

September 22, 2000

EA-00-171

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 AND NRC OFFICE OF INVESTIGATIONS REPORT
(NO. 3-1999-047)

Dear Mr. Kingsley:

This refers to an investigation completed by the NRC Office of Investigations (OI) on June 22, 2000, regarding activities at the Byron Generating Station. Based on the results of that investigation, the NRC has concluded that a maintenance mechanic deliberately violated radiation protection procedures on November 2, 1999, when the mechanic entered a high radiation area within the containment building where the chemical and volume control system valve No. 214A was located. The area was posted and controlled as a high radiation area and contained highly contaminated plant components. A summary of the OI report is enclosed.

Based on the results of this investigation, the NRC has determined that a deliberate violation of NRC requirements occurred. The NRC concluded that the maintenance mechanic entered a radiologically posted area without obtaining the required authorization. The mechanic's direct supervisor and a radiation protection technician clearly directed the mechanic not to enter the area. Nonetheless, your staff, using remote surveillance equipment, observed the individual in the area.

The violation is cited in the enclosed Notice of Violation (Notice). After your staff identified this violation, Byron Station conducted an investigation and took corrective actions. However, the NRC is concerned because the violation was deliberate. The NRC must be able to rely on licensee employees to comply with all established requirements, and deliberate noncompliance of regulatory requirements by licensee employees cannot be tolerated. Your immediate corrective actions involved separation of the individual from the company. You are asked in your required response to explain what additional corrective actions you have taken or will take to preclude recurrence. The NRC is citing this willful violation in accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions (Enforcement Policy)," NUREG 1600.

The NRC has concluded that no specific deficiencies in the Byron Station's radiation protection program contributed to or caused this event, other than the deliberate activities of the maintenance mechanic.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

John A. Grobe, Director
Division of Reactor Safety

Docket Nos. 50-454; 50-455
License Nos. NPF-37; NPF-66

- Enclosures: 1. Summary of OI Report
- 2. Notice of Violation

- cc w/encls: 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
- DCD - Licensing
- W. Levis, Site Vice President
- R. Lopriore, Station Manager
- B. Adams, Regulatory Assurance Manager
- M. Aguilar, Assistant Attorney General
- State Liaison Officer
- State Liaison Officer, State of Wisconsin
- Chairman, Illinois Commerce Commission

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SUMMARY OF OFFICE OF INVESTIGATIONS REPORT NO. 3-1999-047

Office of Investigations (OI) Report No. 3-1999-047 concerns a maintenance mechanic previously employed by the Commonwealth Edison Company (ComEd) at the ComEd Byron Generating Station.

On the afternoon of November 1, 1999, and the morning of November 2, 1999, the mechanic's supervisor instructed the mechanic that his work assignment for November 2, 1999, was to perform work on a safety injection valve in the containment building. The supervisor told the mechanic that he was not on the job associated with the chemical and volume control system 214A valve, which was contained in a posted high radiation area.

On the morning of November 2, 1999, the mechanic reported to the radiation protection desk to discuss his upcoming work activities with the radiation protection staff. The mechanic requested access to both areas of the containment building, which included the 214A valve area. The mechanic was granted access to the safety injection valve area, a non-high radiation area. However, because of the radiological hazards in the 214A valve area, the radiation protection technician stated to the mechanic that entrance into that area would have required a specific radiological briefing and authorization on a certain radiation work permit. Therefore, the radiation protection staff authorized the mechanic to stage materials outside of the high radiation area but did not authorize him to enter the 214A valve area.

At approximately 7:00 a.m. on November 2, 1999, the licensee observed the mechanic (via remote cameras) entering the 214A valve area of the containment building (i.e., the high radiation area), removing a welding rod from the area, and loosening a section of mirrored insulation from a highly contaminated area of piping. At the time of these activities, the mechanic was not working under the radiation work permit designated by the radiation protection staff and had not received the radiological briefing. The licensee escorted the mechanic from the radiologically protected area and performed radiological surveys of the affected areas, which did not detect any spread of radioactive contamination.

Based on the above information, the mechanic's previous training, and the mechanic's experience working in nuclear power reactors, it appears that the mechanic deliberately violated the licensee's requirement to ensure that authorization from cognizant work supervision was obtained prior to entering a radiologically posted area.

NOTICE OF VIOLATION

Commonwealth Edison Company
Byron Generating Station

Docket Nos. 050-454; 050-455
License Nos. NPF-37; NPF-66
EA-00-171

During an investigation completed by the NRC Office of Investigations on June 22, 2000, 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:

Byron Station Technical Specification 5.4.1.a requires, in part, that written procedures be established, implemented, and maintained covering the applicable procedures recommended in Appendix A of Regulatory Guide 1.33, February 1978.

Appendix A, Section 7(e)(1) of Regulatory Guide 1.33, February 1978, recommends that radiation protection procedures be implemented which provide for access control to radiation areas including a radiation work permit system.

Procedure BRP 5000-7 (Revision 9), "Unescorted Access to and Conduct in Radiologically Posted Areas," implements the access control requirements specified in Appendix A of Regulatory Guide 1.33 and requires, in part, that to have access into a radiologically posted area the individual shall receive authorization from cognizant work supervision.

Contrary to the above, on November 2, 1999, a maintenance mechanic deliberately entered a radiologically posted area without receiving authorization from cognizant work supervision. Specifically, the mechanic entered an area posted as a high radiation area to perform work on a chemical and volume control system valve after being assigned by his immediate supervisor to work elsewhere, and after being informed by a radiation protection technician that he was not authorized to work on the valve without attending a pre-job briefing and signing onto the appropriate radiation work permit, both of which the individual failed to do. (01014)

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

Pursuant to the provisions of 10 CFR 2.201, Commonwealth Edison 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, Region III, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

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.

Because your response will be placed in the NRC Public Electronic Reading Room (PERR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PERR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

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

Dated this 22nd day of September 2000.