



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

June 2, 1995

EA 95-074

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

SUBJECT: DRESDEN STATION - UNITS 2 AND 3
EXERCISE OF ENFORCEMENT DISCRETION
(NRC INSPECTION REPORT NO. 50-237/249-95005(DRP))

Dear Mr. Wallace:

This letter refers to an NRC inspection conducted at the Dresden Nuclear Power Station, Units 2 and 3, between March 7, 1995, and April 24, 1995. One of the issues addressed in the inspection report, which was sent to Mr. T. Joyce on May 22, 1995, was the identification of a significant contaminated material control problem. A management meeting was subsequently conducted on May 31, 1995. The problem involved your discovery of approximately 450 uncontrolled contaminated items during an extensive site search and survey. These items were found outside of radiologically protected areas (RPAs), which is a violation of your radiation protection procedures. Although you could not determine how long each item was in the uncontrolled area, this is clearly a long-standing problem in that the items were uncontrolled for times ranging from several days to many years.

Of particular concern is your failure to recognize the scope of this problem earlier when taking corrective actions for contaminated material control violations identified in 1993 and 1994. Proper control of potentially contaminated/radioactive material, including its surveying and handling, is a fundamental part of a radiation protection program. The problems with contaminated material control, as well as in other areas of radiation protection performance, including perennially high dose expenditure at the site, are not only problems of the Radiation Protection Department, but are problems of all site personnel. Without the cooperation of site personnel, poor performance will most likely persist.

The NRC's concern with the general performance at Dresden has been well documented. Most recently, procedural adherence problems resulted in the April 5, 1995, Notice of Violation and Proposed Imposition of Civil Penalty - \$100,000 (EA 95-030), and this contaminated material control problem also represents a failure to properly adhere to procedures. However, in this case, your thorough response to the initial discovery of four uncontrolled contaminated items on April 3, 1995, led to your identification of the full scope of this problem.

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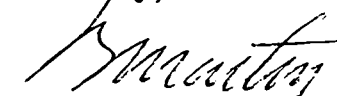
While this problem is of regulatory concern, the NRC acknowledges that the actual consequence to safety was minimal due to the low contamination levels on the uncontrolled items. The NRC also recognizes your corrective actions taken or planned to correct the process by which you control contaminated material. Initial actions included an extensive site survey during which the movement of material was restricted. The planned actions include, but are not limited to: (1) minimizing satellite RPAs; (2) implementing rigid restrictions on removing material from the power block; and (3) limiting the background radiation level in which material is unconditionally released. It now appears that you appreciate the importance of improving your contaminated material control program. With an effective program in place and other recent improvements in contamination control within the plant, you should be able to concentrate on more safety significant radiation protection and material condition problems at the facility.

In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR Part 2, Appendix C, enforcement action would normally be considered for this problem due to the repetitive nature of the problem and programmatic concerns based on the high number of uncontrolled contaminated items. However, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, to exercise enforcement discretion in accordance with the guidance set forth in Section VII.B.(6) of the Enforcement Policy, and not to issue enforcement action in this case. The NRC notes that the decision to exercise enforcement discretion in this case was significantly influenced by your response to the problem after it was identified by routine surveys. NRC considers your extensive site-wide survey, undertaken to determine the scope and magnitude of the problem, and the subsequent actions taken to prevent its recurrence, to be indicative of your efforts to improve your staff's responsiveness in the identification and correction of problems. NRC is cautiously optimistic that this type of positive response evidences a change from your previous performance in addressing deficiencies. However, the NRC emphasizes that any similar violations in the future could result in escalated enforcement action.

No response to this letter is required.

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

Sincerely,



John B. Martin
Regional Administrator

Docket Nos. 50-237; 50-249
Licenses No. DPR-19; DPR-25

Michael J. Wallace

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cc: J. S. Perry, Vice President, BWR Operations
T. Joyce, Site Vice President
J. C. Brons, Vice President,
Nuclear Support
T. Nauman, Station Manager Unit 1
E. D. Eenigenburg, Station Manager Unit 3
R. Bax, Station Manager Unit 2
P. Holland, Regulatory Assurance
Supervisor
D. Farrar, Nuclear Regulatory
Services Manager
Richard Hubbard
Nathan Schloss, Economist,
Office of the Attorney General
State Liaison Officer
Chairman, Illinois Commerce Commission

Michael J. Wallace

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