

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Commonwealth Edison Company
Dresden Station, Unit 3

Docket No. 50-249
License No. DPR-25
EA 91-152

During an NRC inspection conducted on October 15-25, 1991, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1991), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

- I. Technical Specification 6.2.B requires that radiation control procedures be maintained, made available to all station personnel and adhered to.
 - A. Procedure DAP 12-09, Revision 4, Paragraph F.3, effective August 31, 1990, requires, in part, that pre-job ALARA briefings for jobs which involve more than one work group and meet the following criteria shall include all work groups involved in the job. The criteria include (1) a working dose rate greater than 1 R/hr, (2) general area loose contamination levels greater than 250,000 dpm/100cm², (3) high potential for highly radioactive particles, or (4) high potential for worker's body to come in contact with high dose rate piping or components. The radiation protection technician monitoring the job being briefed must be in attendance during the pre-job briefing.

Contrary to above, on October 11, 1991, the pre-job ALARA briefing for work on the components of the "B" recirculation pump discharge valve did not include a representative of the Inservice Inspection Group and the radiation protection technician monitoring the second phase of the job. The job involved the radiation protection, maintenance, and Inservice Inspection groups and met criteria (1), (2), and (4) above.

- B. Procedure DRP 1140-04, Revision 0, Paragraph G.3.a(4), effective April 20, 1990, requires that additional copies of the survey be provided with each copy of the radiation work permit (RWP) which is distributed for worker review at access control points. Distributing copies of the survey to accompany the RWP will not be required if radiological status boards are located near the access control area(s) and if the information on that status board reflects conditions applicable to the work.

Contrary to above, on October 11, 1991, a copy of the survey of the "B" recirculation pump discharge valve components and the work area was not distributed with each copy of the RWP distributed for worker review at the drywell access control point, nor did the information on the status board reflect conditions applicable to the work in that the survey was documented after the work was complete.

- II. 10 CFR 20.201(b) requires that each licensee make such surveys as may be necessary to comply with the requirements of Part 20 and which are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present. As defined in 10 CFR 20.201(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.
- A. Contrary to above, the licensee did not make surveys to determine that individuals would not receive a total occupational dose in excess of the standards specified in 10 CFR 20.101. Specifically, during the ALARA committee meeting on September 10, 1991, and the pre-job ALARA and bullpen briefings on October 11, 1991, the licensee did not adequately evaluate the physical positions the two workers would have to assume relative to the potential radiation hazards incident to performing inservice inspection of the components of the "B" recirculation pump discharge valve.
- B. Contrary to above, on October 11, 1991, the licensee did not make surveys to determine that individuals would not receive a total occupational dose in excess of the standards specified in 10 CFR 20.101. Specifically, the licensee did not survey the inner faces of the "B" recirculation pump discharge valve discs prior to work being performed near those faces.
- C. Contrary to above, on October 11, 1991, the licensee did not make surveys to determine that individuals would not receive a total occupational dose in excess of the standards specified in 10 CFR 20.101. Specifically, the licensee did not adequately reevaluate the possible doses to two workers during the inservice inspection of the "B" recirculation pump discharge valve when actual inspection activities differed from those anticipated by radiation protection personnel.
- D. Contrary to above, on October 11, 1991, the licensee did not make surveys to determine that individuals would not be exposed to airborne concentrations exceeding the limits specified in 10 CFR 20.103. Specifically, the licensee did not reevaluate the potential airborne exposure from the close inspection of the "B" recirculation pump discharge valve discs when actual inspection activities differed from those anticipated by radiation protection personnel.

III. 10 CFR 20.202(a)(3) requires that each licensee supply appropriate personnel monitoring equipment to, and require the use of such equipment by each individual who enters a high radiation area.

Contrary to above, on October 11, 1991, the licensee failed to supply monitoring equipment appropriate to ascertain the doses incurred by two workers who performed inservice inspection of the "B" recirculation pump discharge valve in a high radiation area. Specifically, the dosimeters supplied did not adequately measure dose to the most highly exposed portions of the whole body of each worker.

This is a Severity Level III problem (Supplement IV).
Civil Penalty - \$25,000 (assessed equally among the seven violations).

Pursuant to the provisions of 10 CFR 2.201, Commonwealth Edison Company (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or a demand for information may be issued as to why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or may protest imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations listed in this Notice, in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1991), should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205, this 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 Act, 42 U.S.C. 2282c.

The response noted above (Reply to Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137, and a copy to the Senior Resident Inspector at the Dresden Station.

FOR THE NUCLEAR REGULATORY COMMISSION



A. Bert Davis
Regional Administrator

Dated at Glen Ellyn, Illinois
this 17th day of December 1991