

May 18, 2000

EA-00-010

Mr. Oliver D. Kingsley
President, Nuclear Generation Group
Commonwealth Edison Company
ATTN: Regulatory Services
Executive Towers West III
1400 Opus Place, Suite 500
Downers Grove, IL 60515

SUBJECT: NOTICE OF VIOLATION
(OFFICE OF INVESTIGATIONS REPORT NO. 3-1999-021)

Dear Mr. Kingsley:

This letter refers to information provided by the Commonwealth Edison Company (ComEd) to the U.S. Nuclear Regulatory Commission (NRC) that a radiation protection technician, employed by Numanco, a contractor at ComEd's Braidwood Nuclear Station, left the station on April 28, 1999, with contamination on his clothing. The NRC Office of Investigations (OI) conducted an investigation into this matter and determined that after setting off the portal monitor alarms, the technician deliberately failed to contact the radiation protection department before leaving the station. A summary of the information developed during the OI investigation was provided to ComEd and the technician by letters dated February 4, 2000. The technician and ComEd were given the opportunity to either discuss this matter with the NRC at a predecisional enforcement conference or to reply to the NRC in writing. The Commonwealth Edison Company responded by letter dated March 6, 2000, and the technician responded by letter postmarked March 8, 2000.

Based on the information developed during the OI investigation and information contained in the letters from ComEd and the technician, the NRC has determined that a deliberate violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice). In summary, the technician was exiting the station at approximately 5:45 a.m., on April 28, 1999, when he activated the alarms on the portal monitors a total of 14 times and deliberately failed to contact the radiation protection department, as required by station procedure, before leaving the station. Radiation protection personnel viewed the technician's activities by remote, closed circuit television, but were unable to reach him prior to his departure from the station. The technician was contacted at his residence and he returned to the station. His clothing was surveyed and contamination was found on the right leg of his trousers. Surveys of his automobile and residence were conducted and no other contamination was found.

In his sworn statement to OI, the individual indicated that he had approximately 25 years of experience as a radiation protection technician and in his letter to the NRC he stated that he was only attempting to clear himself at the portal monitor. However, based on his experience

and training, he knew the monitors represented the last barrier to stop the removal of radioactive contamination from the site and he deliberately failed to contact the radiation protection department as required. It is fortuitous that he did not leave contamination in the public domain. The deliberate actions of this individual placed ComEd in violation of the Braidwood Station Technical Specifications; therefore, the violation is categorized in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, at Severity Level III.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$55,000 is considered for a Severity Level III violation. Because this was a deliberate violation and the Braidwood Station was the subject of an escalated enforcement action within the two years preceding this violation,¹ the NRC considered whether credit was warranted for *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. Since ComEd identified the violation and notified the NRC, credit was warranted for the *Identification* factor. Credit was also warranted for *Corrective Action* because ComEd promptly corrected the violation. Corrective actions included: (1) withdrawing the individual's access to the Radiologically Posted Area of the Braidwood Station; (2) taking disciplinary action against the individual; (3) conducting training sessions with other contract radiation protection technicians; and (4) discussing the incident with employees in the station newsletter. Other corrective actions planned for the refueling outages during Calendar Year 2000 are: (1) conducting additional training of contractor radiation protection technicians; and (2) assigning personnel at the gatehouse portal monitors to observe egress processing.

Therefore, to encourage prompt identification and comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket in your March 6, 2000, letter. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions in the enclosed Notice.

¹ A Notice of Violation and Proposed Civil Penalty - \$55,000 was issued on October 3, 1997, to emphasize the importance of compliance with Technical Specifications. The centrifugal charging system pump casings and discharge piping high points were not vented at least once every 31 days as required by the Technical Specifications from the beginning of commercial operations in 1987 and 1988 for Units 1 and 2, respectively, and continuing until May 1997. (EA 97-265)

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, your March 6, 2000 letter and any subsequent correspondence will be placed in the NRC Public Electronic Reading Room link at <http://www.nrc.gov/NRC/ADAMS/index.html>. Any correspondence, to the extent possible, should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the Public Electronic Reading Room link without redaction.

Sincerely,

/RA/

J. E. Dyer
Regional Administrator

Dockets No. 50-456; 50-457
License No. NPF-72;NPF-77

Enclosure: Notice of Violation

cc w/enclosure: D. Helwig, Senior Vice President, Nuclear Services
C. Crane, Senior Vice President, Nuclear Operations
H. Stanley, Vice President, Nuclear Operations
R. Krich, Vice President, Regulatory Services
T. Tulon, Site Vice President
K. Schwartz, Station Manager
T. Simpkin, Regulatory Assurance Supervisor
M. Aguilar, Assistant Attorney General
State Liaison Officer
Chairman, Illinois Commerce Commission

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² OE concurrence received from Terry Reis, OE on May 3, 2000.

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Docket File

NOTICE OF VIOLATION

Commonwealth Edison Company
Braidwood Nuclear Station
Units 1 and 2

Dockets No. 50-456; 50-457
Licenses No. NPF-72; NPF-77
EA-00-010

During an NRC investigation concluded December 20, 1999, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

Braidwood Technical Specification 5.4.1.a, provides, in part, that written procedures shall be established, implemented and maintained for the activities recommended in Regulatory Guide 1.33, Revision 2, Appendix A, February 1978.

NRC Regulatory Guide 1.33, Revision 2, Appendix A, February 1978, "Quality Assurance Program Requirements (Operation)," Section 7.e.4, requires that written procedures be established for contamination control.

Section 3.c.(3)(c) of Braidwood Station Procedure No. BwRP 5822-3, Revision 0, dated December 8, 1993, "Operation and Calibration of the Eberline PM-7 Portal Monitors," implements Technical Specification 5.4.1.a and Section 7.e.4 of Appendix A to Regulatory Guide 1.33 by requiring that the radiation protection department be contacted at telephone extension 2241 if contamination is detected by the Eberline PM-7 Portal Monitors.

Contrary to the above, on April 28, 1999, while attempting to leave the Braidwood Station, a contractor radiation protection technician entered the Eberline PM-7 Portal Monitors, received signals indicating that radioactive contamination was present, and left the station without contacting the radiation protection department. Specifically, the individual entered the portal monitors 14 times, alarming a monitor each time, and failed to contact the radiation protection department as required. Upon his return to the Braidwood Station, radioactive contamination was found on the right leg of his trousers. (01013)

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance will be achieved is already adequately addressed on the docket in a letter from the Commonwealth Edison Company dated March 6, 2000. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region III, and a copy to the NRC Resident Inspector at the Braidwood Nuclear Station, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be placed in the NRC Public Electronic Reading Room (PERR). Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PERR without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 18th day of May 2000.