



Commonwealth Edison
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EA-81-02
Rec'd 12/1/80

November 24, 1980

Mr. Victor Stello, Jr.
Director
Office of Inspection and Enforcement
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Docket 50-237, 50-²⁴⁷~~429~~, Dresden
Nuclear Station
Response to Nuclear Regulatory
Commission's (NRC) Letter, Notice
of Violation and Proposed Imposition
of Civil Fine Dated 10-20-80 Pursuant
to 10 C.F.R. §2.201

Dear Mr. Stello:

By this letter, pursuant to 10 C.F.R. §2.201, Commonwealth Edison Company (CECo.) responds to your letter and Notice of Violation of October 20, 1980 alleging that a noncompliance with NRC Regulations and Dresden Technical Specifications occurred in the Dresden Control Room on August 8, 1980. CECo.'s answer to your letter and Notice of Violation proposing the imposition of a civil penalty, pursuant to 10 C.F.R. §2.205, will be provided separately, as requested.

Based on CECo.'s review to date of the conduct of its operators in the Dresden Control Room, CECo. denies that a noncompliance with the requirements of 10 C.F.R. §50.54(k) and the Dresden Technical Specifications, Chapter 6.1 and Table 6.1.1 occurred as you have alleged. Moreover, recognizing its responsibility to assure compliance with all regulations and specifications pertaining to the conduct of operators in its Control Rooms, CECo. has taken and is taking prompt and effective action to guarantee full compliance continues.

Alleged Noncompliance

10 C.F.R. §50.54(k) states: "An operator or senior operator licensed pursuant to Part 55 of this Chapter shall be present at the controls at all times during the operation of the facility." The Dresden Station Technical

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Specifications, Chapter 6.1 and Table 6.1.1, require three licensed operators to fulfill the minimum Control Room staffing requirements. According to your letter and Notice of Violation, you conclude that a noncompliance with these requirements occurred at approximately 6:00 a.m. on August 8, 1980, when the NRC Senior Resident Inspector observed two of the licensed operators in the Control Room, specifically the Unit 3 and Control Room center desk operators, appearing to be asleep. This, you allege, rendered them unable to monitor reactor conditions.

The Notice of Violation categorizes this as a Severity Level III Violation (Supplement I.C.2) under the NRC Interim Enforcement Policy, 45 F.R. 66754 (October 7, 1980). Such a violation involves "A system designed to prevent or mitigate a serious safety event not being able to perform its intended function under certain conditions (such as operating unless off-site power is available)." A civil penalty of \$40,000 was proposed.

As required in your Notice of Violation, this response to the allegations of noncompliance will include a denial of the noncompliance, a description of the steps which have been and which will be taken to secure continuing compliance and their results and the date when full compliance will be achieved.

CECo.'s Response

CECo. denies that the conduct of its licensed operators in the Control Room at the Dresden Station at approximately 6:00 a.m. on August 8, 1980 constituted non-compliance with 10 C.F.R. §50.54(k) and Dresden Technical Specifications, Chapter 6.1 and Table 6.1.1. Based upon its investigations to date, the licensed operators were present at their prescribed stations and able to perform all functions required of them.

The Dresden Control Room was and is in full compliance with all pertinent NRC Regulations and Station Technical Specifications. Prior to the incident CECO. had instituted specific policies concerning the behavior of operators in the Control Room. Moreover, as an immediate response to the comments of the NRC Resident Inspector, CECO. issued several directives reiterating its policy relating to Control Room conduct and implementing procedures to assist in maintaining safety. It is CECO.'s position that this response was prompt and adequate to insure that all reactor conditions are and will be properly monitored by the licensed operators.

Denial of Noncompliance

At approximately 6:00 a.m. on August 8, 1980 the NRC Senior Resident Inspector walked through the Control Room on his way to the Dresden Shift Engineer office, situated to the west behind the Control Room. None of the NRC licensed operators in the Control Room saw him pass.

He entered the Control Room at its south door and walked a short way towards the center desk. According to the Resident Inspector, the center desk operator, while seated at his desk, was resting his head on his outstretched arm. The operator states he was reading a book. The Resident Inspector claims he did not notice any reading material but since he faced the back of the center desk operator and never directly approached the operator his view was blocked.

The Resident Inspector turned left and walked through the Control Room, around the pillar in the gap between the Unit 2 and Unit 3 Control Panels, then left behind the Unit 3 Control Panel, exiting at the Control Room's west door. On this route just before he reached the pillar in the gap between the Panels, he would have had a glimpse of the Unit 3 Desk. The Resident Inspector glanced in this direction to see the Unit 3 operator seated at it with his arms folded and his head resting on them. The Unit 3 operator states he was reading a book. The Resident Inspector did not see the face of the Unit 3 operator nor did he approach him. According to the Resident Inspector, both the Unit 3 operator and the center desk operator "appeared to be asleep." The operators deny being asleep or inattentive.

Upon entering the Shift Engineer office, the Resident Inspector told the Shift Engineer in an offhand manner to wake up his operators. The Shift Engineer telephoned the operator at the center desk, asking him to check on the others. The center desk operator promptly answered the telephone and immediately went to each station: he states he found no operator asleep or inattentive. The Unit 3 operator recalls hearing the phone ring in the Control Room immediately prior to the time the center desk operator approached him. In fact, just as the center desk operator approached, the Unit 3 operator looked up from reading to greet him.

CECo. believes that these facts demonstrate that no noncompliance with the NRC Regulations and the Station's Technical Specifications occurred in the Dresden Control Room on August 8, 1980. Instead, the three licensed operators were present and in a position to monitor plant conditions and manipulate the controls of the facilities as required.

First, the only support for the charges in the Notice of Violation is the Resident Inspector's impression that two operators "appeared to be asleep." But this is the result of the few seconds he took to glance at the Unit 3 and center desk operators and, at most, proves the operators were not looking at the control panels for their station as he passed. The length of the Resident Inspector's observation was minimal - counted in seconds. The actual time the operators were in the positions he describes is unknown. A few seconds of immobility assertedly observed by the Resident Inspector without more certainty does not prove that they were not manipulating the controls or monitoring instruments either before or just after he observed them. Further, the Resident Inspector took no steps to test his observation. He neither viewed the faces of the operators nor approached them to verify his assumption himself nor confirmed it with others. Thus, the conclusion of the Notice of Violation of disabling inattentiveness, surmised solely from the Resident Inspector's observations, is highly speculative.

Second, the charge of inattentiveness based on the operators' conduct in not looking at control panels neither offends NRC regulations nor Dresden Technical Specifications nor threatens the safety of the plant. Initially, it should be noted that neither the NRC regulations nor Technical Specifications describe "attentiveness". Although 10 C.F.R. §50.54(k) states an operator "shall be present at the controls", the requisite operator presence is not defined in terms of instrumentation observation alone. The control panel systems, in fact, are designed upon a contrary premise: indicators registering serious safety related reactor conditions consist of both visual and audible signals. The very purpose of the audible signal - the annunciator - then is to notify an operator who may not be looking at the controls that a problem to which he might have to respond exists. As long as an operator can promptly perceive such a signal, he is present and able to monitor reactor conditions.

In this case the operators in question were in the line of sight of their respective controls and there is evidence that they were aware of their surroundings and able to respond to them. An operator who can answer a phone on its first ring or one who sees and acknowledges a person as he is approached certainly is attentive enough to answer the sound of an annunciator indicating a safety problem. Equating an asserted momentary non-observation of a control panel with the failure of a system designed to prevent or mitigate a serious safety event is inappropriate. Contrary to the allegations of a Severity III Violation, Supplement I.C.2., even under the conditions allegedly observed by the

Resident Inspector, these operators were able to perform their intended function of monitoring reactor conditions to prevent and mitigate serious safety events under all conditions. Under these circumstances, the Notice of Violation is clearly not warranted.

CECo.'s Preventive Measures

CECo. fully appreciates the role licensed operators perform in maintaining reactor safety. Indeed, in contrast to the implications contained in your October 20, 1980 letter, both before and after the alleged incident CECo. has maintained policies and procedures to insure proper operator Control Room conduct.

In July, 1979 CECo. issued a directive to all nuclear plant operators and their supervisors, explicitly detailing the appropriate behavior for Control Room operators. No specific incident at any CECo. plant prompted its issuance; rather, it was instigated by the Company's continuing commitment to plant safety. The directive specified several areas of prohibited operator conduct and cautioned the operators to attend their stations alertly until properly relieved. Significantly, it ordered that its contents be thoroughly "discussed with each [Control Room] shift....so that [its] intent is not misunderstood."

Upon learning of the present allegations, CECo. immediately began an investigation to determine what had occurred and what could be done to maintain compliance with the appropriate regulations and specifications. The operators involved were interviewed as soon as practicable; directives were issued outlining and implementing Station policy to assure compliance was maintained.

The center desk operator was interviewed by CECo. by the end of his next working day, the Monday evening-Tuesday morning shift, on August 12, 1980. The center desk operator denied being asleep or inattentive at the time the Resident Inspector stated he walked through the Control Room. Since the Unit 3 operator went on vacation upon the end of his August 8, 1980 shift, his interview was delayed until his return on August 18, 1980. At this interview, he denied being asleep or inattentive at the time the Resident Inspector stated he walked through the Control Room. Both operators were formally warned that no inattentiveness would be tolerated in the Control Room and a memorandum documenting the incident and warning was placed in their personnel files.

On August 22, 1980, CECo. issued a Station directive to all operators and supervisors reemphasizing the importance of alertness while on duty, formally implementing procedures

to assure the relief of operators who may become drowsy, and reiterating that supervisors are authorized to send home any operator found sleeping or incapable of performing his duties because of drowsiness.

CECo. issued the directive as soon as possible after the incident on August 22, 1980. Several items account for the period between the incident and directive. (1) All the parties had to be interviewed; because of the Unit 3 operator's vacation, his interview was delayed until August 18. (2) A new station head had been appointed. The directive was issued as soon as he had the opportunity to review and approved its text. (3) Prior to the issuance of the directive, in order to assure that the management response was adequate, the text of the directive was submitted to the on-site NRC inspectors for review. They both indicated no dissatisfaction with either the substance of the directive or its procedural format.

The directive alerted the employees to the need for attentiveness by stressing the seriousness of the Company's concern and by providing a flexible response to guarantee the safety of the Station. First, this directive republished CECO's personnel policy concerning employees found incapable of performing their work: those found asleep or inattentive will be immediately sent home. Second, because of the the Control Room manning requirements, operator supervisors were given some discretion in enforcing this policy. The discretion directly relates to the essential character of the duties of an operator: a supervisor cannot send an operator home unless there is a licensed operator who can take over the duties of the dismissed operator. Thus, a supervisor must be free to evaluate the benefit derived from dismissal with the "impact this decision to send someone home will have on the rest of the work group and their ability to accomplish their assigned responsibilities."

Finally, the directive outlines procedures whereby operators who report themselves as drowsy can be relieved for short periods of time. The Unit 1 operator, whose presence is not deemed essential by regulations and specifications, now acts as additional relief for any operator requesting it, alleviating the pressure on an operator to remain at his Unit in the event that he is not fully effective.

In September, after the issuance of this directive, a newspaper article reported two Dresden operators were "asleep" while on duty. Prompted by this, although the NRC Inspectors had indicated that the matter was closed upon their review of the directive prior to its issuance, the NRC investigated the conduct of the operators in the Control Room.

The NRC issued warning letters to both of operators involved. On September 25, 1980, the Regional Director informed CECo. stronger management corrective action was necessary. Soon after that another CECo. policy directive, this one encompassing a more thorough definition of conduct in the Control Room, was issued.

CECo.'s response to the NRC's concern about operator attentiveness was timely and consistent with the the situation. First, CECo. had instituted adequate policies in the area prior to the alleged occurrence. Second, CECo.'s investigation of the occurrence was immediate. All involved were interviewed as soon as practicable. Both operators were warned of the seriousness of the charges. The Company policy was issued and implemented four days after the completed investigation. Third, the policy adequately dealt with the problems posed: it both emphasized the seriousness of the operators' responsibilities and provided for safe and effective measures to guarantee fulfillment of those responsibilities. Finally, the NRC reviewed and acquiesced in CECo.'s preventive actions. When for the first time the NRC indicated its dissatisfaction with this policy, CECo. promptly broadened it to meet with the NRC objectives.

This item of noncompliance should be withdrawn for the lack of sufficient evidence. In the event the item is not withdrawn, CECo. also seeks by this letter and its letter pursuant to 10 C.F.R. §2.205, remission or mitigation of the civil penalties proposed.

Very truly yours,



Cordell Reed, Vice President
Commonwealth Edison Company

SUBSCRIBED and SWORN to before
me this 24 day of November, 1980.



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FOR CHANGES, PLEASE CONTACT ELAINE SCHALL, 49-27293.