

DUKE POWER COMPANY

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HAL B. TUCKER
VICE PRESIDENT
NUCLEAR PRODUCTION

December 21, 1984

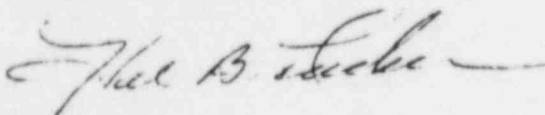
Mr. James P. O'Reilly, Regional Administrator
U. S. Nuclear Regulatory Commission
Region II
101 Marietta Street, NW, Suite 2900
Atlanta, Georgia 30323

Subject: Oconee Nuclear Station
IE Inspection Report
Nos. 50-269/84-16
50-270/84-15
50-287/84-26

Dear Sir:

In response to your letter dated November 23, 1984 which transmitted the subject Inspection Report, the attached response to the cited item of non-compliance is provided. I declare under penalty of perjury that the statements set forth herein are true and correct to the best of my knowledge on December 21, 1984.

Very truly yours,



Hal B. Tucker

SGG:slb

Attachment

cc: Mr. J. C. Bryant
NRC Resident Inspector
Oconee Nuclear Station

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Violation 1

NRC Order 7590-01 July 10, 1981 to Oconee, Order Confirming Licensee Commitments On Post TMI Related Issues, requires certain TMI items to be implemented. Item I.A.1.3, Delegating Administrative Shift Supervisor Responsibilities to Non-on Duty Personnel, is listed in the order as having been completed.

Contrary to the above, as of September 14, 1984, the administrative duties of the Shift Supervisor are delegated to the Unit Supervisors and control room Senior Reactor Operators (SROs) who are on duty in the control room.

This is a Severity Level IV violation (Supplement 1) applicable to Units 1, 2, and 3.

Response

- 1) Admission or denial of the alleged violation:

This violation is denied for the following reasons:

- a) Duke notes that NRC order 7590-01 confirming Duke Power's commitments to implement certain Post TMI related items for Oconee Nuclear Station was issued July 10, 1981, March 18, 1983, and July 6, 1984. The July 10, 1981 letter was based on Duke commitments made in regard to the implementation of the requirements set forth in NUREG-0737 for which the NRC Staff requested completion before June 30, 1981. The March 18, 1983 letter was based on commitments made by Duke in response to NRC's Generic Letters 82-05 and 82-10 dated March 17, 1982 and May 5, 1982, respectively. The July 6, 1984 letter was based on Duke commitments made in response to NRC's Generic Letter 82-33 dated December 17, 1984.

NRC Order 7590-01 dated July 10, 1981 issued to Oconee was reviewed, which revealed that TMI Item I.A.1.2, Delegating Administrative Shift Supervisor Responsibilities to Non-on Duty Personnel, was not explicitly mentioned or listed in the order. However, by reference, the December 15, 1980 Duke letter was incorporated into the order. The following is what appears within the December 15th letter concerning this NUREG-0737 Item (I.A.1.2):

<u>Item</u>	<u>Short Title</u>	<u>Status</u>
I.A.1.2	Shift Supervisor Responsibilities	Delegate Non-Safety Duties-Complete

In addition, Enclosure 1 to NUREG-0737 Lists Item I.A.1.2 as "complete", but does not clarify Specific requirements of the Item as referenced in the Details of Section 7 of the Inspection Report. Thus the violation appears to be cited against a previously completed requirement not explicitly documented in NRC order 7590-01.

- b) NUREG-0737, Item I.A.1.2 was apparently issued as a restated portion of NUREG-0578 (Section 2.2.1a), Shift Supervisor's Responsibilities. This Section states in part that "administrative functions that detract from or are subordinate to the management responsibility for assuring the safe operation of the plant shall be delegated to other operations personnel not on duty in the control room". *hmf*

Duke Power Company by letters dated October 18 and November 21, 1979, submitted to the NRC the following response concerning the Shift Supervisor responsibilities (NUREG-0578 Section 2.2.1.a):

"Appropriate directives will be reviewed and revised as necessary to fulfill the intent of this item by January 1, 1980."

In addition, by a January 2, 1980 letter Duke submitted to the NRC the following:

"The Shift Supervisor's responsibilities, as contained in the Steam Production Administrative Policy Manual, has been redefined to include several concerns of this item. With this change, and the existing Technical Specifications and station directives, it is considered that the intent of this item is fulfilled. All of these documents are available on site for NRC review."

In response, the NRC by a letter dated April 7, 1980, provided the Staff's evaluation of Duke's submittal on this subject:

"2.2.1.a Shift Supervisor Responsibilities"

The licensee has revised the responsibilities of the Shift Supervisor so that he can provide direct management of ongoing safety related operations and not be distracted from these primary responsibilities by administrative assignments. This revised responsibility has been set forth in plant documents. *hmf*

Based on the above considerations we conclude that the licensee has satisfied the requirements of this item. Verification of the adequacy of the licensee's procedures will be performed by the Office of Inspection and Enforcement and will be documented in an appropriate inspection report."

In summary, Duke Power Company considers that the low number and magnitude of the administrative duties and functions delegated to on-duty personnel in the control rooms do not detract from or interfere with the management responsibility for assuring safe operation of the plant. Additionally, the large number of on-duty licensed personnel further minimizes the small impact of these duties. In fact, during the inspection exit interview the lead inspector noted to plant management that he could find no evidence that on-duty personnel were overburdened with administrative duties, as noted in the inspection report (Section 7) itself.

- c) At the Exit meeting with plant management on September 14, 1984, this item was noted as an inspector concern based on not meeting the intent of NUREG-0737 guidance for delegating administrative duties. There was no mention of even a potential violation for this item. Although it was agreed at this meeting that the inspectors were to discuss some of their other findings with NRC management in Atlanta and subsequently clarify the NRC position with Oconee management via telephone, the inspectors never made the clarification call to Oconee management. Thus, the details of the inspection report are inaccurate in stating that "the inspectors informed licensee management that the inadequacy to preclude assignment of administrative duties to on-duty personnel is a violation of Order 7590-01, which was issued under 10 CFR 2.204."

In conclusion, this violation is denied due to lack of evidence that Duke Power Company has violated the letter or intent of any NRC order or NUREG section concerning delegation of Shift Supervision administrative duties at Oconee. The fact that no on-duty shift personnel were found to be overburdened with administrative duties supports this contention.

2) Reasons for the violation:

Not applicable; see (1) above.

3) Corrective actions taken and results:

Not applicable; see (1) above.

4) Corrective actions to be taken to avoid further violations:

Not applicable; see (1) above.

5) Date when full compliance will be achieved:

Not applicable; see (1) above.

Violation 2

Oconee Technical Specification Figure 6.1-1, Station Organization Chart, requires the Shift Technical Advisor (STA) to report to the Operating Engineer and to advise the Shift Supervisor.

Contrary to the above, as of September 14, 1984, Oconee Station Directive 3.1.36, revision dated January 18, 1984, requires the SRO/STA to report to the Shift Supervisor on items pertinent to normal operations and to perform the normal line function of SRO in charge of the control room.

This is a Severity Level IV violation (Supplement 1) applicable to Units 1, 2, and 3.

Response

- 1) Admission or denial of the alleged violation:

This violation is denied for the following reasons:

The Section 9 supporting details in the inspection report reflect the information contained in the cited revision of Station Directive 3.1.36 pertaining to organization and responsibilities of the SRO/STA position. This directive stated "SRO/STA will report directly to the Project Operating Engineer and not to the Shift Supervisor on items pertinent to the STA function. He will report to the Shift Supervisor on items pertinent to normal operations". Additionally, the directive stated "During off-normal events, he shall be detached from and independent of the Shift Supervisor. During normal operation, he shall perform duties of the control Room Supervisor as directed by the Shift Supervisor".

This Station Directive has now been deleted from the Station Directives Manual, but the same requirements for the SRO/STA position have been transferred to Operations Management Procedure 2-1 of the Operations Section Manual. The requirements quoted above are clearly in conformance with the interpretation of Technical Specification Figure 6.1-1 given in the violation where the STA reports to the Operating Engineer and advises the Shift Supervisor. Thus, Duke Power Company concludes that the cited figure has not been violated, and that the information in the details of the Inspection Report supports this conclusion.

The details of the Inspection Report state that the combined Control Room SRO/STA function does not meet the intent of NUREG-0737. Duke Power Company does not agree with this interpretation of intent. In support, Duke cites the "Draft commission policy statement on Engineering Expertise on Shift" published in the Federal Register on July 25, 1983, which proposes a policy to allow licensees to combine the SRO and STA functions. In addition, Duke is aware that Boston Edison Company submitted, by a June 20, 1984 letter, an amendment request to include an additional footnote to a technical specification table which would indicate that a STA with a SRO License may serve simultaneously as a STA and

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SRO (Vol 49, No. 164 FR 33356). This indicates apparent acceptability of a combined SRO/STA program, and thus, no basis for the alleged violation.

2) Reasons for the violation:

Not applicable; see (1) above.

3) Corrective actions taken and results:

Not applicable; see (1) above.

4) Corrective actions to be taken to avoid further violations:

Not applicable; see (1) above.

5) Date when full compliance will be achieved:

Not applicable; see (1) above.

Violation 3

NRC Order 7590-01, Order Confirming Licensee Commitments On Post TMI Related Issues, Item I.A.1.3, Shift Manning, requires administrative procedures be established for the placement of overtime restrictions on plant staff who perform safety-related functions (e.g., senior reactor operators, reactor operators, health physicists, auxiliary operators, I&C technicians and key maintenance personnel).

Contrary to the above, as of September 14, 1984, Oconee Station Directive 3.1.33, revision dated January 23, 1984, does not contain provisions for limiting overtime for health physicists and key maintenance personnel.

This is a Severity Level IV violation (Supplement 1) applicable to Units 1, 2, and 3.

Response

- 1) Admission or denial of the alleged violation:

This violation is denied for the following reasons:

- a) NUREG Item I.A.1.3 required administrative procedures be established by November 1, 1980 to "develop working schedules such that use of overtime is avoided, to the extent practicable, for the plant staff who perform safety-related functions (e.g., senior reactor operators, ... health physicists, ... and key maintenance personnel)." In response to this proposed violation, NRC order 7590-01 dated March 18, 1983 was reviewed. The following excerpt from the order concerns this NUREG-0737 item:

"I.A.1.3.1 Limit Overtime

This item was acceptably resolved by the November 2, 1981, NRC letter to the licensee. However, Generic Letter 82-12, issued June 15, 1982, slightly revised the Commission's policy statement of February 8, 1982, and requested that licensee review their past actions to assure that the administrative section of the Technical Specifications be revised to assure that plant administrative procedures follow the revised working hour guidelines. The licensee's response of July 23, 1982, "strongly supports the overall thrust of controlling the working hours of employees here to the extent of preventing a compromise of safety", endorses the ANS 3.2 draft on this subject and, "strongly objects to the proposed action specified with respect to its being included in Technical Specifications". This issue is being reviewed by the Staff."

- b) In a letter dated November 2, 1981 from NRC/ONRR to Duke Power Company, several NUREG-0737 Items were addressed. For Item I.A.1.3, the following conclusions were given:

"Duke Power Company's (Duke's) December 15, 1980 letter ... stated that administrative procedures had been implemented ...

to limit overtime worked by plant staff who perform safety related functions. These procedures have been reviewed by NRC Inspectors and were found to meet the intent of this item."

Station administrative procedures limiting overtime have not significantly changed since this review and are therefore considered acceptable to the NRC in meeting the requirements of NUREG-0737, Item I.A.1.3. Thus, there again is no apparent basis for the alleged violation.

- c) As discussed above, guidance had been provided and is used by Station Management in the judicious use of overtime. A review of our actual practices would reveal that overtime is appropriately controlled at Oconee for all personnel. This satisfies the overall intent of Item I.A.1.3.
- 2) Reasons for the violation:
Not applicable; see (1) above.
- 3) Corrective actions taken and results:
Not applicable; see (1) above.
- 4) Corrective actions to be taken to avoid further violations:
Not applicable; see (1) above.
- 5) Date when full compliance will be achieved:
Not applicable; see (1) above.