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Docket No. 50-461

10CFR50.54(a)(3)

Document Control Desk
Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: Response to Unresolved Item 50-461/95008-01

Dear Sir or Madam:

This letter provides the Illinois Power (IP) response to Unresolved Item (URI) 50-461/95008-01. The URI discusses the Clinton Power Station (CPS) commitment to American National Standards Institute (ANSI) N45.2.6-1978, "Qualifications of Inspection, Examination, and Testing Personnel for Nuclear Power Plants," through the CPS commitment to Regulatory Guide (RG) 1.58, Revision 1 (September 1980), "Qualification of Nuclear Power Plant Inspection, Examination, and Testing Personnel," contained in the CPS Updated Safety Analysis Report (USAR). The IP response to URI 50-461/95008-01 is contained in Attachment 1 to this letter.

This letter also provides response to the NRC question regarding how CPS defines and evaluates reductions to quality assurance commitments with regard to 10CFR50.54(a). This response is contained in Attachment 2 to this letter.

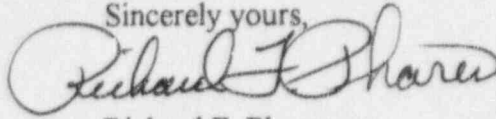
Additionally, to prevent confusion concerning the CPS implementation of ANSI Standard N45.2.6-1978, CPS has determined the need to clarify section 1.8 of the CPS USAR via a USAR revision. CPS is requesting NRC review and approval prior to the USAR revision becoming effective. The affected USAR page is included as Attachment 3 to this letter. The change is identified with a revision bar in the right margin of the page.

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CPS is requesting expedited review and approval of this request. IP has evaluated this change to the CPS Quality Assurance (QA) program and has concluded that it does not affect compliance with the requirements of 10CFR50, Appendix B.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Richard F. Phares".

Richard F. Phares
Director, Licensing

MAR/csm

Attachments: (1) Response to URI 50-461/95008-01
(2) CPS Reductions to Quality Assurance Commitments
(3) Proposed CPS USAR Change

cc: NRC Clinton Licensing Project Manager
NRC Resident Office, V-690
Regional Administrator, Region III, USNRC
Illinois Department of Nuclear Safety

Clinton Power Station Response to Unresolved Item 50-461/95008-01

On December 9, 1994, Illinois Power (IP) issued letter U-602381 to address an NRC letter dated October 26, 1994, that requested a response to concerns about certification of examination, testing, and inspection personnel at CPS. One concern stated, "Unqualified personnel are being certified level II without meeting ANSI N45.2.6 requirements." IP's response to the concern stated, in part, "CPS certifies level I, II, and III inspection personnel in accordance with ANSI N45.2.6-1978 with the exception that level II inspection personnel are not required to demonstrate all the capabilities described in the standard."

Specifically, IP has not required all Quality Verification (QV) inspection personnel to complete a demonstration of all the "Level II Personnel Capabilities" specified in ANSI N45.2.6-1978, section 3.3, as part of the inspector certification process because these personnel do not perform all of the inspection functions described in the standard. QV inspection personnel have been required to complete a demonstration of only those capabilities that are performed by the inspector during the assigned inspection task. This practice is not uncommon among nuclear utilities.

The functions described in ANSI N45.2.6 that are not performed by most Level II QV inspectors include:

- Planning inspections, examinations and tests.
- Setting up tests, including preparation and set-up of related equipment.
- Supervising or maintaining surveillance over the inspections, examinations, and tests.
- Supervising and certifying lower-level personnel.

It has been IP's interpretation that this practice fulfills the requirements of the Standard. ANSI N45.2.6-1978, Section 1.3, states, "It is the responsibility of each organization using personnel covered by the Standard to conform to the requirements of this Standard applicable to the organization's work." Therefore, IP has not required Level II QV inspectors to demonstrate capabilities for functions that they do not perform, and this has been IP's consistent practice since issuance of the operating license for CPS. Due to the absence of written regulatory guidance on this issue, this practice does not represent a situation in which IP implemented a change that reduced a commitment to the CPS QA program, but instead represents a case in which the NRC believes that IP did not comply with a commitment in the CPS QA program description. Therefore, this case does not involve a reduction in a commitment under 10CFR50.54(a).

Although certain functions discussed above may not be performed by Level II QV inspectors, those functions are performed by others when the function is applicable to the specific inspection activity. Inspection planning is performed by the Maintenance Planning section of the Maintenance Department. Maintenance planners are qualified to perform this function only after completion of classroom training, on-the-job training, and proficiency demonstration in accordance with their accredited training program. The proficiency demonstration is conducted with QV oversight. The Supervisor-QV interviews the Maintenance Planner inspection planner candidates and, along with the Supervisor-Maintenance Planning, approves the inspection planner qualification. This qualification process is considered to be equivalent to the ANSI N45.2.6 process.

Although inspection planning is not an in-line function performed by QV inspectors, the majority of in-house Level II QV inspectors are qualified to perform inspection planning and could do so if needed. These Level II QV inspectors have the necessary qualification to identify and correct if necessary, less than adequate inspection planning done by others. The reassignment of the inspection planning function from the Nuclear Assessment Department to the Maintenance Planning section of the Maintenance Department was submitted to the NRC for approval under 10CFR50.54(a) via IP letter U-602142 on July 14, 1993, and was approved by the NRC via NRC letter dated March 18, 1994.

For the most part, Level II QV inspector involvement in testing is limited to visual observation of testing performed by others, to verify acceptance criteria is met or that testing procedures are followed/met. QV inspectors have been trained, or familiarized with the procedures for the testing they observe. This training ensures the personnel have "demonstrated capabilities" in this area. Some QV inspectors perform limited testing in the area of grout material and penetration seal material inspections. These inspectors are trained and demonstrate the capability to perform these functions, including setting up the tests and related equipment, as part of their certification training.

The function of supervising, or maintaining surveillance over the inspections, examinations, and tests, is assigned to more senior, Level III QV personnel and the Supervisor-QV. This delegation "up" to Level III personnel, as opposed to Level II personnel, is allowed by ANSI N45.2.6. The assignment of this function to Level III and supervisory personnel is conservative and not a reduction in the QA program. These assignments are made only to personnel who have demonstrated leadership and the decision-making ability to supervise.

The function of supervising and certifying lower-level personnel is the responsibility of QV supervision and Level III personnel. At no time has a Level II QV inspector been permitted to certify a Level I inspector at CPS. IP's policy has been that this function belongs only to Level III QV personnel. The Training, Qualification, and Certification Manual recognizes these functions as a supervisory and Level III responsibility only. This position is conservative in that only the most qualified personnel are involved in the supervision and certification of lower level personnel.

The CPS program for certifying QV inspection personnel, in terms of their demonstration of proficiency of performing inspection functions, is performance-based and conservative. Personnel are not required to demonstrate proficiency in tasks they do not perform; on the other hand, they do demonstrate proficiency in tasks they do perform. IP is certain that the writers of ANSI N45.2.6 did not intend to require any more than this, nor did they intend to require that certain activities must be performed at the Level II level, when it is acceptable for those activities to be performed at the Level III level as well. On the basis of the above, the QV inspector qualification program meets the intent of ANSI N45.2.6 requirements and no commitment reduction has occurred in this area.

Since there is no written regulatory guidance regarding this element of the Standard, IP is providing clarification on the commitment to ANSI N45.2.6-1978. This clarification will specify the ANSI N45.2.6-1978 criteria applicable to the capabilities of CPS Level II and Level III inspectors. The clarification will be provided as a revision to the CPS commitment to Regulatory Guide 1.58 contained in section 1.8 of the CPS USAR. The proposed USAR page revision is included as Attachment 3 to this letter.

The proposed clarification to the CPS USAR indicates that inspection personnel demonstrate functional capabilities only to the extent that those functions are required to be performed by those personnel as a part of the assigned inspection task.

This proposed change to the CPS USAR does not result in a reduction to the overall effectiveness of the quality assurance program at CPS and does not affect compliance with the requirements of 10CFR50, Appendix B. IP contends that this practice is consistent with the NRC's principles of good regulation and IP's practice should be acceptable.

In the cover letter to Inspection Report 50-461/95008(DRP) dated June 22, 1995, IP was requested to address how CPS defines and evaluates reductions to CPS quality assurance commitments with regard to 10CFR50.54(a).

In order to assess reductions to quality assurance commitments with regard to 10CFR50.54(a), it is first necessary to identify the provisions which comprise the CPS QA program subject to 10CFR50.54(a). Table 1 to this attachment identifies the provisions which constitute the CPS QA program description.

The changes to the QA program are evaluated to determine if they (1) change or affect authority, independence, or management reporting levels previously established for organizations performing quality assurance functions; or (2) reduce commitments or the effectiveness of quality assurance functions specifically delineated in the QA program description. Changes are evaluated as a minimum to determine if the change reduces the level of activities, controls, oversight, or Nuclear Assessment Department involvement or deletes structures, components or systems covered under the QA Program. It should be noted that these criteria are guidance and that all changes to the CPS QA program description are evaluated on a case-by-case basis to determine if the change constitutes a reduction in commitment requiring NRC approval in accordance with 10CFR50.54(a) prior to implementation.

A change does not involve a reduction to a commitment contained in a previously accepted QA program description if, for example, the change is editorial in nature, reassigns responsibility for an activity from one group to another (exclusive of reassigning responsibility from the Nuclear Assessment Department to another organization), or the change provides an equivalent or greater level of control.

The criteria provided above for evaluating changes to the CPS QA program description are not intended to be all inclusive. These criteria provide guidelines to aid in the case-by-case evaluation of whether a change constitutes a reduction to the previously accepted QA program description.

TABLE 1

Clinton Power Station Quality Assurance Program Description Subject to 10CFR50.54(a)

1. USAR Chapter 17, entitled "Quality Assurance"
2. IP Nuclear Program Quality Assurance Manual (QAM), which is referenced in USAR section 17.2. Note: The entire QAM is part of the QA program description subject to 10CFR50.54(a), with the exception of Appendix B to the QAM. Appendix B contains the QA program descriptions for non-safety-related components (e.g., Fire Protection, Radiation Protection, Transportation) and is not considered to be under 10CFR50.54(a). 10CFR50.54(a) explicitly pertains to the QA program description under 10CFR50, Appendix B, which in turn applies to safety-related components. The QA program for non-safety-related components is outside the scope of 10CFR50, Appendix B, and is therefore outside the scope of 10CFR50.54(a).
3. QA-related Regulatory Guides (RGs) referenced in the CPS USAR, section 1.8, subject to the exceptions discussed in USAR section 1.8. These RGs are as follows:

- 1.8, Proposed Rev. 2, "Personnel Selection and Training"

Note: During a recent review performed to evaluate potential changes to the CPS commitment to RG 1.8, IP noted that both the CPS Safety Evaluation Report and the CPS USAR identify an incorrect revision number for the CPS commitment to RG 1.8. IP has determined that RG 1.8, proposed revision 2, dated February 1979, is the correct revision of RG 1.8 which IP is committed. IP will correct the CPS USAR to reflect this commitment.

- 1.30, Rev. 0, "Quality Assurance Requirements for the Installation, Inspection and Testing of Instrumentation and Electric Equipment"
- 1.33, Rev. 2, "Quality Assurance Program Requirements (Operation)"
- 1.37, Rev. 0, "Quality Assurance Requirements for Cleaning of Fluid Systems and Associated Components of Water-Cooled Nuclear Power Plants"
- 1.38, Rev. 2, "Quality Assurance Requirements for Packaging, Shipping, Receiving, Storage and Handling of Items for Water-Cooled Nuclear Power Plants"

- 1.39, Rev. 2, "Housekeeping Requirements for Water-Cooled Nuclear Power Plants"
- 1.58, Rev. 1, "Qualification of Nuclear Power Plant Inspection, Examination and testing Personnel"
- 1.64, Rev. 2, "Quality Assurance requirements for the Design of Nuclear Power Plants"
- 1.74, Rev. 0, "Quality Assurance Terms and definitions"
- 1.88, Rev. 2, "Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records"
- 1.94, Rev. 1, "Quality Assurance Requirements for Installation, Inspection and Testing of Structural Concrete and Structural Steel During the Construction Phase of Nuclear Power Plants"
- 1.116, Rev. 0-R, "Quality Assurance Requirements for Installation, Inspection and Testing of Mechanical Equipment and Systems"
- 1.123, Rev. 1, "Quality Assurance Requirements for Control of Procurement"
- 1.144, Rev. 1, "Auditing of Quality Assurance Programs for Nuclear Power Plants"

Note: The CPS Safety Evaluation Report indicates that the CPS commitment is RG 1.144, Rev. 0; however, CPS is committed to RG 1.144, Rev. 1.

- 1.146, Rev. 0, "Qualification of Quality Assurance Program Audit Personnel for Nuclear Power Plants"
4. Certain provisions contained in the CPS Operational Requirements Manual (ORM). These provisions were relocated from the CPS Technical Specifications to the ORM in conjunction with the NRC's acceptance of the Improved Technical Specifications for CPS. These provisions are as follows:
- Section 6.5, Review and Audit
 - Section 6.8.2, Procedures and Programs Review and Approval
 - Section 6.8.3, Procedures and Programs Temporary Changes
 - Section 6.10, Record Retention

5. Certain portions of USAR Table 3.2-1 which specifies classifications of structures, components, and systems (SCSs). The "Quality Assurance Requirements" column is included in the QA program description subject to 10CFR50.54(a), to the extent that it identifies SCSs that are subject to the requirements in 10CFR50, Appendix B as specified in the IP Nuclear Program Quality Assurance Manual. However, SCSs associated with the activities addressed in Appendix B of the manual are not part of the QA program description. All other portions of USAR Table 3.2-1 are based on safety analyses of the SCSs and constitute technical requirements for the SCSs, and thus do not form a part of the QA program description.

Proposed Clinton Power Station Updated Safety Analysis Report Change

Regulatory Guide 1.58, Rev.1 (September 1980) (Cont'd)

6. Reference: Clarification to ANSI N45.2.6-1978, Paragraph 1.2

That standard indicates applicability to personnel who perform inspection, examination, and tests during fabrication of items prior to delivery to the site. Supplier personnel performing inspection, examination, or test activities may not meet the requirements of this standard. The need to invoke the requirements of ANSI N45.2.6 will be evaluated during the review or verify the inspection activities of a supplier, we will use personnel qualified as auditors to the requirements of ANSI N45.2.23 or inspectors qualified to the requirements of ANSI N45.2.6.

7. Reference: Exception to ANSI N45.2.6-1978, Paragraph 3.5

Personnel performing VT-2, VT-3, and VT-4 visual examination of IWA-2212, IWA-2213, and IWA-2214, respectively, of the ASME Code, Section XI shall meet the levels of competency requirements defined in ANSI 45.2.6-1973.

8. Reference: Clarification to ANSI N45.2.6-1978, Paragraphs 3.3 and 3.4

Level II and Level III inspectors will be required to demonstrate functional capabilities only to the extent that those functions are performed.

USAR Subsection - 13.1, 17.1, 17.2