



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

April 21, 1994

Docket Nos. 50-237 and 50-249
License Nos. DPR-19 and DPR-25
EA 93-182

Commonwealth Edison Company
ATTN: Mr. Michael Wallace
Vice President and
Chief Nuclear Officer
Executive Towers West III
1400 Opus Place, Suite 300
Downers Grove, Illinois 60515

Dear Mr. Wallace:

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT No. 50-237/92033; 50-249/92033; AND NRC
INVESTIGATION REPORT NO. 3-92-055R)

This refers to the special inspection conducted from November 30, 1992, to December 4, 1992, at the Dresden Nuclear Station. The report documenting this inspection was sent to you by letter dated September 9, 1993. An enforcement conference was held on September 16, 1993, and a report summarizing the conference was sent to you by letter dated September 28, 1993. This also refers to the investigation conducted by the U. S. Nuclear Regulatory Commission's Office of Investigations (OI); a copy of the synopsis of the OI report is enclosed.

On September 18, 1992, a nuclear station operator (NSO) who was operating Dresden Unit 2 mispositioned a control rod while moving rods to balance the power in the reactor core. Plant procedures required that the mispositioned rod be driven fully into the core and no further control rod movements be made until the situation is evaluated by an upper management representative. Plant procedures also required that the NSO record the mispositioned rod in the control room log books and report the mispositioned rod to the Unit Operating Engineer or the Operations Duty Supervisor. The qualified nuclear engineer (QNE) on duty observed the error and informed the NSO. The NSO, however, did not drive the mispositioned rod into the core but continued to move other control rods at the direction of the QNE, an unlicensed individual, without the knowledge or approval of the shift control room engineer (SCRE, who is the senior licensed operator in the Dresden control room who has overall responsibility for supervising operation of the plant during the shift) and without an evaluation of the situation by an upper management representative, in violation of numerous Dresden plant procedures and NRC requirements. Shortly thereafter, the five personnel in the control room at the time of the event (the SCRE, the NSO, the QNE, and two nuclear engineer trainees) agreed to conceal the event from Dresden management. In furtherance of this attempt to conceal the event, the rod mispositioning was not recorded in the control room log, a Dresden Form 14-14C was falsified, and the event was not reported

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to plant management, in violation of Dresden Technical Specifications and NRC requirements, including 10 CFR 50.9, "Completeness and Accuracy of Information."

The NRC recognizes that rod balancing is a routine evolution at power reactors to even the power distribution in the reactor core and that the safety significance of the event itself turned out to be minimal in this particular case. Reactivity changes and rod mispositioning can be of substantial safety significance, however. Thus, NRC regulations require that activities that can affect the reactivity of the reactor core be conducted by trained and qualified personnel under the supervision of a senior licensed operator and in accordance with approved procedures. We are aware that Dresden management was unaware of the event, does not condone the failure to follow procedures, and does not tolerate wrongdoing by its employees. This was evidenced by the actions Dresden management took when it became aware of the event. However, we are concerned that an environment existed in which the individuals involved in the September 18, 1992 event believed that the failure to report the incident was acceptable conduct. Other problems, if not reported, could lead to safety challenges. Therefore, it is vitally important for Dresden management to clarify its expectations that problems must be reported so their root causes can be determined and appropriate corrective actions can be implemented to prevent recurrence.

Two violations are described in the enclosed Notice of Violation and relate to Dresden's failure to identify and take effective corrective actions for a rod mispositioning event that occurred on April 10, 1992 and for failure to follow required response procedures for a rod mispositioning event that occurred on September 18, 1992. The two violations are categorized in the aggregate as a Severity Level III problem in accordance with the "Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR Part 2, Appendix C.

In accordance with the Enforcement Policy, ordinarily we would propose a civil penalty for a Severity Level III problem and, in fact, we considered proposing a civil penalty in this case. However, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Reactor Regulation, Regional Operations, and Research (DEDR), I have exercised discretion pursuant to Section VII.B(6) of the Enforcement Policy and have decided that a civil penalty will not be proposed in this case because of your identification of the problem and your substantial corrective actions, including the decisive disciplinary action that you took against the individuals who were involved in wrongdoing in this matter. The decision not to propose a civil penalty in this case also takes account of the fact that additional, separate enforcement actions are being issued directly to the individuals responsible for the violations, some of whom were plant operators licensed by the NRC.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice of Violation (Notice) when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing

your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In addition to the enclosed Notice of Violation, the NRC is also issuing Orders to the three licensed operators and letters of reprimand to the trainees involved in this incident.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,


John B. Martin
Regional Administrator

Enclosures:

1. Notice of Violation
2. Synopsis of OI Report

cc w/enclosures:

DCD/DCB (RIDS)

M. Lyster, Site Vice President

L. DelGeorge, Vice President,
Nuclear Oversight and Regulatory
Services

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Manager

J. Shields, Regulatory Assurance
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Enforcement Coordinators

RI, RII, RIV, RV

Resident Inspectors LaSalle,

Dresden, Quad Cities

Licensing Project Manager, NRR

FIngram, GPA/PA

DWilliams, OIG

BHayes, OI

EJordan, AEOD

RRosano, OE

RCrlenjak, DRS

SStein, SRS

EA File (2)

DCS

State of Illinois

Chairman, Illinois Commerce

Commission

RAO:RIII

SLO:RIII

PAO:RIII