

DUKE POWER COMPANY

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June 7, 1985

Dr. J. Nelson Grace, Regional Administrator
U.S. Nuclear Regulatory Commission
Region II
101 Marietta Street, NW, Suite 2900
Atlanta, Georgia 30323

Subject: McGuire Nuclear Station
Docket Nos. 50-369 and 50-370

Reference: RII:BD
NRC/OIE Inspection Report
50-369/84-24 and 50-370/84-21

Dear Dr. Grace:

With regard to Mr. J. A. Olshinski's (NRC/OIE) February 26, 1985 letter which transmitted the NRC's evaluation of Duke's response (ref. my letter to Mr. J. P. O'Reilly dated November 30, 1984) to the subject inspection report's notice of violation and notice of deviation, please find attached the requested supplemental response. Duke considers this additional information adequate to resolve the NRC's concerns.

Very truly yours,

H. B. Tucker

H. B. Tucker

PBN:smh

Attachment

cc: Mr. W. T. Orders
Senior Resident Inspector - NRC
McGuire Nuclear Station

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DUKE POWER COMPANY
McGUIRE NUCLEAR STATION
SUPPLEMENTAL RESPONSE TO NRC/OIE INSPECTION REPORT
50-369/84-24 AND 50-370/84-21

Violation No. 1 (50-369/84-24-01, 50-370/84-21-01),
Severity Level IV (Supplement I):

[The violation and Duke Power Company's initial response are given in Mr. H. B. Tucker's (DPC) letter to Mr. J. P. O'Reilly (NRC/OIE) dated November 30, 1984]

Region II has reviewed the licensee's response and concluded that there is sufficient justification for consideration of these items as a violation.

Specifically:

- a. With respect to example 1.a, on July 31, 1984, a non-licensed employee was observed entering the "Surveillance Area" without obtaining prior permission. This was the individual's initial entry into this area.

The licensee indicated that I&E technicians must receive permission on their initial entry into the surveillance area and are allowed subsequent entry to the area while performing their test. This is done to reduce unnecessary interruption to the operator's attention to his unit. The practice of initial permission and unlimited enter and exit times during the performance of testing is acceptable.

The situation of summoning an individual via phone to the surveillance area and unfettered access is not acceptable. During the time from when the individual was summoned and when he arrived, the plant status or situation may have changed and that individual's presence in the surveillance area may not be needed. Such individuals should request permission to enter the surveillance area once they get to the control room.

- b. With respect to example 1.b, the "Surveillance Area" is defined by plant procedure, the chains are being used to mark the boundary of the area outlined in the procedure. Since the surveillance area is not marked by other means, i.e., painted lines or tape, the chain serves as the boundary and is used to separate the surveillance area from the rest of the control room. Without the chain barrier or some other type of boundary marker, personnel may not be aware of the surveillance area boundary and may enter the area by mistake. In such instances, the operator of the controls will not have effective control of the surveillance area. Proper surveillance area marking is necessary to maintain effective control of access.
- c. With respect to examples 1.c, 1.d, and 1.e, which you have admitted to, we find that your response requires additional information in that:

- (1) your response identifies the cause of the aforementioned examples as possible isolated personnel errors. Our concern further extends to why procedure checklists are transcribed pursuant to procedure revisions thereby losing the identity of those individuals who performed the initial checklist, thus destroying traceability. Furthermore, we do not understand why completed copies of procedures are not retained.
 - (2) your response states that all operating procedures, which includes control copies, and working copies have been audited and have been verified to be correctly completed. We are interested as to the method by which the audit was conducted and the results of your audit to ensure that system lineups were performed initially, properly, and completely.
 - (3) since your response identifies a possible cause of the violation as personnel errors, we are concerned that your corrective action does not address training in this apparently deficient area.
- d. With respect to example 1.f, the staff has concluded that there is sufficient justification for this example of the violation. The word "may" gives the Nuclear Control Operator the option of performing the NCO turnover checklist if the computer checklist is unavailable. The intent of NUREG-0737 Action Item I.C.2 was to make sure that proper shift turnovers are conducted. If an operator has the option of completing a turnover checklist, you have no way of knowing if the operator has reviewed and understands the plant status.

With respect to interim shift turnovers, the staff has concluded that your denial is justified; however, the staff is concerned with the lack of guidance to operational personnel regarding the conduct of interim shift turnovers. What do you consider as the minimum requirement for an interim turnover? Should the relief be documented in the operating logs? How does the licensee guarantee that the individual receives a proper turnover?

- e. With respect to example 1.g, the staff has concluded that there is justification for the violation example. NUREG-0737 Action Item I.A.1.2 requires the delegation of administrative duties to personnel not on duty in the control room. The Assistant Shift Supervisor is on duty and is overseeing the operation of his assigned unit. At the time of the inspection, the support technician was not assigned to a shift and the Assistant Shift Supervisor was performing administrative duties.

Supplemental Response:

- a. Duke Power Company does not agree that individuals summoned via phone to the Surveillance Area should request permission to enter the Surveillance Area once they get to the control room. McGuire Station Directive 3.1.1, "Control Room Access," which was issued on February 22, 1985 to define the methods to be used to limit access to the con-

control room to those individuals responsible for the direct operation of the plant and selected technical advisors and specified NRC personnel, states that "the on-duty licensed RO's and SRO's have the authority and responsibility to control access to the defined area so as to insure safe operation of the units. They may request anyone to leave who is interfering with their job functions." Changes in the plant status or situation during the time from when an individual was summoned and when he arrived which would negate the necessity of that individual's presence in the Surveillance Area would not be a frequent occurrence, and requesting permission to enter the Surveillance Area again once he gets to the control room is an unnecessary interruption to the operator's attention to his unit. Should such changes occur, the operator could simply request the individual to leave. Further, the situation of such changes occurring during the time it takes the individual to get to the control room is not significantly different from if such changes occurred during the time an individual who was granted initial permission and unlimited enter and exit times during performance of testing (which the NRC has stated is acceptable in their February 26, 1985 supplemental response request) is away from the Surveillance Area. Consequently, Duke believes that adequate control of the Surveillance Area is being maintained through the use of the phone call, and considers its current operating practices in this regard acceptable.

- b. Duke Power Company agrees and initiated a station directive revision to incorporate this. Station Directive 3.1.1 was revised March 18, 1985 to identify placement of chains as a boundary marker for the Surveillance Area (Attachment 1 of the station directive shows the location of the chains).
- c.
 - (1) Station experience has shown it is not necessary to maintain the identity of the individual performing the checklist as valves could have been repositioned numerous times (via tagouts, removal and restoration (R&R) procedures, etc.) since the checklist performance. The valves return to proper position is then controlled by the procedure in use at that time. Furthermore, station experience has shown there is no need to keep copies, other than the latest working copy, of completed operating procedures as there has not been a consistent need for this old information which would warrant procedure retention. Completed R&R's are kept on file providing traceability for most valve manipulations.
 - (2) All work copy procedures have been compared to the control copy procedures. Items specifically verified were: a) all sign offs completed correctly, and b) all valve checklists were completed correctly. This evaluation of our procedures included correcting of checklists found to have errors during the evaluation. Problems with procedure checklists were discussed during the Shift Supervisors meeting to prevent further errors. The exact number of procedural problems was not documented but few mistakes were found.
 - (3) Operations management procedure OMP 1-2 "Use of Procedures" which addresses this topic is being covered in Operations Requalification Training segment 2-85, to be complete by June 1, 1985.

- d. Station Directive 3.1.9 was changed on November 15, 1984 to replace "may" with "shall" to eliminate any misinterpretation of the station's intent and to reflect actual operating practices.

McGuire's minimum requirements for interim shift turnover for SROs are: to another SRO on shift cognizant of shift activities, to another SRO in a staff position cognizant of shift activities. Relief is not required to be documented in the operating logs.

- e. The support technicians were put on shift for training on August 20, 1984 and for duty performing on September 3, 1984.

Violation No. 2 (50-369/84-24-02, 50-370/84-21-02),
Severity Level V (Supplement I):

[The violation and Duke Power Company's initial response are given in Mr. H. B. Tucker's (DPC) letter to Mr. J. P. O'Reilly (NRC/OIE) dated November 30, 1984]

With respect to violation No. 2, McGuire Technical Specification 6.1.2, we are concerned that your management directive, as written, addresses all station personnel. This would include onsite vendor or contract personnel who could be committed as an available technical resource to support the command functions of the shift supervisor in the event of an emergency, consistent with NUREG-0737, Section 2.2.1.a. Since Duke Power Company is of the opinion that contract and vendor personnel are not under the direct control of the shift supervisor and would not perform functions necessary for the safe operation of the plant, a technical specification change should be submitted for clarification. Such a submittal would be consistent with the Duke Power Company and NRC actions regarding the identical situation at your Catawba Nuclear Plant (Reference: Inspection and Enforcement Report 50-416/84-29).

Additionally, as stated in our Inspection Report, concern is expressed regarding the adequacy of the aforementioned letter's dissemination. You should address this issue as part of your corrective action.

The violation remains as written.

Supplemental Response:

Duke still considers that the current McGuire Technical Specification (T.S. 6.1.2) does not apply to personnel not assigned to the station organization such as vendor or contract personnel. The intent of this specification was confirmed with personnel in NRC/ONRR during the licensing of Catawba. As evidenced by the acceptance of the Catawba Tech Spec, NRC/ONRR was in agreement that the intent of NUREG 0737 was satisfied. Furthermore, Duke does not believe that the company has the legal authority to direct vendor and contract personnel to perform other than ordinary work functions in the event of an emergency.

In order to preclude further misinterpretations Mr. H. B. Tucker's (DPC) April 25, 1985 letter to Mr. H. E. Denton (NRC/ONRR) submitted proposed

license amendments to facility operating licenses NPF-9 and NPF-17 for McGuire Nuclear Station Units 1 and 2, respectively. Included among these proposed changes to the technical specifications is a change to Specification 6.1.2 to clarify the intent of the specification as to include only Nuclear Production Department station personnel (as opposed to all personnel who may be in the station). This change corresponds to the current Catawba Nuclear Station technical specifications, which reflect the resolution of the inspector followup item (misnumbered as IFI 50-416/84-29-04) relating to an identical situation identified at the Catawba Nuclear Station (ref. Inspection Report 50-413/84-29).

With regard to dissemination of the management directive letter which is reissued to all Nuclear Production Department personnel on an annual basis, Duke Power Company considers posting of the letter on appropriate bulletin boards at the station an adequate means of information dissemination (note: non-station Nuclear Production Department personnel receive individual copies of the letter). The NRC currently requires (e.g., 10 CFR 19.11) posting of various documents, notices, or forms (including the operating procedures applicable to licensed activities) in a sufficient number of places to permit individuals engaged in licensed activities to observe them on the way to or from any particular licensed activity location to which the document applies (Duke has designated certain bulletin boards at McGuire for compliance with this requirement). This is further evidence that posting of this type of information is an adequate means of dissemination.

Violation No. 3 (50-369/84-24-05, 50-370/84-21-05),
Severity Level V (Supplement I):

[The violation and Duke Power Company's initial response are given in Mr. H. B. Tucker's (DPC) letter to Mr. J. P. O'Reilly (NRC/OIE) dated November 30, 1984]

With respect to your response regarding violation No. 3, failure of the NSRB to review required procedures, we are concerned that your corrective action does not address those measures which will be taken to preclude reoccurrence. We are further concerned that you have not substantially identified the root cause of this event. Since you have admitted that NSRB review documentation does not exist for four of the 18 cited procedures, the violation remains as written for those four procedures.

Supplemental Response:

Records indicate that of the 18 procedures contained in the December 29, 1983 report, 14 were properly reviewed. These 14 were listed on transmittal page 2 of 2 of the December 29, 1983 report, whereas the remaining four were listed on page 1 of 2 of this report. Our investigation concludes that page 1 of 2 of this report was inadvertently lost and is considered to be an isolated case.

The four procedures listed on page 1 of 2 of the December 29, 1983 transmittal have subsequently been reviewed by the NSRB. In addition, this situation has been discussed with the NSRB Staff and the importance of proper handling and filing of NSRB records reemphasized.

In the future, the NSRB Staff will verify, by initials on the procedures' transmittal letter from the station, that the package contents (new procedures and procedure changes) agree with the items listed on the transmittal letter. Any exceptions will be indicated on the transmittal letter and a copy returned to the station Master File for appropriate follow-up action. This verification of receipt and exception feedback process has always been done at Catawba, and was implemented at Oconee and McGuire effective May 1, 1985.

Deviation 50-369/84-24-03, 50-370/84-21-03:

[The deviation and Duke Power Company's initial response are given in Mr. H. B. Tucker's (DPC) letter to Mr. J. P. O'Reilly (NRC/OIE) dated November 30, 1984]

Regarding the validity of the Notice of Deviation concerning the administration turnover checklists, as your response states, Station Directive 3.1.9 (Relief of Duties) was submitted to the NRC on May 23, 1980, in response to TMI concerns, specifically Item I.C.2. The acceptability and adequacy of your submittal is stated in McGuire Nuclear Station Safety Evaluation, Supplement 4, and NRC Region II Inspection and Enforcement Reports 50-369/81-03, 50-369/81-13, and 50-370/81-19.

Typically, the NRC confirmed the implementation of NUREG-0737 items by order to holders of NRC operating licenses. The implementation of requisite NUREG-0737 items for plants applying for an NRC operating license, was specifically committed to by the applicant, and evaluated and accepted through the Plant Safety Evaluation Report (not legally binding). Otherwise, commitment was obtained as a license condition at the time of license issue (legally binding).

10 CFR 2, Appendix C, Section E.3 states, in part, that:

"Notices of Deviations are written notices describing a licensee's or a vendor's failure to satisfy a commitment. The commitment involved has not been made a legally binding requirement. The notice of deviation requests the licensee or vendor to provide a written explanation or statement describing corrective steps taken (or planned), the results achieved, and the date when corrective actions will be completed."

You have not provided us with any additional information which would have us question the validity of the Notice of Deviation as written.

Supplemental Response:

The TMI Action Plan Item I.C.2, Shift Relief and Turnover Procedures, requirement is as follows:

Revise plant procedures for shift relief and turnover to require signed checklists and logs to assure that the operating staff (including auxiliary operators and maintenance personnel) possess adequate knowledge of critical plant parameter status, system status, availability, and alignment.

Duke initially addressed its actions with regard to this requirement in its May 23, 1980 submittal entitled, "Response to TMI Concerns" (which has subsequently been updated several times). This submittal addressed Item I.C.2 as follows:

An administrative procedure (Station Directive 3.1.9, Relief of Duties) has been revised to incorporate a detailed checklist of applicable items for shift turnover. In addition, a periodic test procedure, Shift Turnover Verification, has been written to ensure an adequate evaluation of shift turnovers. Both of these procedures are provided in Appendix A.

The NRC's evaluation of Duke's actions with regard to this TMI item (as given in McGuire Nuclear Station Safety Evaluation Report (SSER), Supplement 4) states in part:

Shift relief and turnover requirements are described in Duke Power's Station Directive 3.1.9, "Relief of Duties of Plant Operation." This procedure has been revised to incorporate a detailed checklist of applicable items for shift turnover. In addition, a periodic test procedure entitled "Shift Turnover Verification" has been written to ensure an adequate evaluation of shift turnovers. The requirements of this directive and procedure provide assurance that the oncoming shift will possess adequate knowledge of critical plant status information and system availability.

We have reviewed Duke Power Company's procedures for implementation of this requirement. We find that an adequate exchange of information will take place during shift turnover and that the system used will receive proper evaluation. On this basis, we conclude that Duke Power Company has satisfactorily met the requirement of TMI Action Item I.C.2. This conclusion is in amplification of the general conclusion in Section 13.5 of the SER that the provisions for preparation, review, approval, and use of written procedures is acceptable.

As is evident from the above Action Item requirement quotation, the only requirements are to have signed checklists assuring that the operating staff possesses adequate knowledge following shift relief and turnover. This is further reflected in Duke's response and the NRC's findings with regard to Duke's procedures for implementation of the requirement. There is and was no regulatory requirement concerning retention of the checklists required by Action Item I.C.2. Although the copy of Station Directive 3.1.9 (Rev. 6 dated January 13, 1981) which was provided in Appendix A of the May 23, 1980 submittal included a statement that the checklists would remain in the Master File for a minimum of six years, this was a Duke internal policy and was not necessary for satisfactory compliance with the Action Item requirements. As previously stated in the November 30, 1984 response, the copy of Station Directive 3.1.9 was provided by Duke only for information to demonstrate implementation/compliance with the Action Item requirements, and as such any extraneous provisions in the directive not necessary for implementation/

compliance with the Action Item's requirements are not considered commitments to the NRC. Only those provisions necessary for compliance should be considered as commitments. By considering this a commitment, the NRC is implying that Duke should delete any information inadvertently provided which is not directly required for the matter at hand.

Since Duke does not consider the checklist retention statement in the procedure a commitment, Duke maintains that the deviation as stated is not valid. Further, as indicated in the November 30, 1984 response, the checklist retention statement was deleted in a subsequent revision due to the appropriate information being available from other records.