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Arizona Nuclear Power Project

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November 5, 1985
ANPP-33926EEVB/FJH

U. S. Nuclear Regulatory Commission
Region V
1450 Maria Lane, Suite 210
Walnut Creek, CA 94596-5368

Attention: Mr. D. F. Kirsch, Acting Director
Division of Reactor Safety and Projects

Subject: Palo Verde Nuclear Generating Station (PVNGS)
Unit 1, Docket No. STN 50-528 (License No. NPF-41)
Response to Item 2 of Notice of Violation,
dated October 4, 1985, attached as Attachment A
to letter from D. F. Kirsch to E. E. Van Brunt, Jr.,
dated October 4, 1985
File: 85-019-026; D.4.33.2

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Dear Gentlemen:

The response of Arizona Public Service Company licensee under Facility Operating License No. NPF-41, to Item 2 of the Notice of Violation, dated October 4, 1985, attached as Attachment A to the letter from D. F. Kirsch, Acting Director, Division of Reactor Safety and Projects, to Arizona Nuclear Power Project dated October 4, 1985 is submitted herewith as Appendix A.

If there are any questions respecting this response, we will be pleased to answer them in a timely manner.

Very truly yours,

E E Van Brunt/DJK

E. E. Van Brunt, Jr.
Executive Vice President
Project Director

EEVB/FJH/dlm

Attachment

cc: A. C. Gehr
E. A. Licitra
R. P. Zimmerman

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85-482

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ATTACHMENT A

RESPONSE TO ITEM 2 OF NOTICE OF VIOLATION
DATED OCTOBER 4, 1985, RESPECTING OVERTIME WORKED
BY A MEMBER OF ENGINEERING STAFF OF PALO
VERDE NUCLEAR GENERATING STATION (NOTICE)

1. Item 2 of Notice

Item 2 of the Notice alleges as follows:

"Technical Specification 6.2.2.2 states, in part, that (a) Administrative procedures shall be developed and implemented to limit the working hours of unit staff who perform safety-related functions, and that, (b) Operating personnel who perform safety-related work in excess of 16 hours in any 24 hour period shall have their overtime approved by the PVNGS Manager or his designee".

"Contrary to the above requirements, (1) administrative procedures to limit working hours of the unit staff support engineers who perform safety-related functions had not been developed and implemented, and (2) a member of the unit staff (Operations Engineering Department) worked 20 hours during the 24 hour period beginning at 6:00 PM on August 19, 1985 without the overtime being approved by the PVNGS Plant Manager or his designee. During the overtime period, the engineer took measurements and calculated percent of valve travel during the performance of safety related surveillance testing to satisfy Technical Specification requirement 4.5.2.g, which involves verifying the correct position of electrical and mechanical stops associated with specific emergency core cooling throttle valves".

"This is a severity Level IV Violation (Supplement 1)".

2. Admissions of Facts

APS admits that (i) administrative procedures to limit working hours of engineers on the staff of the Palo Verde Nuclear Generating Station (PVNGS) Operations Engineering Department have not been developed and implemented, (ii) an engineer of the staff of the PVNGS Operations Engineering Department worked 20 hours during the 24 hour period beginning at 6:00 P.M. on August 19, 1985, (iii) the overtime worked by such engineer was not approved by the PVNGS Plant Manager or his designee, and (iv) such engineer took measurements and calculated percent of valve travel during the performance of safety related surveillance testing to satisfy Technical Specification requirement 4.5.2.g, which involves verifying the correct position of electrical and mechanical stops associated with specific emergency core cooling throttling valves.

3. Denial of Violation

APS respectfully denies that the foregoing admitted facts constituted a violation of Technical Specification 6.2.2.2 for the reasons set forth below.

The genesis of the limitations upon overtime work is found in the TMI-2 Lessons Learned Task Force Final Report (NUREG-0585). Recommendation 3 of such Final Report provides:

"Each licensee should be required to review and revise within 90 days the plant administrative procedures to assure that a sound policy is established covering working hours for reactor operators and senior reactor operators. ... In the event special circumstances arise that would cause extended periods of work in excess of 12 hours for more than two consecutive days, such work in excess of 12 hours should be authorized by the Station Manager with appropriate documentation of the cause. ..." [Emphasis supplied.]

This Lessons Learned recommendation was followed first by NRC Generic Letter No. 82-02, second by Item I.A.1.3 of NUREG-0737 and third, by NRC Generic Letter No. 82-12 issued to clarify and revise the original NUREG-0737 requirements.

The clarification and revision of NUREG-0737 overtime requirement was necessary to incorporate the provisions of the Commission's policy statement on this subject matter. Examination of the Commission's policy is relevant to the proper interpretation of Technical Specification 6.2.2.2 of License No. NPF-41. Initially, the title of the Commission's statement makes it unmistakably clear that it was intended to address fatigue of "operating personnel" only.

"Policy on Factors Causing Fatigue of Operating Personnel at Nuclear Reactors"
[Emphasis supplied.]

The phrase "operating personnel" found in the title is repeated three times in the text of the policy. On its face, the phrase "operating personnel" would exclude the application of the policy to non-operating, engineering personnel.

The text of the policy reinforces this conclusion several ways. First, it is stated that the purpose of the required administrative controls of overtime is:

"... to prevent situations where fatigue could reduce the ability of operating personnel to keep the reactor in a safe condition. The controls should focus on shift staffing"

"The objective of the controls would be to assure that, to the extent practicable, personnel are not assigned to shift duties while in a fatigued condition The controls shall apply to the plant staff who perform safety-related functions (e.g., senior operators, reactor operators, health physicists, auxiliary operators, and key maintenance personnel)."

[Emphasis-supplied.]
The repeated references to "shift staffing", "shift duties" and "shift turnover time" found in the Commission's policy (and repeated in NUREG-0737, Item I.A.1.3. as revised) makes it clear that the Commission's intent was to limit the required administrative overtime controls to "shift operating personnel". It is obvious that engineering staff personnel cannot be placed in the originally intended classification of "shift operating personnel".

However, despite the explicit guidance in the Commission's policy that the administrative overtime controls "should focus on shift staffing", NRR issued Generic Letter 83-14 to state its definition of the term "key maintenance personnel" as used in its earlier guidance in Generic Letter 82-12. After providing the definition, Generic Letter 83-14 goes on to state: "The term applies to all personnel who are actually performing [the specified] functions, regardless of whether or not they are assigned to the shift crew". No justification was provided for this enlargement upon the Commission's policy.

Nonetheless, the definition of "key maintenance personnel" is limited to personnel who are performing or immediately supervising the performance of certain specified functions, to wit:

"maintaining, repair, modification or calibration of safety related structures, systems or components".

The Notice does not describe any of these specifically proscribed functions. Rather, it states that"

"During the overtime period, the engineer took measurements and calculated percent of valve travel during the performance of safety related surveillance testing"

None of the cited activities constitute either (i) maintenance, (ii) repair, (iii) modification, or (iv) calibration of safety related structures, systems or components.

The record in the Palo Verde docket is explicit that APS interpreted the NUREG-0737 overtime requirement as being applicable only to the following categories: "senior reactor operators, reactor operators, radiation protection technicians, auxiliary operators, I&C technicians and key maintenance personnel." See PVNGS Lessons Learned, Interim Report, Section I.A.1.3. Staff engineering personnel do not fall into any of these categories.

The NRR staff accepted this interpretation in its Safety Evaluation Report, dated November, 1981, Section 13.5.1.3 when it is stated in pertinent part:

"The applicant has described the program and procedures that provide administrative controls over activities important to safety. These include ... limitations on working hours The staff has revised these provisions and find that they meet the staff guidance described in The applicable parts of NUREG-0737, Items I.A.1.2, I.A.1.3"

This conclusion of the NRR staff in the Palo Verde docket is consistent with recent licensing actions taken in other dockets. For example, in Docket 50-206 (San Onofre Unit 1) NRR issued an amendment of License DPR-13 Technical Specifications which adopted "The Licensee's proposed TS [which] specifically define the job classifications subject to overtime limitations". The specified job classification were: licensed operators, auxiliary operators, health physicists, electricians, instrumentation and control technicians, computer technicians, machinists, boiler mechanics, contractor personnel, etc. and their first line supervisors". The NRR staff concluded:

"Based on the review of the job coverage proposed by the licensee, the staff concludes that the proposed TS conform to the applicable guidance".

[See Section 3.A. of the Safety Evaluation by the Office of Nuclear Reactor Regulation Supporting Amendment No. 88 to Provisional Operating License No. DPR-13, dated March 6, 1985.]

For the foregoing reasons, it is respectfully submitted that the activities described in the Notice of Violation do not constitute a violation of Technical Specification 6.2.2.2.

4. Corrective Steps Taken and Results Achieved

Not applicable. However, to clarify the proper interpretation of Technical Specification 6.2.2.2, by APS will seek an amendment thereof identifying the specific job classification to which the overtime limitations shall apply.

ATTACHMENT A

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5. Corrective Steps Taken to Prevent Recurrence

Not Applicable.

6. Date When Full Compliance Will Be Achieved

APS has fully complied with Technical Specification 6.2.2.2 at all times.