

Exelon Generation  
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Warrenville, IL 60555

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PRIORITY ROUTING		
First		Second
RA		RC
DRA		ETC
DRP	ms	SGA
DRS		OI
DNMS		PAO
DRMA		

Exelon<sup>SM</sup>

Nuclear

FILE ~~X~~

RS-01-141

July 13, 2001

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

Braidwood Station, Units 1 and 2  
Facility Operating License Nos. NPF-72 and NPF-77  
NRC Docket Nos. STN 50-456 and STN 50-457

Subject: Response to an Apparent Violation

Reference: Letter from J. A. Grobe (NRC Region III) to O. D. Kingsley (Exelon Generation Company, LLC), "NRC Office of Investigations Report No. 3-2000-051 (Braidwood Nuclear Generating Station)," dated June 11, 2001

In the referenced letter, based on an investigation by the NRC Office of Investigations, the NRC determined that an apparent deliberate violation of NRC requirements occurred at Braidwood Station on October 23, 2000. The apparent violation involved a contractor boilermaker who did not follow procedural requirements for exiting the portal monitors in the gatehouse.

The attachment to this letter contains our response to the apparent violation. We acknowledge that the contractor boilermaker deliberately did not adhere to the procedural requirements for exiting the gatehouse portal monitors. However, as explained in the attached response, our review of NUREG-1600, "General Statement of Policy and Procedure for NRC Enforcement Actions," May 1, 2000, indicates this procedure non-adherence should not be considered for escalated enforcement.

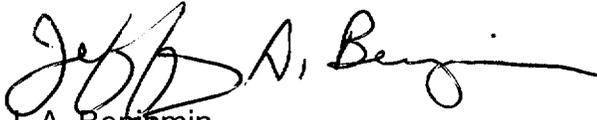
In a telephone conversation between Messrs. R. J. Caniano of the NRC and K. A. Ainger of Exelon Generation Company, LLC on July 11, 2001, the NRC extended the due date for the response to the apparent violation to July 13, 2001.

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U. S. Nuclear Regulatory Commission  
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If you have any questions about this letter, please contact K. A. Ainger at (630)  
657-2800.

Respectfully,

A handwritten signature in black ink, appearing to read "J. A. Benjamin". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

J. A. Benjamin  
Vice President – Licensing and Regulatory Affairs

Attachments: Affidavit  
Response to an Apparent Violation

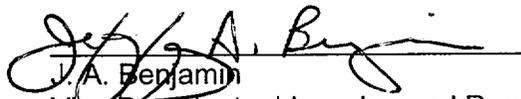
cc: Regional Administrator - NRC Region III  
NRC Senior Resident Inspector – Braidwood Station

bcc: Braidwood Station Project Manager – NRR  
Nicholas Reynolds – Winston & Strawn  
Site Vice President – Braidwood Station  
Regulatory Assurance Manager – Braidwood Station  
Director – Licensing, Midwest Regional Operating Group  
Manager – Licensing, Braidwood and Byron Stations  
Braidwood Nuclear Licensing Administrator  
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STATE OF ILLINOIS )  
COUNTY OF DUPAGE )  
  
IN THE MATTER OF )  
EXELON GENERATION COMPANY, LLC ) Docket Nos.  
BRAIDWOOD STATION, UNITS 1 AND 2 ) STN 50-456 and  
STN 50-457  
  
SUBJECT: Response to an Apparent Violation

**AFFIDAVIT**

I affirm that the content of this transmittal is true and correct to the best of my knowledge, information and belief.

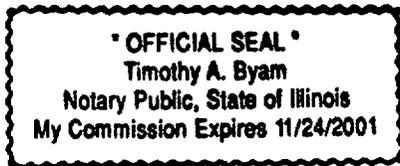
  
J. A. Benjamin  
Vice President – Licensing and Regulatory Affairs

Subscribed and sworn to before me, a Notary Public in and

for the State above named, this 13<sup>th</sup> day of

July, 2001.

  
Notary Public



**ATTACHMENT**  
**Response to an Apparent Violation**

In a letter from J. A. Grobe (NRC Region III) to O. D. Kingsley (Exelon Generation Company, LLC), dated June 11, 2001, the NRC provided the following summary of the NRC Region III Office of Investigations (OI) Report Number 3-2000-051.

“NRC Region III Office of Investigations (OI) Report Number 3-2000-051 completed on April 25, 2001, concerns an incident at the Braidwood Station described in condition report CR A2000-03990 in which a contractor boilermaker employed by GNV Venture exited the protected area after alarming two separate gatehouse portal monitors. Contamination was subsequently found on the boilermaker’s boot.

On October 23, 2000, a contractor boilermaker left the protected area to retrieve some tools. Upon exiting the gatehouse, the individual twice alarmed a portal radiation monitor, entered a second monitor that also alarmed twice, and finally exited the gatehouse after entering a third monitor that did not alarm according to the individual. The station procedure applicable to the use of the portal monitors required that when you receive an alarm, the individual step back out and perform a second frisk after the monitor reset itself and notify the radiation protection department if the monitor alarms a second time. The boilermaker twice alarmed two separate portal monitors at the gatehouse and did not contact the radiation protection department.

The boilermaker’s activities were observed by personnel of the radiation protection department via closed circuit television. The radiation protection department contacted the boilermaker’s management who subsequently brought the boilermaker back into the protected area.

Based on the above information and the boilermaker’s training, it appears that the boilermaker deliberately violated the portal monitor procedure when the individual failed to notify the radiation protection department after receiving a second alarm on two separate monitors.”

**Response:**

Exelon Generation Company (EGC), LLC acknowledges that there was a deliberate non-adherence to Braidwood Station radiation protection procedures by a contractor boilermaker on October 23, 2000. The boilermaker alarmed two separate portal monitors at the gatehouse, yet chose not to contact the radiation protection department in accordance with procedural requirements. Nonetheless, we identified the procedure non-adherence, at the time it occurred, because EGC radiation protection personnel observed the procedure non-adherence on closed circuit television. The immediate response of the radiation

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**Response to an Apparent Violation**

protection personnel resulted in the contractor boilermaker being stopped in the station parking lot and promptly brought back into the Braidwood Station protected area. A low level of fixed contamination was found on the boilermaker's boot and it was confirmed no contamination was spread by the boilermaker during the brief time he was outside the protected area. The procedure non-adherence was entered into the Braidwood Station corrective action program. The corrective actions, as described in the referenced letter, that have been completed include: (1) decontaminating the individual; (2) surveying the involved areas for contamination (none found); (3) conducting an investigation; (4) locking the individual out of the radiologically protected area for the duration of the outage; (5) tailgating the event to Newberg – Perini/Stone & Webster, Joint Venture (i.e., The Venture) contractors and discussing expectations with the contractors; and (6) tailgating the event at outage meetings for communication to all station departments. Corrective action 7 described in the referenced letter (i.e., working with both Eberline and MGP Corporation for the manufacture of turnstiles to be installed at the gatehouse portal monitors to prevent site egress upon monitor alarms) was not completed. We have decided not to install turnstiles because our prior experience indicates they are not fully effective in preventing violations of portal monitor requirements. The closed circuit television system in place allowed the prompt detection of this procedure non-adherence.

As noted in the referenced letter, a similar event involving portal monitor usage occurred in April 1999. In light of this event having occurred in October 2000, nonetheless, we continue to consider that individuals are sensitive to the importance of following the portal monitor procedure. During the two week refueling outage when this event occurred, there were approximately 29,000 other instances of personnel egress through the gatehouse portal monitors with no other identified procedure adherence problems.

While we acknowledge the deliberate procedure non-adherence by the individual contractor, our review of the factors to consider regarding the significance of willful violations in NUREG-1600, "General Statement of Policy and Procedure for NRC Enforcement Actions" (i.e., the Enforcement Policy), May 1, 2000, indicates this procedure non-adherence should not be considered for escalated enforcement action. Section IV.A.4 of the Enforcement Policy identifies the following factors to consider.

With respect to the position and responsibilities of the person involved in the violation (e.g., licensee official or non-supervisory employee), this procedure non-adherence involved the isolated actions of a low-level individual without management involvement. Concerning the significance of any underlying violation, there was little safety significance to the issue as the aggregate

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quantity of contamination on the boilermaker's boot was at least 1000 times less than the quantity specified in 10 CFR 20, Appendix C, "Quantities of Licensed Material Requiring Labeling," and no contamination was spread outside the protected area. As to the intent of the violator (i.e., careless disregard or deliberateness), although it was deliberate, there was no malevolent intent. The boilermaker was on his way to the station warehouse to obtain some parts and tools for an outage job in progress inside the station. Additionally, the event did not involve any misconduct by EGC or its employees. Rather, we had established clear procedures and took prompt actions to detect and mitigate the procedure non-adherence. Finally, there was no economic or other advantage to EGC, or to the individual, from the procedure non-adherence.

In consideration of the factors discussed above, escalated enforcement action is not warranted. Based on our review of the totality of the circumstances in this case, the procedure non-adherence would be more appropriately categorized as Severity Level IV.