



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1116

January 19, 1994

Docket Nos. 50-277 and 50-278
License Nos. DPR-44 and DPR-56
EA 93-290

Mr. D. M. Smith
Senior Vice President - Nuclear
PECO Energy
Nuclear Group Headquarters
Correspondence Control Desk
Post Office Box 195
Wayne, Pennsylvania 19087-0195

Dear Mr. Smith:

SUBJECT: NOTICE OF VIOLATION
(Inspection Report Nos. 50-277/93-27 and 50-278/93-27)

This letter refers to the NRC inspection conducted on October 4-8, and November 8-10, 1993, at the Peach Bottom Atomic Power Station, Delta, Pennsylvania. During the inspection, the NRC reviewed the circumstances associated with three examples of failure by ~~three~~ different individuals to adhere to procedural requirements concerning entries to high radiation areas in two cases, and a respiratory protection required area in the third case. These events and the related violations were identified by your staff and reported to the NRC even though such reporting was not required. The inspection report was issued on November 24, 1993. On December 10, 1993, an enforcement conference was held in the Region I office with you and other members of your staff to discuss the related violations, their cause, and your corrective actions.

The violations, which are described in detail in the enclosed Notice of Violation, involve: (1) a plant equipment operator entering an area in proximity to the Unit 3 fuel pool heat exchanger (a high radiation area) without obtaining the required area pre-entry briefing, and required alarming dosimeter or positive radiation protection coverage; (2) a system manager (engineer) entering an area in proximity to the Unit 3 fuel pool heat exchanger (a high radiation area) without obtaining the required area pre-entry briefing, and required alarming dosimeter or positive radiation protection coverage; and (3) an engineer entering the Unit 3 drywell 135' elevation near a residual heat removal valve (a respiratory protection required area) without the required respiratory protection equipment, even though the individual had been told not to do so by radiation protection personnel.

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While the actual radiological safety consequences of the individual examples were minimal, the NRC is concerned that three individuals, over a three day period, did not adhere to specific requirements that exist for the purpose of protecting those individuals from radiological conditions that may exist at the facility. Particularly disturbing to the NRC is the fact that the plant equipment operator, on October 27, and the engineer, on October 29, willfully violated the radiological controls in that they understood that they were not to enter the areas, yet did so anyway to complete certain work tasks without first meeting the necessary radiation protection requirements. The entry by the engineer on October 29 was more significant since he had been warned by health physics personnel not to enter the area pending receipt of air activity results, yet he did so anyway. In view of the above, given the three violations, as well as the willful nature of two of them, the violations are classified as a Severity Level III problem in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), 10 CFR Part 2, Appendix C.

The NRC recognizes that immediate actions were taken to correct the violations and prevent recurrence. These actions, which were described during the inspection and at the enforcement conference, included: (1) immediate removal of the individuals from the areas and initiation of formal investigations; (2) disciplinary action against the two individuals who willfully violated the requirements; and (3) communication of the events to site personnel via meetings by managers with their specific work groups, as well as having the individual involved in the October 29 event provide a "lessons learned" session to his peers. Further, as stated at the enforcement conference, your management has emphasized the importance of adhering to station procedures.

Notwithstanding those corrective actions, a civil penalty normally would be issued in such cases to emphasize the importance of strict adherence to procedural requirements, as well as the significance of willful violations, to ensure that all activities are done safely and in accordance with requirements. However, I have been authorized, after consultation with the Director, Office of Enforcement not to issue a civil penalty in this case because the violations were promptly identified by your staff and reported to the NRC, even though such reporting was not required, and your corrective actions were considered prompt and comprehensive.

The NRC also considered whether enforcement action was warranted with respect to the individuals responsible for the two willful violations, both of whom were in attendance at the enforcement conference. The NRC has decided that no NRC enforcement action will be taken against them, after considering the organizational level of the individuals, the isolated nature of each case, and the disciplinary action, which included suspension without pay, taken against both of them. Nonetheless, you should inform them of this NRC decision, and emphasize to them, as well as others at the facility, that any similar occurrences in the future could result in significant enforcement action against both the PECO Energy as well as the involved individual(s).

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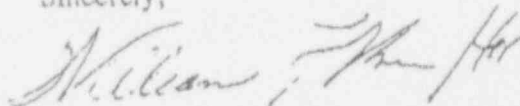
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You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent 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 accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure 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,



Thomas T Martin
Regional Administrator

Enclosure: Notice of Violation

cc w/encl:

J. Doering, Chairman, Nuclear Review Board
G. Rainey, Vice President, Peach Bottom Atomic Power Station
G. Cranston, General Manager, Nuclear Engineering Division
C. Schaefer, External Operations - Nuclear, Delmarva Power & Light Co.
G. Edwards, Plant Manager, Peach Bottom Atomic Power Station
A. Wasong, Manager, Experience Assessment
G. Hunger, Jr., Manager, Licensing Section
J. Durham, Sr., Senior Vice President and General Counsel

cc w/encl: See Next Page

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cc w/encl: (Con't)

J. Isabella, Director, Generation Projects Department, Atlantic Electric

B. Gorman, Manager, External Affairs

R. McLean, Power Plant Siting, Nuclear Evaluations

D. Poulsen, Secretary of Harford County Council

R. Ochs, Maryland Safe Energy Coalition

J. Walter, Chief Engineer, Public Service Commission of Maryland

Public Document Room (PDR)

Local Public Document Room (LPDR)

Nuclear Safety Information Center (NSIC)

K. Abraham, PAO-RI (2)

NRC Resident Inspector

Commonwealth of Pennsylvania

TMI - Alert (TMIA)