

July 27, 2001

EA-01-170

Mr. Oliver D. Kingsley, President
and Chief Nuclear Officer
Exelon Nuclear
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: CLINTON POWER STATION -- NON-CITED VIOLATION AND NRC OFFICE
OF INVESTIGATIONS REPORT (NO. 3-2000-050)

Dear Mr. Kingsley:

This refers to an investigation completed by the NRC Office of Investigations (OI) on May 31, 2001, regarding activities at the Clinton Power Station. Based on the results of that investigation, the NRC has concluded that a junior contract radiation protection technician deliberately violated the Clinton Power Station Facility Operating License on October 20, 2000. Specifically, the technician deliberately misused licensed nuclear material to alarm a personnel contamination monitor while an individual was performing a contamination survey. 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 technician deliberately used licensed nuclear material in a manner that was not authorized by the Clinton Power Station Facility Operating License No. NPF-62, Section 2.B(5). Specifically, Section 2.B(5) of the license authorizes the receipt, possession, and use of byproduct material for sample analysis or instrument calibration or associated with radioactive apparatus or components. However, the technician used the byproduct material (a recovered radioactive particle) to cause an erroneous alarm on a personnel monitor as a joke, while an individual was performing a contamination survey. That use of byproduct material was not authorized by the license.

After your staff identified this violation, the staff entered the incident into the Clinton Power Station corrective action program, conducted an investigation, and implemented immediate and long-term corrective actions. Your immediate corrective actions involved separation of the individual from the company and disciplinary actions for two other contract radiation protection technicians who were indirectly involved in the incident. At the time the incident was identified, radiation protection supervision also conducted briefings with the radiation protection staff to provide immediate awareness of the inappropriate actions. In terms of corrective actions to prevent recurrence, we also understand that you have included a description of this incident in the radiation protection technicians continuing training and have revised your site

orientation lesson plan for incoming, contract radiation protection technicians to include a discussion of the potential misuses of licensed nuclear material and the potential consequences of such actions. Consequently, we have no further questions regarding your corrective actions.

We have evaluated the violation of Section 2.B(5) of the Clinton Power Station Facility Operating License NPF-62. The NRC is particularly 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. Although we have concluded that the violation was deliberate, we recognize that the individual was a low-level individual and not a licensee official, that the incident was promptly communicated to appropriate NRC personnel, that the violation appeared to be an isolated action without management involvement, and that significant remedial actions were taken by your staff. We also recognize that the incident had little actual or potential radiological consequence. Therefore, after consulting with the Director, Office of Enforcement, we have dispositioned this Severity Level IV Violation as a Non-Cited Violation (NCV) consistent with Section VI.A.1 of the NRC Enforcement Policy.

If you contest this violation or the significance of the NCV, you should provide a response with the basis for your denial, within 30 days of the date of this letter, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001; with copies to the Regional Administrator, Region III; the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001; and the NRC Resident Inspector at the Clinton Power Station.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you should chose to respond, 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 by Roy Caniano Acting For/

John A. Grobe, Director
Division of Reactor Safety

Docket No. 50-461
License No. NPF-62

Enclosure: Summary of OI Report

See Attached Distribution

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Enclosure: Summary of OI Report
See Attached Distribution

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SUMMARY OF OFFICE OF INVESTIGATIONS REPORT NO. 3-2000-050

Office of Investigations (OI) Report No. 3-2000-050 concerns a junior contract radiation protection technician previously employed at the Amergen Clinton Power Station.

Early on October 20, 2000, a crew of electricians was exiting the radiologically controlled area. One member of the work crew alarmed a personnel contamination monitor and was being surveyed and decontaminated by a senior contract radiation protection technician. Another junior contract radiation protection technician was observing individuals who were using the personnel contamination monitors and the tool monitor. As the contaminated individual was being decontaminated, the individual asked the junior contract radiation protection technician if the personnel contamination monitors could be made to alarm while another member of the work crew was performing a contamination survey. Apparently, the contaminated individual wanted the monitor to alarm for another member of the work crew, who had given him a difficult time for his alarming the monitor and having to be decontaminated.

In response to the individual's request to alarm the monitor, the junior technician indicated that she had some material that would alarm the monitor. While the second individual was performing a contamination survey with the personnel contamination monitor, the technician proceeded to place a piece of radioactively contaminated tape (having a particle of about 20,000 disintegrations per minute) in front of one of the monitor's detectors causing the monitor to alarm. The technician did not place radioactive material on the individual, and no radioactive contamination was spread from the piece of tape. Following the alarm, the individual (unaware of the technician's actions) processed through another personnel contamination monitor without receiving an alarm, and exited the area in accordance with the licensee's procedures.

Based on the above information and the junior contract technician's previous training, the NRC concluded that the technician deliberately misused licensed material in violation of the Clinton Power Station Facility Operating License to alarm a personnel contamination monitor.