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 AUTH.NAME AUTHOR AFFILIATION
 KARNER,D.B. Arizona Nuclear Power Project (formerly Arizona Public Serv
 RECIP.NAME RECIPIENT AFFILIATION
 Ofc of Enforcement (Post 870413)

SUBJECT: Responds to violations noted in insp of Licenses NPF-41,
 NPF-51 & NPF-74 on 880627-0701.

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102-01070-DBK/TDS

December 19, 1988

DONALD B. KARNER
EXECUTIVE VICE PRESIDENT

Director, Office of Enforcement
U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Reference: Letter from J. B. Martin, Regional Administrator, Region V, U. S.
Nuclear Regulatory Commission to Arizona Nuclear Power Project,
Attn. D. B. Karner, Executive Vice President

Dear Sir:

Subject: Palo Verde Nuclear Generating Station
Units 1, 2 and 3
Docket No. STN 50-528 (License No. NPF-41)
STN 50-529 (License No. NPF-51)
STN 50-530 (License No. NPF-74)
Reply to a Notice of Violation
File: 88-070-026

This letter is provided in response to a notice of violation documented in the referenced letter. The attachment to this letter specifically addresses the violation not assessed as a civil penalty. The remaining issues discussed in the referenced letter will be transmitted under a separate cover.

The violation and ANPP's response are provided in the attachment to this letter. If you should have any questions regarding this response, contact Mr. Timothy Shriver of my staff at (602) 393-2521.

DB Karner/VH

DBK/TDS/kj

Attachments

cc: J. G. Haynes (all w/attachments)
J. B. Martin
T. J. Polich
M. J. Davis
A. C. Gehr

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PDR ADDCK 05000528
Q PDC

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REPLY TO A NOTICE OF VIOLATION

During an inspection conducted June 27 through July 1, 1988, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1988), as modified by 53 Fed. Reg. 40019 (October 13, 1988), the violation is listed below:

III. VIOLATION NOT ASSESSED A CIVIL PENALTY

10 CFR 20.409(v) provides: "When a licensee is required pursuant to §§ 20.405 or 20.408 to report to the Commission any exposure of an individual to radiation or radioactive material, the licensee shall also notify the individual. Such notice shall be transmitted at a time not later than the transmittal to the Commission and shall comply with the provisions of § 19.13(a) of this chapter."

Contrary to the above, on June 22, 1988, the licensee submitted a letter to the Commission reporting the exposure received on May 22-23, 1988 by an individual from NRC licensed material while working at the Palo Verde Nuclear Generating Station, Unit 2, but had not, as of that date, notified the individual of his exposure.

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

REPLY TO A NOTICE OF VIOLATION

I. REASON FOR VIOLATION

As stated in the notice of violation, a contract employee received an exposure while performing work activities in PVNGS Unit 2 on May 22, 1988, which resulted in the worker exceeding the cumulative quarterly exposure limit, 3 rem, as stated in 10CFR20.101. However as of June 22, 1988, when the event was reported in writing to the NRC, the employee had not been formally notified, though verbal notification had been made. When notified of this discrepancy by the NRC inspector, the responsible management personnel conducted an evaluation to determine the root cause and identify the necessary corrective actions. The evaluation identified that the applicable procedure, 75AC-9ZZ01, "Radiation Exposure and Access Control", did not specifically address the requirements of 10CFR20.409(b) for written notification to the affected individual. As a result, the responsible individuals were not aware of the requirement to notify the employee receiving an overexposure in writing that he had in fact been overexposed. The responsible individuals believed that the verbal notification that the employee had received met the intent of the regulation and that inclusion of the overexposure report in the employee's file sufficiently documented the event. As a result, the employee receiving the overexposure was not provided a written statement concerning his overexposure.

REPLY TO A NOTICE OF VIOLATION

II. CORRECTIVE ACTIONS TAKEN AND RESULTS ACHIEVED

Immediately following notification of the event, the employee was provided written notification of his overexposure achieving full compliance with 10CFR20.409(b).

III. ACTIONS TAKEN TO AVOID FURTHER VIOLATIONS

At the time ANPP was notified of the discrepancy a procedural change was initiated to include the requirements of 10CFR20.409(b). The revision specifically addressed the requirements of 10CFR20.409(b) by adding step 3.11.6 which states;

"Any report, as described in Appendix C, shall require a written report to be provided to the affected individual(s) no later than the time of official written notification to the NRC (RCTS #039454).

This report to the individual(s) shall include the name of the licensee, name of individual(s), individual's social security number, individual's exposure information, results from any measurements, analysis and calculations of radioactive material deposited or retained in the body of the individual and the following statement;

"This report is furnished to you under the provisions of the Nuclear Regulatory Commission regulation 10 CFR Part 19. You should preserve this preserve this report for further reference."

REPLY TO A NOTICE OF VIOLATION

Additionally, the procedure was reviewed by the Central Radiation Protection Department to ensure other requirements specified in 10 CFR Parts 19 and 20 were adequately addressed. The results of the review identified no other deficiencies in the procedure. In order to provide an independent perspective, the Radiation Protection Standards Department also conducted a review of the procedure. Their review identified no additional deficiencies. ANPP believes these actions will prevent recurrence of events similar to those described in the notice of violation.

IV. DATE WHEN FULL COMPLIANCE WILL BE ACHIEVED

Full compliance was achieved with the issuance of the employee notification on June 27, 1988 and the implementation of the procedural revision discussed in Section III effective on July 14, 1988.

