

POOR ORIGINAL

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APPENDIX A

NOTICE OF VIOLATION

Boston Edison Company

Docket No. 50-293

This refers to the inspection conducted by representatives of the Region I (Philadelphia) office at the Pilgrim Nuclear Power Station, Unit 1, Plymouth, Massachusetts, of activities authorized by NRC License No. DPR-35.

During this inspection conducted on November 28-30, 1977, the following apparent items of noncompliance were identified.

- I. 10 CFR 20.101(a), "Exposure of individuals to radiation in restricted areas," limits the whole body dose to an individual in a restricted area to one and one quarter rems per calendar quarter except as provided by 10 CFR 20.101(b). Paragraph (b) allows a whole body dose of three rems per calendar quarter provided certain specified conditions are met.

Contrary to this requirement, on November 23, 1977, one individual working in a restricted area received a whole body dose of 3.56 rems during the fourth quarter of 1977, which exceeded the applicable limit of 3 rems.

This is an infraction - (Civil Penalty \$4,000)

- II. 10 CFR 19.12, "Instructions to workers" states, in part, "All individuals working in or frequenting any portion of a restricted area shall be kept informed of the storage, transfer, or use of radioactive materials or of radiation in such portions of the restricted area; shall be instructed in the health protection problems associated with exposure to such radioactive materials or radiation, in precautions or procedures to minimize exposure..."

Contrary to the above, on November 23, 1977, two contractor employees working on the Rad Waste floor, a restricted area, were not properly instructed to minimize their exposure in that instructions were not sufficient to preclude inadvertent entry into the Sludge Tank Receiver Room which is a high radiation area. This failure to properly instruct personnel contributed to the overexposure of an individual described in Item I.

This is an infraction - (Civil Penalty \$4,000)

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- III. Technical Specification 6.11, "Radiation Protection Program" states, "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." Radiation Protection Procedure 6.1-012, "Access to High Radiation Areas," requires that areas with radiation levels greater than 1 rem per hour, but less than 10 rems per hour, be locked as required by Technical Specification 6.13 "High Radiation Areas." The procedure also requires that areas with radiation levels greater than 10 rems per hour be locked with an additional padlock.

Contrary to this requirement on November 23, 1977, the Sludge Tank Receiver Room, an area in which general radiation levels were as much as 15 rems per hour, was not locked with an additional padlock. This failure to adhere to procedures contributed to the overexposure of an individual described in Item I.

This is an infraction - (Civil Penalty \$4,000)

- IV. 10 CFR 20.103, "Exposure of individuals to concentrations of radioactive materials in air in restricted areas," requires in part that suitable measurements of concentrations of radioactive materials in air be used for detecting and evaluating airborne radioactivity in restricted areas. Technical Specification 6.11, "Radiation Protection Program," requires that radiation protection procedures be prepared consistent with the requirements of 10 CFR Part 20. Procedure No. 6.1-022 requires that certain radiological surveys be performed as a minimum, including the collection and evaluation of representative air samples from work areas and also requires that survey results be entered on the Radiation Work Permit (RWP). Further, Procedure No. 6.1-020 requires that continuous particulate and iodine air samples be taken in occupied areas containing smearable contamination greater than 100,000 dpm per 100 cm².

Contrary to the above, on November 23, 1977, while personnel performed a valve removal operation in the Clean Waste Tank Room (an operation and area having smearable contamination levels greater than 100,000 dpm per 100 cm²) the required air concentration measurements were not performed prior to or during the work, to detect and evaluate airborne radioactivity.

This is an infraction - (Civil Penalty \$4,000)

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The "Criteria for Determining Enforcement Action," which was provided to NRC licensees by letter dated December 31, 1974, delineated the enforcement options available to the NRC as 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. After careful evaluation of the nature and repetitiveness of these items, this office proposes to impose civil penalties pursuant to Section 234 of the Atomic Energy Act of 1954, as amended, (42 USC 2262) and 10 CFR 20.205, in the cumulative amount of Sixteen Thousand Dollars (\$16,000), as set forth in the "Notice of Proposed Imposition of Civil Penalties," enclosed herewith as Appendix B.

This notice of violation is sent to Boston Edison Company pursuant to the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. Boston Edison Company is hereby required to submit to this office within twenty (20) days of the 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 and the results achieved; (4) corrective steps which will be taken to avoid further items of noncompliance; and (5) the date when full compliance will be achieved.

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APPENDIX BNOTICE OF PROPOSED IMPOSITION OF CIVIL PENALTIES

Boston Edison Company

Docket No. 50-293

This office proposes 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 Sixteen Thousand Dollars (\$16,000) 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.

Boston Edison Company may, within twenty (20) days of receipt of this notice pay the civil penalties in the cumulative amount of Sixteen Thousand Dollars (\$16,000) or may protest the imposition of the civil penalties in whole or in part by a written answer. Should Boston Edison Company fail to answer within the time specified, this office will issue an order imposing the civil penalties in the amount proposed above. Should Boston Edison Company elect to file an answer protesting the civil penalties, such an 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, (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 the statement or explanation in reply pursuant to 2.201, but may incorporate by specific reference (e.g., giving page and paragraph numbers) to avoid repetition.

Boston Edison Company'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 ensuing orders; requests for hearings, hearings and ensuing orders; compromise; and collection.

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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Enforcement History Relating to Radiation Protection
5 - 12 - 76 to 11 - 30 - 77

License No. DPR-35 Docket No. 50-293

MANAGEMENT MEETINGS

<u>Date</u>	<u>Problems Initiating Action</u>
July 1976	Continuing concerns related to the management and implementation of the Health Physics Program
October 1976	Continuing concerns related to the management and implementation of the Health Physics Program
November 1977	Continuing concerns related to the management and implementation of the Health Physics Program

NONCOMPLIANCE ITEMS

Inspection

76-12 (Inspection conducted on May 21-26, 1976)	Exposure of 3.127 rems during 2nd calendar quarter of 1976. (Repetitive) Radiation areas and high radiation areas not posted. Failure to control access to high radiation area. (Repetitive) Failure to follow Radiation Work Permit (RWP) by contractor personnel. (Repetitive) Failure to instruct workers.
76-27 (Inspection conducted on September 21-24 and 28-30, 1976)	Inadequate air sampling program. No individual on one shift qualified in radiation protection procedures.

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Inspection No.

Written approval not obtained on four occasions prior to exceeding 1300 mrem/week.
(Repetitive)

Individual exceeded 10 CFR 20.101 limits without having records of his previous occupational exposure.

77-07 (Inspection conducted on March 31, April 4 and April 6-8, 1977)

Rooms with radiation levels in excess of 100 mrem/hour not controlled at several locations.
(Repetitive)

77-21 (Inspection conducted on August 9-12, 15, 31 and September 6, 14-16, 1977)

Individual received 2.000 rems during third quarter of 1977 without having a Form NRC-4.
(Repetitive)

Radiation protection procedures not adhered to in six instances.
(Repetitive)

Survey not made to assure compliance with 10 CFR 20.101.
(Repetitive)

Representative air samples not taken on several occasions.
(Repetitive)

Posting or barricading not provided at access points or areas where radiation levels were greater than 100 mrem/hr but less than 1000 mrem/hr.
(Repetitive)

Procedures for personnel radiation protection not consistent with requirements of Tech Specs.

Change to RWP procedure not reviewed and approved as required.

Shipping cask with radiation levels as high as 100 mrem/hr not labeled nor were contents identified.

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