

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of

Commonwealth Edison Company
Quad Cities Nuclear Power Station

Docket Nos. 50-254 and 50-2⁶⁵
License Nos. DPR-29 and DPR-30
EA 90-032

ORDER MODIFYING LICENSE (EFFECTIVE IMMEDIATELY)

I

The Commonwealth Edison Company (Licensee) is the holder of Operating License Nos. DPR-29 and 30 (the Licenses) issued by the Nuclear Regulatory Commission (NRC/Commission) pursuant to 10 CFR Part 50. The Licenses authorize the Licensee to operate the Quad Cities Nuclear Power Station, Units 1 and 2 (Quad Cities or facility) located in Rock Island County, Illinois. The Licenses were issued by the Nuclear Regulatory Commission on October 1, 1971 and April 6, 1972, respectively.

II

The NRC licenses individuals pursuant to 10 CFR Part 55, Operator's License, to direct fuel handling activities. The operator license requires the individual to observe the operating procedures and other conditions specified in the facility license. Technical Specification 6.2.A.2, a condition of the Quad Cities Nuclear Power Station Licenses, requires that refueling activities be accomplished in accordance with approved procedures. Facility procedures that implement this requirement include QFP 100-1, Master Refueling Procedure, and QTP 1103-1, Preparation of Nuclear Component Transfer List. QFP 100-1 details the administrative controls to be taken to assure that all core alterations will be performed in a safe and orderly manner. Steps C.2 and F.3, QFP 100-1 require continuous communication between the control room and the refueling floor. Step D.5 requires that the control room be informed of any action that

will affect the core reactivity. Section F specifies how QTP 1103-1 is to be used to implement core alterations. Step F.2 requires that steps on the Nuclear Component Transfer List (NCTL) must be performed in the exact order listed or the steps must be changed in accordance with QTP 1103-1. In turn, QTP 1103-1, Step E.1 and Step F.6, require that any deviation from the NCTL must be authorized by the Nuclear Engineer on duty.

On October 17, 1989, refueling activities were being conducted at Quad Cities Nuclear Power Station, Unit 1, by Mr. Robert L. Dickherber, a Fuel Handling Foreman with a Senior Operator License Limited to Fuel Handling issued pursuant to 10 CFR Part 55, and two non-licensed Fuel Handlers. An approved copy of the NCTL was being used at the job site and continuous communication with the control room was initially established. During the reactor refueling, a fuel assembly was erroneously placed in the wrong core location.

Through an ongoing NRC investigation (Investigation No. 3-89-015) of undocumented fuel moves that occurred on October 17, 1989, the NRC has concluded that Mr. Robert L. Dickherber directed the two Fuel Handlers of the refueling crew to perform an unauthorized fuel manipulation to correct a fuel load error. This was in violation of station refueling procedures QFP 100-1, Steps D.5 and F.2, and QTP 1103-1, Steps E.1 and F.6, in that the fuel manipulation was not specified in a NCTL, an approved deviation to the NCTL was not obtained prior to fuel movement, and the control room was not informed of the action that affected core reactivity.

The unauthorized fuel manipulation by Mr. Dickherber occurred immediately after he was reminded by a Fuel Handler of the need to comply with the requirements of facility procedures QFP 100-1 and QTP 1103-1. While the fuel manipulation that was unauthorized by station procedures took place, Mr. Dickherber failed to assure that constant communication was maintained with the control room as required by QFP 100-1, Steps C.2 and F.3. As a result, the control room personnel were not notified, as required, of the fuel manipulation to assure that core monitoring required by QFP 100-1 took place. QFD 100-1 and QTP 1103-1 are procedures required by Technical Specification 6.2.A.2. They thus are NRC requirements Mr. Dickherber was required to adhere to by the terms of his Senior Operator License. Based on the above, it appears that on October 17, 1989, Mr. Robert L. Dickherber willfully violated NRC requirements during refueling activities.

III

NRC regulations require that activities that can affect the reactivity of the reactor core be conducted by well-trained and qualified personnel under the supervision of a senior licensed operator, and in accordance with approved procedures. After a fuel load error was discovered, Mr. Dickherber directed that an unauthorized fuel movement take place in violation of Quad Cities QFP 100-1, Master Refueling Procedure, and QTP 1103-1, Preparation of Nuclear Component Transfer List. Both Fuel Handlers recognized that Mr. Dickherber's instructions violated procedural requirements, but complied with those instructions and failed to notify the Nuclear Engineer in the control room of the fuel move. No emergency condition or other extenuating circumstance existed which

might have warranted a departure from license conditions or Technical Specifications pursuant to 10 CFR 50.54(x).

Mr. Dickherber's willful violation of Commission requirements, including the conditions of his 10 CFR Part 55 Senior Operator's License, is unacceptable and I have issued a separate Order suspending Mr. Dickherber's 10 CFR Part 55 license. Furthermore, I lack the requisite reasonable assurance that, with Mr. Dickherber involved in any activities licensed under 10 CFR Part 50, the Licensee's current operations can be conducted such that the health and safety of the public, including the Licensee's employees, will be protected. Therefore, the public health and safety require that License Nos. DPR-29 and 30 be modified to prohibit Mr. Robert L. Dickherber from involvement in licensed activities under these licenses. Furthermore, pursuant to 10 CFR 2.204, I find that the public health and safety require, in view of the willfulness of the violation, that this Order must be effective immediately.

IV

Accordingly, pursuant to Sections 103, 161b, 161c, 161i, and 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR Part 50, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT:

License Nos. DPR-29 and 30 are modified by adding the following condition:

Mr. Robert L. Dickherber shall not participate in any licensed activity under License Nos. DPR-29 and DPR-30 without prior written approval of

the Regional Administrator, Region III. If such approval is sought, the Licensee shall provide a statement as to its basis for concluding that, in light of Mr. Dickherber's conduct on October 17, 1989, he will properly carry out activities.

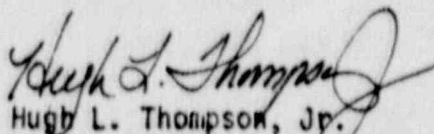
The Regional Administrator, Region III, may relax or terminate this condition for good cause shown.

V

The Licensee, Mr. Dickherber, or any other person adversely affected by the License Modification ordered in Section IV above may submit an answer to this Order within 20 days of the date of this Order. The answer may set forth the matters of law on which the Licensee or Mr. Dickherber or any other person adversely affected relies and the reasons as to why the Order should not have been issued. An answer filed within 20 days of the date of this Order may also request a hearing. Any answer and/or request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention Chief, Docketing and Services Section. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Assistant General Counsel for Hearings and Enforcement at the same address, and to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137. If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which the

person's interest is adversely affected by the Order and should address the criteria set forth in 10 CFR 2.714(d). A REQUEST FOR A HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER. If a hearing is requested, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

FOR THE NUCLEAR REGULATORY COMMISSION



Hugh L. Thompson, Jr.
Deputy Executive Director for
Nuclear Materials Safety, Safeguards,
and Operations Support

Dated at Rockville, Maryland
this 23rd day of February 1990

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Commonwealth Edison Company

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