

June 22, 2005

EA-05-095

Mr. Christopher M. Crane
President and Chief Nuclear Officer
Exelon Nuclear
Exelon Generation Company, LLC
Quad Cities Nuclear Power Station
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: QUAD CITIES NUCLEAR POWER STATION, UNIT 2, NOTICE OF VIOLATION
[OFFICE OF INVESTIGATIONS REPORT NO. 3-2004-021]

Dear Mr. Crane:

This refers to information provided to the U.S. Nuclear Regulatory Commission (NRC) by Exelon on March 24, 2004, that a contract employee at the Quad Cities Nuclear Power Station (Quad Cities) removed a sample of insulation from the radiologically controlled area (RCA) without having a radiation survey performed. The NRC Office of Investigations (OI) investigated the matter and concluded that the contract employee deliberately failed to have the required radiation survey performed on the material prior to removing it from the RCA.

Based on information developed during the OI investigation, the NRC concluded that a violation of an NRC-required radiation protection procedure occurred. The details of the violation are described in OI Report No. 3-2004-021. In summary, a non-supervisory contractor employee believed that insulation in the Unit 2 hot-well contained asbestos and informed Exelon. The individual was not satisfied with Exelon's investigation into the matter and removed a sample of the insulation from the RCA for private analysis offsite. However, the individual failed to ensure that a radiation survey was performed on the material, in violation of an NRC-required procedure pertaining to radiation surveys of material prior to the unconditional release from the RCA. Radiation protection (RP) personnel from Quad Cities retrieved the sample of insulation from the offsite laboratory.¹ A subsequent radiation survey of the sample at Quad Cities indicated the presence of a very low level of radioactivity in the sample ($1.66E^{-4}$ micro curies/gram of cobalt-60).

Exelon Procedure No. RP-AA-503, "Unconditional Release Survey Method," a procedure required by Quad Cities Technical Specification 5.4.1, provided that a radiation survey must be performed on all materials removed from the RCA. The contractor employee was aware of this requirement, through training, posted signs, and the individual's involvement in a similar incident in 1998, that involved the unauthorized removal of non-radiologically contaminated material from the site. The deliberate actions of the non-supervisory individual placed Exelon in

¹ Analysis of the insulation sample by the private offsite laboratory indicated that asbestos was not present in the sample.

violation of an NRC-required radiation protection procedure. This violation has been categorized in accordance with the NRC Enforcement Policy² at Severity Level IV. The actions of the individual also placed the individual in violation of the NRC regulation prohibiting deliberate misconduct, 10 CFR 50.5(a)(1).

The NRC recognizes that Exelon identified this deliberate violation and took corrective actions consisting of: (1) reviewing and validating the effectiveness of its radiation survey procedures; (2) evaluating the operability and efficiency of personnel contamination monitors, tool monitors, and hand-held detectors at Quad Cities; (3) taking disciplinary action; (4) discussing the event with other employees at Quad Cities; and (5) entering the issue into the corrective action program at Quad Cities as Condition Report No. 210347. Therefore, the violation is being treated as a Non-Cited Violation (NCV), consistent with Section VI.A of the Enforcement Policy. If you contest the violation or significance of the NCV, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to the Regional Administrator and Enforcement Officer, Region III, the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001, and the NRC Resident Inspector at Quad Cities.

Questions concerning this matter should be addressed to Steven K. Orth, Team Leader, Plant Support Team. Mr. Orth can be reached at telephone number (630) 829-9827.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response, should you choose to respond, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,
/RA/
 Cynthia D. Pederson, Director
 Division of Reactor Safety

Docket No. 50-265
 License No. DPR-30

Enclosure: Synopsis of OI Report No. 3-2004-021

See Attached Distribution

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² The current Enforcement Policy is included on the NRC's web site at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**.

*****SEE PRIOR CONCURRENCES * * *

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**Approval to Release OI Synopsis

*** 6/20/05 e-mail from R. Arrighi, OE, provided OE concurrence and indicated T. Smith, OGC, provided no legal objection and F. P. Bonnett, NRR, had provided NRR concurrence.

cc w/encl: Site Vice President - Quad Cities Nuclear Power Station
Plant Manager - Quad Cities Nuclear Power Station
Regulatory Assurance Manager - Quad Cities Nuclear Power Station
Chief Operating Officer
Senior Vice President - Nuclear Services
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Operating Group
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SYNOPSIS

This investigation was initiated on August 3, 2004, by the U.S. Nuclear Regulatory Commission, Office of Investigations, Region III, to determine if a contract employee at the Quad Cities Nuclear Power Station (Quad Cities) deliberately violated a radiation protection procedure by removing potentially radioactive material without Radiation Protection Department authorization.

Based on the evidence developed, this investigation did substantiate the allegation that the contract employee at Quad Cities deliberately violated a radiation protection procedure by removing potentially radioactive material without Radiation Protection Department authorization.