



WISCONSIN PUBLIC SERVICE CORPORATION

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May 6, 1986

U. S. Nuclear Regulatory Commission
ATTN: Mr. Charles W. Hehl, Chief
Operations Branch
799 Roosevelt Road - Building 4
Glen Ellyn, IL 60137

Gentlemen:

Docket 50-305
Operating License DPR-43
Kewaunee Nuclear Power Plant
Senior Reactor Operator Application Denial

- References:
- 1) Letter from D. C. Hintz (WPSC) to C. Roxworthy (NRC), dated April 18, 1986
 - 2) Letter from C. W. Hehl (NRC) to C. A. Schrock (WPSC), dated April 30, 1986
 - 3) "Operator Licensing Examiner Standards," NUREG-1021, dated October 1, 1984
 - 4) Letter from H. R. Denton (NRC) to all licensees, dated March 28, 1980
 - 5) Letter from E. R. Mathews (WPSC) to D. G. Eisenhut (NRC), dated April 1, 1981
 - 6) Letter from D. C. Hintz (WPSC) to C. Roxworthy (NRC), dated December 4, 1984

By letter dated April 18, 1986, Wisconsin Public Service Corporation (WPSC) requested that a Senior Reactor Operator (SRO) Examination be administered to Charles A. Schrock. The letter included the application (Form 398) and additional details regarding the applicant's experience and qualifications.

NRC responded (Reference 2) with the determination that the experience requirement of NUREG 1021, ES-109 was not met.

Based on a circumspection of the applicant's qualifications and the applicable requirements, we believe this denial to be inappropriate. Our rationale is presented in the following discussion.

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First, Paragraph C of Examiner Standard ES-102 in NUREG 1021 states:

"Regulating Guides, NUREG reports, and industry standards are not requirements except as required by Commission orders or as committed to by the licensee."

Therefore, by its own statement of applicability, NUREG 1021 and, therefore ES-109, is not a requirement.

Second, Paragraph D.1.a of Examiner Standard ES-109 in NUREG-1021 (reference 3) stipulates that the experience requirement is a "Minimum of 2 years of responsible nuclear power plant experience which MAY be as a staff engineer involved in the day-to-day operation of the plant."

The nuclear industry and the NRC have endorsed the definition in ANSI N18.1-1971 "Selection and Training of Nuclear Power Plant Personnel" and ANSI/ANS-3.1-1981, "Selection, Qualification and Training of Personnel for Nuclear Power Plants" both which state:

Shall, Should, and May:
The word "shall" is used to denote a requirement;
the word "should" to denote a recommendation;
and the word "may" to denote permission, neither
a requirement nor a recommendation.

Use of the word "May" in paragraph D.1.a of ES-109 can only be interpreted as a recommendation. In addition, the standard does not even mention that the experience must be gained as a plant-site-based engineer. The Staff's refusal to accept Mr. Schrock's application is based on an interpretation which is clearly not intended by ES-109.

Third, a discussion of the right to a waiver was presented in the NRC's letter of denial of application (Reference 2), although NRC indicated that approval of same was unlikely. WPSC has determined that a request for a waiver would not only be untimely, but is inappropriate.

The NRC examiner standard ES-111 governing waivers (reference 3) states, "Substitutions allowed by Regulatory Guide 1.8 and ANSI 18.1-1971 or ANSI/ANS-3.1 (depending on the licensee's commitment) are not considered to be waivers and, therefore do not require approval."

WPSC is committed to ANSI 18.1-1971 by Technical Specification, and therefore the following allowed substitutions do not require approval.

- 1) ANSI N18.1 clearly allows experience in nuclear power plant design and technical services (definition of experience 2.2.4).
- 2) ANSI N18.1 further states that up to a year of nuclear experience at a research reactor may qualify as equivalent to nuclear power plant experience on a one-for-one time basis.

- 3) In addition, the standard allows on-the-job training to qualify as equivalent to nuclear power plant experience on a one-for-one time basis for up to a maximum of one year's credit toward nuclear power plant experience.
- 4) Two years of academic training may be substituted for non nuclear power plant experience.

Based on the above requirements to which we are committed, Mr. Schrock's applicable experience is presented below.

	<u>Actual Experience</u>	<u>Substitution Allowed By N18.1</u>
a) Nuclear power plant experience in design and technical services	6 yr.	6 yr.
b) Nuclear reactor experience at a research reactor (RO/SRO)	2 yr.	1 yr.
c) On-the-job training at a nuclear power plant	1 yr.	1 yr.
d) Four-year engineering degree	4 yr.	<u>2 yr.</u>
TOTAL APPLICABLE POWER PLANT EXPERIENCE		10 yr.

It is our assertion that credit for experience in this case can be given for 10 years of responsible power plant experience of which 8 are nuclear power plant experience. This determination is in concert with the NRC requirements as well as with our commitments.

WPSC also committed in reference 5 to provide training and qualifications commensurate with Harold Denton's letter (reference 4). Denton's letter requires 4 years of responsible power plant experience, and merely provides as an example that this requirement may be met as a power plant staff engineer.

We must reiterate that we have determined that Mr. Schrock has met the requirement for 4 years of responsible power plant experience. Furthermore, we must emphasize that WPSC retains the right to make this determination, consistent with the appropriate standards, regulations, and Technical Specifications, in accordance with our commitments. It is interesting to note that we have disagreed with the staff on this point in the past, but our determination was affirmed upon closer evaluation by the staff (reference 6).

Because of the scrutiny that the eligibility requirements have received in the past, prior to placing Mr. Schrock in the SRO program, WPSC took prudent measures to ensure that his qualifications would be acceptable to the NRC. Indeed, On March 5, 1985, prior to embarking on the SRO training program, Mr. Schrock (in his capacity as the Nuclear Licensing and Systems Superintendent) conferred with your Mr. McMillen on the salient points of his eligibility. We understand that such a verbal communication is not binding. Nevertheless, Mr.

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McMillen indicated that Mr. Schrock's qualifications far exceeded the NRC's requirements. Thus assured, we had no cause to suspect that this disagreement on experience qualifications would occur.

Notwithstanding the above, the staff informed us in a teleconference on May 1, 1986, that its interpretation of applicable power plant experience is a job which would require familiarity with plant administrative controls, procedures, and the response of the plant to transient conditions; and such a job must be stationed at the plant site.

Consequently, the NRC staff has, by mere imputation, determined that an experienced corporate staff engineer is precluded from obtaining responsible nuclear plant experience in spite of a preponderance of ascription to the contrary in the regulations, guidance, standards and licensee commitments.

We feel that such a position on the part of the staff can only be the result of a lack of understanding of the corporate-engineering position at WPSC and how it compares to a plant staff engineer.

First, the proximity of the corporate office to the plant (approximately 35 miles) fosters familiarity. Because it is so close, many people who work at the plant live in Green Bay, and many people who work in the corporate office in Green Bay live near the plant. Because of the closeness, it is normal for corporate engineers to spend a good share of their time at the plant. Based on a review of Mr. Schrock's records, he has spent about 20% of his time at the Kewaunee site.

Secondly, because of the small size of WPSC's Nuclear Organization, the distinction between the responsibilities of a corporate engineer and his plant counterpart are minimal. These individuals will, in fact, frequently work side-by-side on a given project. WPSC encourages this cross-breeding and supports it by requiring that all WPSC badged personnel receive identical initial and continuing training on plant health physics controls, radiation protection, security, and quality assurance. The constant interface with the plant also demands that the engineer (whether plant-staff or corporate) be familiar with the plant's Administrative Controls and operating procedures.

All of these hold true for Mr. Schrock. In his years as a member of the corporate organization, he has been the responsible engineer for design changes at the Kewaunee Plant, he has frequently served as a temporary member of the Plant Operations Review Committee, and he has served on committees to review and rewrite plant operating procedures.

Furthermore, in discharging his responsibilities to perform safety evaluations of both plant operation and of NRC concerns, Mr. Schrock has gained first-hand experience in ECCS evaluations, reactor physics, containment cooling, and rod misalignment concerns, to name only a few. In addition, Mr. Schrock has witnessed several plant trips, a natural circulation cooldown, reload physics testing, and the testing of various components and facets of the plant design. Finally, because of his position on the corporate staff, Mr. Schrock has reviewed virtually every incident report and LER written at the Kewaunee Plant

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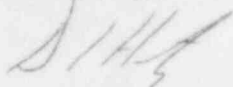
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over the last several years. Obviously, Mr. Schrock has gained the familiarity with plant administrative controls and procedures and the plant's response to transient conditions that the staff so greatly desires.

In closing, we encourage you to consider the salient arguments presented in conjunction with the additional site experience details provided, and we urge you to reconsider acceptance of Mr. Schrock's application. It is our intent to resolve this issue prior to the scheduled exams the week of June 23, 1986. As such, we will contact you on Friday, May 9, 1986.

Sincerely,



D. C. Hintz
Manager - Nuclear Power

DR/jms

cc - Mr. Thomas Burdick, NRC Region III
Mr. G. E. Lear, US NRC
Mr. Bruce Boger, US NRC
Mr. Robert Nelson, US NRC
Mr. C. A. Schrock, WPSC
Mr. F. Stanaszak, WPSC