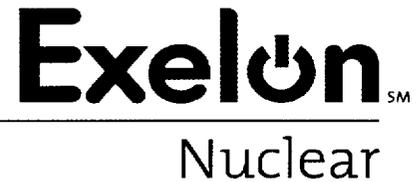


Exelon Nuclear  
Byron Generating Station  
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Byron, IL 61010-9794  
Tel 815-234-5441



October 23, 2000

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United States Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

Byron Station, Units 1 and 2  
Facility Operating License Nos. NPF-37 and NPF-66  
NRC Docket Nos. STN 50-454 and STN 50-455

Subject: Reply to Notice of Violation and NRC Office of Investigation Report  
(No. 3-1999-047)

Reference: Letter from John A. Grobe (NRC) to Oliver D. Kingsley (Commonwealth  
Edison Company) dated September 22, 2000, "Notice Of Violation and  
NRC Office of Investigations Report (No. 3-1999-047)"

Enclosed is our reply to the Notice of Violation (NOV) involving a maintenance mechanic deliberately violating radiation protection requirements. We are committing to the following actions:

- 1) Mechanical maintenance personnel will receive an additional awareness session concerning the event described in the NOV.
- 2) The lessons of this event will be communicated to the site staff.
- 3) An effectiveness review of corrective actions to prevent recurrence will be done by a team independent of the Maintenance Manager.

Any other actions described in the submittal represent intended or planned actions. They are described for the NRC's information and are not regulatory commitments.

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Should you have any questions concerning this letter, please contact Ms. P. Reister,  
Regulatory Assurance Manager, at (815) 234-5441, extension 2280.

Respectfully,

A handwritten signature in cursive script, appearing to read "William Levis".

William Levis  
Site Vice President  
Byron Station

WL/JL/dpk

Attachment

cc: NRC Regional Administrator – NRC Region III  
NRC Senior Resident Inspector – Byron Station

**ATTACHMENT**  
**REPLY TO NOTICE OF VIOLATION and NRC OFFICE OF INVESTIGATION REPORT**  
**(NO. 3-1999-047)**

**VIOLATION**

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.

**REASON FOR THE VIOLATION**

We agree with the violation description provided in the summary of the Office of Investigations Report No. 3-1999-047 and the Notice of Violation. Our investigation also determined the mechanic deliberately entered a High Radiation Area after being explicitly instructed by authorized Radiation Protection Department personnel not to enter this area without obtaining a specific radiological briefing and signing the radiation work permit. In addition, during his unauthorized entry in this high radiation area, he violated radiation protection procedural requirements by removing a weld rod from the area and loosening pipe insulation from a contaminated area of pipe. When these activities were observed via remote monitoring camera, the mechanic was immediately removed from the Radiological Protected Area (RPA) and an investigation ensued.

The mechanic involved was interviewed and he offered no valid or mitigating explanation for the observed radiation protection program violations. We had concluded this individual was fully aware of radiation protection requirements through prior experience working in RPAs and by his training. Based on interviews with the individual about his actions, we have determined the cause of this event was a deliberate violation by the individual of known radiation protection program requirements.

## **CORRECTIVE STEPS THAT HAVE BEEN TAKEN AND RESULTS ACHIEVED**

This event was determined to be a clear case of our standards not being met by the mechanic involved. Appropriate disciplinary actions were taken commensurate with the seriousness of this event and his previous work record. As of November 9, 1999, the mechanic is no longer employed by the company.

The existing radiation protection program controls were determined to be appropriate. No additional controls were identified that could have reasonably precluded this event.

## **CORRECTIVE STEPS THAT WILL BE TAKEN TO AVOID FURTHER VIOLATIONS**

Mechanical maintenance department employees were immediately made aware of this event on November 5, 1999. Expectations and procedures that are used on a daily basis to perform work were reviewed and reinforced. Radiation worker practices were also covered.

In addition, the Maintenance Manager has required that all mechanical maintenance department employees receive an additional awareness session concerning this event with a focus on management's expectation that all procedural controls must be complied with and any deliberate violation of these controls will result in appropriate disciplinary action.

Earlier in 2000, the Maintenance Manager initiated a comprehensive improvement plan for the maintenance organization. Included in this plan were several actions to improve the communication and reinforcement of standards and expectations throughout the maintenance organization. These improvement actions include periodic meetings of the Maintenance Manager with first line supervisors to discuss standards and expectations to ensure they are clearly understood, and actions to improve the first line supervisor's interactions with the worker, such as enforcement of expectations through a formal in-field observation program.

The lessons of this event will be also be reinforced to the site staff via the site newspaper and this violation response will be posted in appropriate conspicuous areas as required by 10 CFR 19.11.

An effectiveness review of corrective actions to prevent recurrence will be accomplished prior to April 2001. This review will focus on the Maintenance area and be conducted by a team independent from the Maintenance Manager.

## **DATE WHEN FULL COMPLIANCE WILL BE ACHIEVED**

Full compliance was achieved on November 9, 1999.