NT-1996-0009 TGT), dated October 4, 1996, identified discrepancies in the nominal 12 month refresher training requirement. The reason for the violation is the lack of an adequate tracking mechanism to identify the due date for refresher training for supervisory personnel.

- (2) the corrective steps that have been taken and the results achieved:

This condition was identified by RG&E on September 19, 1996, during the course of the Nuclear Assessment Audit. A review was immediately conducted to evaluate the status of supervisors who are not badged for unescorted access. Those supervisors who had not received refresher training within the required timeframe were identified. Any employees (badged for unescorted access) listed as being supervised by one of the affected supervisors had their unescorted access immediately suspended (on September 19) until refresher training had been provided to the respective supervisor. The appropriate supervisors were trained on October 4, 7 and 28, 1996. After completion of this training, the access of all affected employees was reinstated.

- (3) the corrective steps that will be taken to avoid further violations:

- a. The responsibility for the Fitness For Duty and Continual Behavioral Observation Program (FFD/CBOP) initial and refresher training program (for personnel that are badged for unescorted access) will be transferred to the Nuclear Training Department in January, 1997. This training will be provided in conjunction with the General Employee Training (GET). GET is an annual requirement to maintain unescorted access.
- b. All employees and contractors with unescorted access will be trained to the same supervisory level of requirements of the FFD/CBOP. This revised training will begin in January, 1997. Transitional training will be provided throughout the year to meet the nominal 12 month refresher training requirement, because the anniversary date for requal in GET is spread out over the year.
- c. The FFD Coordinator will continue to be responsible for training those supervisors who do not have unescorted access, but who are responsible for employees with unescorted access.



- d. The Access Authorization Administrator will track the CBOP 30 day requirement by issuing a certification form to supervisors, starting in January, 1997. This form will list the employees for whom the supervisor is responsible and request a signature verifying that CBOP was accomplished. This will not only assure Access Authorization compliance but will also identify changes in supervision so appropriate training can be verified.
- e. The training process was benchmarked with other NRC Region 1 utilities and found to be the best method to comply with 10 CFR 26 and 10 CFR 73.
- f. Fitness For Duty Procedure FFD-12 will be revised to reflect the changes made in the training program, and will be implemented in January, 1997.
- g. The Unescorted Access Authorization Program has always required that unescorted access be suspended for personnel reporting to a supervisor who has not met training requirements. Procedures will be changed to further clarify this requirement.
- h. An independent Effectiveness Review will be conducted to verify the adequacy of the above listed corrective actions. This review will be completed by February 28, 1997.

(4) the date when full compliance will be achieved:

Full compliance was achieved on October 28, 1996, when supervisory training was completed.

- B. "10 CFR 26.24(a)(2) states, in part, that to provide a means to deter and detect substance abuse, the licensee shall implement unannounced drug and alcohol tests imposed in a statistically random and unpredictable manner so that all persons in the population subject to testing have an equal probability of being selected and tested; and, as a minimum, tests must be administered on a nominal weekly frequency and at various times during the day.

10 CFR 26.20 requires each licensee subject to Part 26 to establish and implement written policies and procedures designed to meet the specific requirements of this part.

Fitness-for-Duty Procedure FFD-8, Revision 6, dated March 4, 1996, titled "Random Selection and Notification Process," states, in Section 3.2.4, "when an employee selected for random testing is unavailable for a legitimate reason (e.g., illness, vacation, jury duty), the supervisor will inform the FFD Clerk. The FFD Clerk will notify the FFD Coordinator of the employee's unavailability.

Contrary to the above, on October 2 and October 10, 1996, an employee selected for random testing who was available on-site was not tested. Random testing records provided no legitimate reason for the employee to be excused from testing on the day that he was selected."

- (1) the reason for the violation, or, if contested, the basis for disputing the violation:

When the FFD Clerk notified the contact person that the employee was selected for random testing, the contact person stated (in both cases) that the employee was at a meeting and not available to be tested. The FFD Clerk assumed, in both instances, that the selected employee was not on site. This was clearly an oversight on the part of the FFD Clerk and a misunderstanding by the contact person that a meeting was not a reason to be excused from testing. Further review determined that this was an apparent isolated incident, involving this particular contact person, and not indicative of a major programmatic breakdown.

- (2) the corrective steps that have been taken and the results achieved:

Following the NRC Inspector's Exit Meeting on October 11, 1996, the Plant Manager instructed the contact person that when a person is selected for random testing and the person is on site, then the person will be tested. The Plant Manager has issued a notice to all contact personnel identifying this particular incident and reinforcing to each of them the requirements associated with ensuring that available personnel report for testing when contacted.


- (3) the corrective steps that will be taken to avoid further violations:

- a. To achieve and maintain compliance, procedure FFD-8, Section 3.2.3 will be revised. Persons selected for a random test who are on site will be tested, with the clarification that where an employee is involved in a critical activity, the supervisor will notify the FFD Clerk when the employee can be available for the test.
- b. When the FFD Clerk is advised that an employee (normally expected to be on site) is not on site, the FFD Clerk will verify with Security or the Access Authorization Office that the individual is actually off site.

- (4) the date when full compliance will be achieved:

Full compliance was achieved on October 18, 1996, when the employee was tested.

Very truly yours,


Robert C. Mecredy

RCM/jdw

xc: Mr. Guy S. Vissing (Mail Stop 14C7)
Project Directorate I-1
Washington, D.C. 20555

U.S. Nuclear Regulatory Commission
Region I
475 Allendale Road
King of Prussia, PA 19406

Ginna Senior Resident Inspector

CATEGORY 1

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 MECREDY, R.C. Rochester Gas & Electric Corp.
 RECIP. NAME RECIPIENT AFFILIATION
 VISSING, G.S.

SUBJECT: Responds to NRC 961126 ltr re violations noted in insp rept
 50-244/96-10. Corrective actions: appropriate supervisors
 completed refresher training & access of all affected
 employees reinstated.

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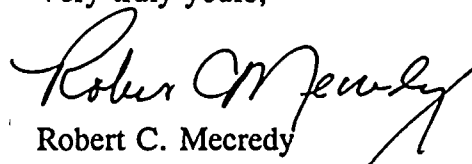
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