

PDR



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION V

1450 MARIA LANE, SUITE 210
WALNUT CREEK, CALIFORNIA 94596

FEB 2 1990

Docket Nos. 50-275 and 50-323
License Nos. DPR 80 and DPR 82
EA 89-240

Pacific Gas and Electric Company
ATTN: Mr. J. D. Shiffer, Senior Vice President
and General Manager, Nuclear Power Generation
77 Beale Street, Room 1451
San Francisco, California 94106

Gentlemen:

SUBJECT: NOTICE OF VIOLATION (NRC INSPECTION REPORT NOS. 50-275/89-29 and
50-323/89-29)

This refers to the Nuclear Regulatory Commission inspection conducted on November 20-22, 1989 at Diablo Canyon. The inspection included a review of the circumstances surrounding the assumption, from September 1, 1988 to January 6, 1989, of senior licensed operator duties by a formerly licensed senior operator. The staffing policies for the position referred to in the Technical Specifications as Shift Supervisor were also reviewed. The report documenting this inspection was sent to you by letter dated December 14, 1989. As a result of this inspection, a significant failure to comply with NRC regulatory requirements was identified, and accordingly, NRC concerns relative to the inspection findings were discussed in an Enforcement Conference held on December 19, 1989. The summary of the Enforcement Conference was sent to you by letter dated December 28, 1989. You provided a clarification of PG&E's position as discussed during the Enforcement Conference in a letter dated January 5, 1990.

The violation described in the enclosed Notice of Violation (Notice) involved a formerly licensed senior operator assigned to the shift supervisor position with responsibilities for directing overall plant operation from September 1, 1988 to January 6, 1989. We recognize that you created the position you term shift supervisor in January 1988 to improve safety of operations by the addition of an on shift management position and that the required minimum numbers of licensed senior operators and operators were always assigned to the common control room. We also recognize that the operator at issue was experienced and he questioned the assignment, but the Assistant Plant Manager inadequately resolved the matter by changing the shift supervisors activities in certain cases. However, 10 CFR 50.54(m)(2)(ii) requires that there be a person holding a Senior Reactor Operator License for all fueled units at the site, assigned responsibility for overall plant operations at all times. Technical Specification 6.2.2 implements that requirement by designating the Shift Supervisor position, as requiring a Senior Reactor Operator license. The importance of holding a senior operator license for the Diablo Canyon Shift Supervisor position, which intervenes between the Operations Manager and the on duty shift organization, flows from the fact that these individuals have overall plant responsibility, emergency on shift duties, and both Unit's Shift Foreman report directly to them in the performance of their duties. We further note that the other five

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Pacific Gas and Electric Company - 2 -

shift supervisors were granted credit for performing licensed duties by your training organization for the purpose of license maintenance. We cannot, therefore, distinguish between individuals in this position performing licensed and non-licensed activities.

In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1989), the violation described in the enclosed Notice has been categorized as a Severity Level III violation. A civil penalty is normally proposed for a Severity Level III violation. However, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Material Safety, Safeguards, and Operations Support, I have decided that a civil penalty will not be proposed in this case because of your corrective action and general good overall past performance. No other factors were deemed appropriate for the purposes of this enforcement action.

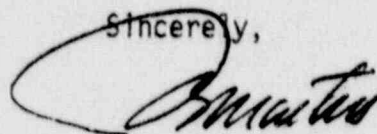
With regard to our previous concerns with your staffing policy, you indicated during the enforcement conference that station administrative procedures would be revised to better define the relationship between the Shift Supervisor (SS) and Shift Foreman (SFM) for the Control Room Command function. Additionally, the annual V.P. letter to all station personnel will explain the SS/SFM roles. We have no further concerns for this issue upon completion of these actions.

You are required to respond to this letter and should follow the instruction specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to the Notice, including your proposed corrective actions and results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Action of 1980, Pub. L. No. 95-511.

Sincerely,



John B. Martin
Regional Administrator

Enclosure: Notice of Violation

cc w/enclosure:


J. A. Sexton, PG&E
J. D. Townsend, PG&E (Diablo Canyon)
R. F. Locke, PG&E
D. Taggart, PG&E (Diablo Canyon)
T. L. Grebel, PG&E (Diablo Canyon)
News Services, PG&E (Diablo Canyon)
State of California

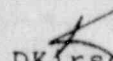
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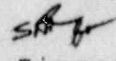
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
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JPartlow, NRR
Enforcement Coordinators
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Resident Inspector
Project Manager
GCook, RV
BFaulkenberry, RV
NWestern, RV
FIngram, GPA/PA
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J. Martin
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M Blume
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DEDS
HThompson
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A Johnson
2/1/90

NOTICE OF VIOLATION

Pacific Gas and Electric Company
San Francisco, California

Docket Nos. 50-175 and 50-323
License Nos. DPR 80 and DPR 82
EA 89-240

During an NRC inspection conducted from November 20-22, 1989, 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 (1989), the particular violation is set forth below:

Technical Specification 6.2.2.a, requires in part, that each on duty shift shall be composed of at least the minimum shift crew composition shown in Table 6.2-1. Table 6.2-1 requires each on duty shift to have one Shift Supervisor with a Senior Operator License. This implements the requirements of 10 CFR 50.54(m)(2)(ii).

Contrary to the above, from September 1, 1988 to January 6, 1989, the licensee assigned an individual who did not possess a Senior Operator License as a Shift Supervisor for an on duty shift.

This is a Severity Level III violation (Supplement I).

Pursuant to the provisions of 10 CFR 2.201, Pacific Gas and Electric Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, 1450 Maria Lane, Suite 210, Walnut Creek, California 94596, and a copy to the Senior Resident Inspector at Diablo Canyon Nuclear Generation Station, within 30 days of the date of the letter transmitting this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending the response time. If an adequate reply is not received within the time specified in this Notice, an Order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken.

FOR THE NUCLEAR REGULATORY COMMISSION


John B. Martin
Regional Administrator

Dated at Walnut Creek, California
this 2 day of February 1990

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Enforcement Coordinators

RI, RII, RIII, RIV, RV

Resident Inspector

Project Manager

GCook, RV

BFaulkenberry, RV

NWestern, RV

Fingram, GPA/PA

BHayes, OI

EJordan, AEOD

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