

APPENDIX A
NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Public Service Electric
and Gas Company
Salem Unit 1

License No. DPR-70
Docket No. 50-272
EA 81-13

As a result of the inspection conducted on October 7-9 and October 14-17, 1980, and in accordance with the Interim Enforcement Policy (45 FR 66754, October 7, 1980), the following problem areas and associated violations were identified.

A. A number of violations associated with personnel entry into and passage through the reactor fuel transfer tube occurred on October 3 and 4, 1980. The Severity Level assigned to this problem area is Severity Level III. A Civil Penalty of \$40,000 is proposed for this problem area. The civil penalty has been distributed to the separate violations as indicated below:

1. 10 CFR 20.201, "Surveys," states in Paragraph (b), "Each licensee shall make or cause to be made such surveys as may be necessary for him to comply with the regulations in this part." A survey as defined in Paragraph (a) of 20.201 is, "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. When appropriate, such evaluation includes a physical survey of the location of materials and equipment, and measurements of levels of radiation or concentrations of radioactive material present."

Contrary to the above, no surveys were made to assure that the external dose rate limits of 10 CFR 20.101(a) were not exceeded within the reactor fuel transfer tube, a restricted area, before or during the periods on October 3 and 4, 1980, when individuals were in the tube.

This is a Severity Level III violation (Supplement IV) (Civil Penalty \$25,000).

2. 10 CFR 20.103, "Exposure of individuals to concentrations of radioactive material in air in restricted areas," states in part in subparagraph (a): "For purposes of determining compliance with the requirements of this section the licensee shall use suitable measurements of concentrations of radioactive materials in air for detecting and evaluating airborne radioactivity in restricted areas."

Contrary to the above, no surveys of airborne radioactive material were made to ensure that the limits of 10 CFR 20.103(a) (3) were met in the reactor fuel transfer tube, a restricted area, during periods on October 3 and 4, 1980 when individuals were in the tube.

This is a Severity Level III violation (Supplement IV) (Civil Penalty \$3000).

3. Technical Specification 6.11, Radiation Protection Program, states, "Procedures for personnel radiation protection shall be prepared consistent with the requirements of 10 CFR 20 and shall be approved, maintained and adhered to for all operations involving personnel radiation exposure."

Radiation Protection Procedure No. PD IE.1.013, Revision 2, "Radiation Exposure Permit/Extended Radiation Exposure Permit," developed pursuant to this requirement, states in Section C. that a valid Radiation Exposure Permit (REP) shall be required to perform all planned work in any area which is determined to be a high radiation area (whole body dose rates in excess of 100 mrem/hr), or which has loose surface contamination levels greater than 2200 dpm/100 cm² (beta gamma).

Contrary to the above, on two occasions on October 3 and 4, 1980, two individuals entered the reactor fuel transfer tube, an area with whole body dose rates above 100 mrem/hour and loose surface contamination levels in excess of 2200 dpm/100 cm², without a valid REP.

This is a Severity Level III violation (Supplement IV). (Civil Penalty - \$3000).

4. 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....The extent of these instructions shall be commensurate with potential radiological health protection problems in the restricted area."

Contrary to the above, on two occasions on October 3 and 4, 1980, two individuals entered and passed through the highly contaminated Unit 1 fuel transfer tube, a restricted area, nor were the individuals informed of the presence of radioactive material or radiation.

This is a Severity Level III violation (Supplement IV). (Civil Penalty - \$3000).

5. Technical Specification 6.12, High Radiation Area, requires that, "In lieu of the 'control device' or 'alarm signal' required by paragraph 20.203(c)(3) of 10 CFR Part 20: A high radiation area in which

the intensity of radiation is greater than 100 mrem/hr but less than 1000 mrem/hr shall be barricaded and conspicuously posted as a High Radiation Area and entrance thereto shall be controlled by issuance of a Radiation Exposure Permit and any individual permitted to enter such areas shall be provided with a radiation monitoring device which continuously indicates the radiation dose rate in the area."

Contrary to the above, on two occasions on October 3 and 4, 1980, two individuals entered the Unit 1 fuel transfer tube, a high radiation area with estimated whole body dose rates in excess of 100 mrem/hr without being provided proper instrumentation and without their entrance thereto being controlled by issuance of a Radiation Exposure Permit. Additionally, the entrance to the transfer tube was not barricaded and conspicuously posted as a High Radiation Area.

This is a Severity Level III violation (Supplement IV). (Civil Penalty \$3000).

6. 10 CFR 20.103, "Exposure of individuals to concentrations of radioactive materials in air in restricted area" states in Paragraph (b), in part, "The licensee shall, as a precautionary procedure, use process or other engineering controls, to the extent practicable, to limit concentrations of radioactive materials in air to levels below those which delimit an airborne radioactivity area as defined in 20.203(d)(1)(ii)."

Contrary to the above, on October 3 and 4, 1980, process or engineering controls or other precautionary procedures were not utilized to limit concentrations of radioactive materials in air in the fuel transfer tube, to levels below those which delimit an airborne radioactivity area. Consequently individuals who entered the tube were exposed to levels of airborne radioactivity considerably in excess of those defined in 20.203(d)(1)(ii).

This is a Severity Level III violation (Supplement IV). (Civil Penalty - \$3000).

- B. A number of violations associated with an inspection of a pump under the reactor vessel occurred on October 10, 1980. The Severity Level assigned to this problem area is Severity Level III. Because you could reasonably have been expected to have taken effective measures to prevent these occurrences, civil penalties for these violations have been increased by 25%. Therefore a cumulative Civil Penalty of \$50,000 is proposed for this problem area. The Civil Penalty has been distributed to the separate violations as indicated below.

1. Technical Specification 6.8, Procedures, states in part in Section 6.8.1, "Written procedures shall be established, implemented and maintained covering the activities referenced below: a. The applicable procedures recommended in Appendix 'A' of Regulatory

Guide 1.33, November, 1972. b. Refueling operations..." Regulatory Guide 1.33, recommends in Appendix A, Section B, that procedures for preparation for refueling and core alterations be prepared. Maintenance Procedure No. M10A, Revision 1, "Incore Flux Thimble Retraction and Reinsertion," generated pursuant to the above and performed in preparation for refueling requires in Section 9.8 that a Supervisor witness and ensure that the access to the area under the reactor seal table has been tagged for the Shift Supervisor. This tagging is performed prior to thimble retraction.

Contrary to the above, there was a thimble retraction on September 30, 1980, and the access to the area under the reactor seal table was not tagged.

This is a Severity Level III violation (Supplement IV). (Civil Penalty - \$25,000).

2. 10 CFR 19.12, "Instructions to Workers," states, "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... The extent of these instructions shall be commensurate with potential radiological health protection problems in the restricted area."

Contrary to the above, on October 10, 1980, three individuals were directed to enter a restricted area under the reactor seal table to inspect a pump in the reactor sump without being informed of the potential of extremely high radiation dose rates emanating from retracted reactor flux thimbles.

This is a Severity Level III violation (Supplement IV). (Civil Penalty - \$25,000).

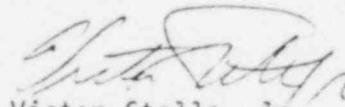
Pursuant to the provisions of 10 CFR 2.201, Public Service Electric and Gas Company is hereby required to submit to this office within 25 days of the date of this Notice, a written statement or explanation in reply, including: (1) admission or denial of the alleged item(s) of noncompliance; (2) the reasons for the item(s) 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. Under the authority of Section 182 of the Atomic Energy Act of 1954, as amended, this response shall be submitted under oath or affirmation.

Public Service Electric and Gas Company may, within 25 days of receipt of this Notice, pay the civil penalties in the cumulative amount of Ninety Thousand Dollars (\$90,000), or may protest the imposition of the civil penalties in whole or in part by a written answer. Should Public Service Electric and Gas Company fail to answer within the time specified, this office will issue an Order imposing the civil penalties in the amount proposed above. Should Public Service Electric and Gas 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; or (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.

Public Service Electric and Gas 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 hearing, 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).



Victor Stello, Jr.
Director
Office of Inspection and Enforcement

Dated at Bethesda, Maryland
this 18th day of February, 1981.