

September 25, 2001

EA-01-131

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

SUBJECT: BRAIDWOOD NUCLEAR GENERATING STATION
NOTICE OF VIOLATION (NRC INVESTIGATION REPORT NO. 3-2000-051)

Dear Mr. Kingsley:

This refers to the investigation by the NRC Region III Office of Investigations (OI) completed on April 25, 2001, at the Braidwood Station. The OI investigation concluded that a contractor boilermaker had deliberately violated radiation protection procedures when exiting the protected area on October 23, 2000. A summary of the information developed during the OI investigation was provided to the Exelon Generating Company (Exelon) by letter dated June 11, 2001.

The boilermaker was exiting the protected area on October 23, 2000, when he twice activated the alarms on two separate portal monitors at the gatehouse and deliberately failed to contact the radiation protection department as required by station procedure. Upon leaving the gatehouse, the individual proceeded to an onsite warehouse building to obtain parts for a job he was assigned. Upon returning to the gatehouse, he was confronted by management and was surveyed by radiation protection personnel who identified contamination on the boilermaker's boot. This deliberate failure to follow the portal monitor procedures is significant in that the gatehouse monitors represent the last barrier to stop the removal of radioactive contamination from the site. The deliberate actions of this individual placed Exelon in violation of the Braidwood Station's Technical Specifications.

In the letter transmitting the results of the OI investigation, we provided you the opportunity to address the apparent violation identified in the report by either attending a predecisional enforcement conference or by providing a written response before we made our final enforcement decision. In a letter dated, July 13, 2001, your staff provided a response to the apparent violation. In the response your staff acknowledged that a deliberate violation of the Braidwood Station's radiation protection procedures occurred. However, your staff believes that

the violation should not be considered for escalated enforcement because of the factors in Section IV.A.4 of the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, May 1, 2000, as follows: (1) the violation involved the isolated actions of a low-level individual without management involvement; (2) there was little safety significance to the issue as the aggregate quantity of contamination on the boilermaker's boot was at least 1000 times less the 10 CFR Part 20, Appendix C quantities; (3) while the action was deliberate, there was no malevolent intent; and (4) there was no economic or other advantage to Exelon or the individual as a result of the violation.

The NRC acknowledges Exelon's response and recognizes that while the individual's action was deliberate, it involved a low level employee and there was no economic or other advantage other than getting the job done more quickly. We also agree that the underlying violation had little actual safety significance because the contamination was fixed on the worker's boot and the quantity was small. While this incident appears isolated, willful violations are, by definition, of particular concern to the NRC because its regulatory program is based on licensees and their contractors acting with integrity. To act with integrity, employees must be knowledgeable about the station's requirements and understand the consequences for violating those requirements. We expect our licensees to aggressively communicate this information to its employees. Therefore, the deliberate failure to follow station frisking procedures is considered to be of more than minor safety significance and is categorized in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600 (Enforcement Policy), at Severity Level IV. The violation is cited in the enclosed Notice of Violation (Notice).

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 Exelon's response, dated July 13, 2001. The corrective actions include: (1) preventing the individual from entering the radiologically protected area for the duration of the outage; (2) communicating details of the event to station and contractor employees; (3) implementing administrative controls to ensure workers understood their response should a portal monitor alarm; (4) posting instructions near the monitors to remind workers of requirements; and (5) verifying that workers used the monitors properly. 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 specified in the enclosed Notice.

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 choose to provide one, will be made 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. 50-456; 50-457
License Nos. NPF-72; NPF-77

Enclosure: Notice of Violation

cc w/encl: J. Skolds, Chief Operating Officer
W. Bohlke, Senior Vice President, Nuclear Services
C. Crane, Senior Vice President - Mid-West Regional
Operating Group
J. Cotton, Senior Vice President - Operations Support
J. Benjamin, Vice President - Licensing and Regulatory Affairs
H. Stanley, Operations Vice President
R. Krich, Director - Licensing
R. Helfrich, Senior Counsel, Nuclear
DCD - Licensing
J. von Suskil, Site Vice President
K. Schwartz, Plant Manager
A. Ferko, Regulatory Assurance Manager
M. Aguilar, Assistant Attorney General
Illinois Department of Nuclear Safety
State Liaison Officer
Chairman, Illinois Commerce Commission

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R. Helfrich, Senior Counsel, Nuclear DCD - Licensing
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Illinois Department of Nuclear Safety
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NOTICE OF VIOLATION

Exelon Generation Company, LLC
Braidwood Nuclear Generating Station

Docket Nos. 050-00456; 050-00457
License Nos. NPF-72; NPF-77
EA-01-131

During an NRC investigation completed on April 25, 2001, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, May 1, 2000, the violation is listed below:

Braidwood Technical Specification No. 5.4.1.a provides, in part, that written procedures are 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.7, requires that written procedures be established for personnel monitoring.

Braidwood Station Procedure No. BwRP 5822-3, Revision 1, "Operation and Calibration of the Eberline PM-7 Portal Monitors," implements Technical Specification 5.4.1.a and Section 7.e.7 of Appendix A to Regulatory Guide 1.33 by requiring, in part, in Section 3.c.3.c that if a monitor alarms, then step back and reenter the monitor after the monitor resets itself and if the monitor alarms again, then notify the Radiation Protection Department for assistance.

Contrary to the above, on October 23, 2000, a boilermaker employed by GNV Venture, a contractor at the Braidwood Nuclear Station processed through the exit portal monitors and received alarm signals indicating the presence of radioactive contamination. The individual then left the protected area without contacting the Radiation Protection Department. Specifically, the individual entered two portal monitors, both of which alarmed, did not reenter either monitor for reprocessing and did not contact the Radiation Protection Department. The individual then processed through a third monitor and was cleared. Subsequently, fixed contamination was found on one of the individual's boots.

This is a Severity Level IV 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 was achieved is already adequately addressed on the docket in our June 11, 2001 letter, and in Exelon's response, dated July 13, 2001. 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, 801 Warrenville Road, Lisle, IL 60532-4351, and a copy to the NRC Resident Inspector at the Braidwood Nuclear Generation 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 made 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). Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

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

Dated this 25th day of September 2001.