

*IE File
Central File*

JUN 19 1978

Wisconsin Public Service Corporation
ATTN: Mr. P. Ziemer
President
Post Office Box 1200
Green Bay, Wisconsin 54305

Docket No. 50-305

Gentlemen:

The findings of a recent inspection of the radiation protection program at the Kewaunee Nuclear Power Plant, particularly with regard to the personnel exposure which occurred in the reactor cavity on May 2, 1978, indicate a significant management weakness related to radiation protection. The inspection findings have been discussed with members of your staff by telephone on several occasions since the inspection. More importantly, the Director of our Region III Office met with you on May 18, 1978 to discuss the circumstances surrounding the May 2 exposure. At that meeting we also discussed the three apparent items of noncompliance found during the recent inspection. These noncompliances are set forth in the Notice of Violation attached as Appendix A to this letter.

In our view, the items of noncompliance in Appendix A demonstrate a lack of effective radiation exposure control. The potential for a significant personnel exposure in the reactor cavity was described in IE Circular No. 76-03, "Radiation Exposures in Reactor Cavities," dated September 10, 1976. In your November 12, 1976 response to this circular, you described the controls in effect at the Kewaunee facility to prevent such an exposure. The incident apparently resulted from a breakdown of these controls.

While the actual exposure of 2.9 rems did not exceed the regulatory limit, we consider the May 2 exposure to be very serious because of the potential for an extremely large radiation exposure. Our concern is even greater because our inspection showed that the decision to enter

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the reactor cavity was made by the senior member of management present on site with disregard for the survey required by the regulations, without the Radiation Work Permit required by your procedures, and without the radiation monitoring device required by your Technical Specifications. Consequently, we propose to impose civil penalties in the cumulative amount of Ten Thousand Dollars (\$10,000) for these noncompliances. Appendix B of this letter is the Notice of Proposed Imposition of Civil Penalties. You are required to respond to this letter, and in preparing your response you should follow the instruction in Appendix A.

As noted previously, the employee who decided to enter the reactor cavity and who was subsequently exposed, was the senior Wisconsin Public Service Corporation employee on site at the time. Recognizing the natural tendency of other employees to refrain from stopping activities initiated by such an individual, the importance of supervisors' adherence to established requirements cannot be overstated. Inadequate communication between those involved also appears to have been a major contributor to the incident. In responding to the noncompliance items in Appendix A, you should specifically address your plans for strengthening these areas.

I would also like to address another concern. At about 8:30 a.m. on May 3, 1978, upon arrival at the Kewaunee Nuclear Power Station to inspect certain refueling outage activities, our inspectors were informed that a potential radiation overexposure had occurred at about 2:30 a.m. on May 2, 1978. Although aware soon after the incident that a substantial overexposure might have occurred, plant personnel had not informed our assigned project inspector who was present at the plant on May 2. While notification was not required since the exposure did not exceed regulatory limits, we are concerned that we were not promptly informed of this matter in view of our evident interest and the presence on site of our project inspector on the day of the occurrence. We hope that you will freely inform us of any potential problem where the NRC has a legitimate interest.

Your written reply to this letter and Notice of Violation and the findings of our continuing inspections of your activities will be considered in determining whether further enforcement action, such as additional civil penalties or orders to suspend, modify or revoke the license, may be required to assure future compliance.

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In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosures will be placed in the NRC's Public Document Room.

Sincerely,

Ernst Volgenau
Director
Office of Inspection
and Enforcement

Enclosures:

1. Appendix A, Notice of Violation
2. Appendix B, Notice of Proposed Imposition of Civil Penalties

Distribution:

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7/14/78

WPU: SM OFFICE >	XOOS	FFMSI	FFMSI	ELD	XOOS	DD: IE
7/13/78	G Snyder	J Cunningham	L Higginbotham	J P Murray	J Jordan	J G Davis
DATE >	7/13/78	7/13/78	7/13/78	7/14/78	7/13/78	7/13/78

NOTICE OF VIOLATION

This refers to the inspection conducted by representatives of the Region III (Chicago) Office at the Kewaunee Nuclear Power Plant, Kewaunee, Wisconsin, of activities authorized by NRC License No. DPR-43.

During this inspection conducted on May 3-5, 18 and June 5, 1978, the following apparent items of noncompliance were identified.

1. 10 CFR 20.201, "Surveys," requires in section (b) that each licensee make or cause to be made such surveys as may be necessary for him to comply with the regulations of 10 CFR 20. As defined in 10 CFR 20.201, section (a) "Survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions.

Contrary to the above, you failed to make such surveys as were necessary to assure compliance with 10 CFR 20.101, "Exposure to Individuals to Radiation in Restricted Areas." Specifically, you failed to make such a survey to assure that dose limits would not be exceeded on May 2, 1978 when an employee entered the reactor cavity and moved about in general radiation fields later measured to be as high as 2000 R/hr.

This violation had the potential for causing a substantial radiation overexposure.

(Civil Penalty - \$4,000)

2. Technical Specification 6.11, "Radiation Protection Program" requires that procedures for personnel radiation protection shall be prepared consistent with the requirements of 10 CFR Part 20, and shall be approved, maintained and adhered to for all operations involving personnel radiation exposure.

Procedure RC-HP-35, Revision B, dated April 15, 1976, "Radiation Work Permit," states in section 1.1 that the purpose of a Radiation Work Permit (RWP) is to protect plant personnel by controlling access into areas such as high radiation areas, requires in section 2.1.1 that a RWP be issued for entry into any high radiation area, and specifies in section 6.0 the tasks which must be performed by various personnel prior to approval and issuance of the RWP.

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Contrary to the above, on May 2, 1978 a Radiation Work Permit was not approved and issued to control access into a high radiation area prior to an employee entering the reactor cavity where he moved about in general radiation fields later measured to be as high as 2000 R/hr.

This is an infraction. (Civil Penalty - \$3,000)

3. Technical Specification 6.13.1 requires that any individual or group of individuals permitted to enter a high radiation area shall be provided with a radiation monitoring device which continuously indicates the radiation dose rate in the area.

Contrary to the above, on May 2, 1978, a radiation monitoring device which continuously indicates the radiation dose rate was not provided to an employee who entered the reactor cavity, a high radiation area containing general radiation fields later measured to be as high as 2000 R/hr.

This is an infraction. (Civil Penalty - \$3,000)

This notice of violation is sent to you pursuant to the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. You are hereby required to submit to this office, within twenty (20) days of your receipt of this notice, a written statement or explanation in reply, including for each item of noncompliance: (1) admission or denial of the alleged items of noncompliance; (2) the reasons for the items of noncompliance, if admitted; (3) the corrective steps which have been taken by you and the results achieved; (4) corrective steps which will be taken to avoid further noncompliance; and (5) the date when full compliance will be achieved.

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NOTICE OF PROPOSED IMPOSITION OF CIVIL PENALTIES

Wisconsin Public Service Corporation

Docket No. 50-305

This Office has considered the enforcement options available to the NRC, including administrative actions in the form of written notices of violation, civil monetary penalties, and orders pertaining to the modification, suspension, or revocation of a license. Based on these considerations we propose to impose civil penalties pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 USC 2282), and to 10 CFR 2.205, in the cumulative amount of Ten Thousand Dollars (\$10,000) for the specific items of noncompliance set forth in Appendix A to the cover letter. In proposing to impose civil penalties pursuant to this section of the Act and in fixing the proposed amount of the penalties, the factors identified in the statements of consideration published in the Federal Register with the rule making action which adopted 10 CFR 2.205 (36 FR 16894) August 26, 1971 and the "Criteria for Determining Enforcement Action," which was sent to NRC licensees on December 31, 1974, have been taken into account.

Wisconsin Public Service Corporation may, within twenty (20) days of the date of receipt of this notice, pay the total civil penalties in the cumulative amount of Ten Thousand Dollars (\$10,000) or may protest the imposition of the civil penalties in whole or in part by a written answer. Should Wisconsin Public Service Corporation fail to answer within the time specified, this office will issue an order imposing the civil penalties in the amount proposed above. Should Wisconsin Public Service Corporation elect to file an answer protesting the civil penalties, such answer may (a) deny the items of noncompliance listed in the Notice of Violation in whole or in part, (b) demonstrate extenuating circumstances, (c) show error in the Notice of Violation, or (d) show other reasons why the penalties should not be imposed. In addition to protesting the civil penalties in whole or in part, such answer may request remission or mitigation of the penalties. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from your statement or explanation in reply pursuant to 10 CFR 2.201, but you may incorporate by specific reference (e.g., giving page and paragraph numbers) to avoid repetition.

Wisconsin Public Service Corporation's attention is directed to the other provisions of 10 CFR 2.205 regarding, in particular: failure to answer and ensuing orders; answer, consideration by this office, and orders; requests for hearings, hearings, and ensuing orders; compromise; and collection.

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Upon failure to pay any civil penalty due which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, the matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Atomic Energy Act of 1954, as amended, (42 USC 2282).

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