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WASHINGTON PUBLIC POWER SUPPLY SYSTEM

P.O. Box 968 • 3000 George Washington Way • Richland, Washington 99352-0968 • (509) 372-5000

October 9, 1995
GO2-95-210

Docket No. 50-397

Mr. James Lieberman, Director
Office of Enforcement
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Dear Mr. Lieberman:

Subject: **WNP-2, OPERATING LICENSE NO. NPF-21
NRC INSPECTION REPORT 95-16
REPLY TO A NOTICE OF VIOLATION**

- Reference:
- 1) Letter GO2-95-137, dated July 21, 1995, JV Parrish (SS) to NRC, "WNP-2, Operating License No. NPF-21; NRC Inspection Report 95-16 - Response to Apparent Violations"
 - 2) Letter GI2-95-213, dated September 7, 1995, LJ Callan (NRC) to JV Parrish (SS), "Notice of Violation and Proposed Civil Penalty - \$50,000 (NRC Inspection Report 50-397/95-16)"

The Supply System hereby replies to the Notice of Violation (NOV) contained in Reference 2. Our reply, pursuant to the provisions of Section 2.201, Title 10, Code of Federal Regulations, consists of this letter and Appendix A (attached). In Appendix A, each violation is addressed with an explanation of our position regarding validity, corrective action and date of full compliance. As recommended by Reference 2, pertinent information from our July 21, 1995 letter is incorporated by reference.

The Supply System acknowledges that the violations occurred and agrees with the severity level, but requests reconsideration of the civil penalty. Specifically, a key basis for the NRC Staff's civil penalty decision appeared to be based on the position that there was the potential for significant unplanned exposure. While we sought to fully explain our position on this issue in our July 21, 1995 letter, we believe that further information may be helpful.

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NRC INSPECTION REPORT 95-16, REPLY TO A NOTICE OF VIOLATION

As we previously explained, the loss of continuous health physics coverage and the failure to document complete radiological information were actions inconsistent with management's expectations and WNP-2 procedural requirements. Although these process failures are clearly significant and of concern to Supply System management, we continue to believe that the situation did not represent an opportunity for a significant unplanned exposure. This is evidenced by the actions of the laborers involved in the transportation of the drum containing chemical decontamination filters, in that they promptly left the airlock area and called for assistance when their electronic dosimeters alarmed. Based on our post-incident investigation and interviews with these individuals, it is clear that their responsive actions were based on training and experience. In this regard, we provide as attachments the affidavits of the two laborers to support our conclusions.

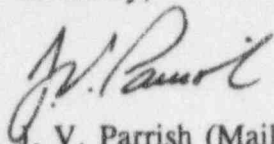
In addition to the above, the NRC requested that the Supply System address the practice of using "should" statements to disseminate management expectations for implementing the radiation protection program and in particular those areas involving personnel radiation exposure. To address this concern, Plant Procedure (PPM) 1.2.3, "Use of Controlled Plant Procedures," is currently being clarified on the use of both "should" and "shall" statements in plant procedures. Specifically, the policy is being clarified to indicate that departure from "should" statements will be accomplished only after concurrence from supervision/management. Departure from "shall" statements will be accomplished only after changing the procedure. This clarification on the use of "should" and "shall" statements is consistent with industry usage. Training on the implementation of "should" and "shall" statements in procedures was recently presented to managers and supervisors. Applicable plant staff will also be informed of this policy clarification as part of the change management for the revision to PPM 1.2.3.

As you are aware, the Supply System has implemented an extensive performance enhancement strategy program to fulfill our goal of superior performance and to address the more generic performance aspects related to these violations and past performance. The program implements comprehensive corrective actions which were derived from a self-critical evaluation performed in January and February of this year. This program has been discussed on several occasions with members of the staff and was recently docketed. Specific enhancement initiatives in the radiation protection area are documented as part of this effort. The corrective actions described in Appendix A are consistent with these initiatives.

NRC INSPECTION REPORT 95-16, REPLY TO A NOTICE OF VIOLATION

The civil penalty was paid on October 6, 1995 by means of electronic transfer to the Treasurer of the United States. If you have any questions or desire additional information pertaining to this matter, please contact either me or D.A. Swank at (509) 377-4563.

Sincerely,



J. V. Parrish (Mail Drop 1023)
Vice President, Nuclear Operations

JDA

Attachments

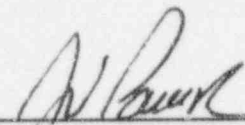
cc: Document Control Desk - NRC
LJ Callan - NRC RIV
KE Perkins - NRC RIV, Walnut Creek Field Office
NS Reynolds - Winston & Strawn
JW Clifford - NRC
DL Williams - BPA (MD 399)
NRC Sr. Resident Inspector (MD 927N)

STATE OF WASHINGTON)
)
COUNTY OF BENTON)

Subject: NRC Enforcement Action 95-109
NRC Inspection Report 95-16
Reply to Notice of Violation

I, J. V. PARRISH, being duly sworn, subscribe to and say that I am the Vice President, Nuclear Operations for the WASHINGTON PUBLIC POWER SUPPLY SYSTEM, the applicant herein; that I have the full authority to execute this oath; that I have reviewed the foregoing; and that to the best of my knowledge, information, and belief the statements made in it are true.


DATE October 10⁹ ^{OK}, 1995



J. V. Parrish, Vice President
Nuclear Operations

On this date personally appeared before me J. V. PARRISH, to me known to be the individual who executed the foregoing instrument, and acknowledged that he signed the same as his free act and deed for the uses and purposes herein mentioned.

GIVEN under my hand and seal this 10⁹ ^{OK} day of October 1995.



Notary Public in and for the
STATE OF WASHINGTON

Residing at Kennewick, WA

My Commission Expires 4/28/98

STATE OF WASHINGTON)
)
COUNTY OF BENTON)

Subject: NRC Enforcement Action 95-109
NRC Inspection Report 95-16
Reply to Notice of Violation
Affidavit of J.M. Benavidez

I, J.M. Benavidez, am employed by the Washington Public Power Supply System as a Radioactive Material Control Laborer. I have held several laborer positions at the Supply System for 17 years. I have specifically worked with and around radioactive material since 1984. As a Radioactive Material Control Laborer my primary responsibilities include maintenance of nuclear station roads and grounds and performing nuclear housekeeping and janitorial services. Typical duties include packaging and transporting of radioactive waste and performing decontamination of equipment, tools and buildings using decontamination material and equipment procedures. I have also been involved in several transfers of highly radioactive materials to a radioactive waste processing area (in both supervisory and individual contributor capacities). These materials included Control Rod Drive System rebuild components and various station waste.

This affidavit is provided to support the Supply System's response to a Nuclear Regulatory Commission Notice of Violation and Proposed Imposition of Civil Penalty (EA 95-109). In this affidavit I describe the actions taken in response to an event involving the removal of several radioactive filters generated as a result of the Chemical Decontamination of the Reactor Water Cleanup (RWCU) System and their transport to the radioactive waste processing area.

During decontamination of the RWCU System in the R-10 (Spring 1995) Maintenance and Refueling Outage I was one of the two laborers assisting the radioactive waste laborer responsible for transporting a drum containing chemical decontamination filters to the radioactive waste processing area. During transport efforts, we rolled the transport cart from an elevator into an airlock. I was pushing the cart. As we attempted to exit the airlock, the swiveling front wheels on the cart struck the sill of the outside doorway. The cart tipped up and the drum containing the filters slid forward off the cart. We briefly and unsuccessfully attempted to set the drum upright. As instructed by General Employee Radiation Worker Training, we immediately exited the area and contacted HP Access Control (who in turn notified the Main Control Room) for assistance when both of our electronic dosimeters began to alarm.

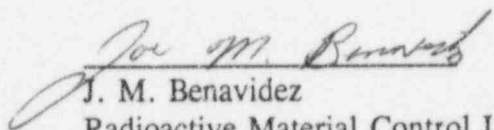
General Employee Radiation Worker Training is provided on an annual basis and includes both classroom and practical instruction. The practical part of this training includes hands-on use with radiation work permits, dosimetry and protective clothing. In addition to radiation worker training, I have attended several hours of classroom and performed hands-on training as part of the qualification process for my position as a Radioactive Material Control Laborer. This includes training on determining the suitable method for decontaminating an area to release levels and how to dispose of solid waste generated by the decontamination effort. I have also

attended an intensive 40-hour Hazardous Waste Worker (HAZWOPER) course which included sections on hazard recognition, levels of protection/protective clothing, site area entry and reconnaissance, radiation hazards, and site control and decontamination.

I strongly believe that the use of audible dosimetry and the training I received as a radiation worker combined to minimize any real opportunity for an unplanned exposure. I clearly understood my responsibilities for taking action in the event of an alarming dosimeter and I believe I acted accordingly.


I have reviewed the foregoing information and that to the best of my knowledge, information, and belief the statements made in it are true.

DATE Oct 9, 1995


J. M. Benavidez
Radioactive Material Control Laborer

On this date personally appeared before me J.M. Benavidez, to me known to be the individual who executed the foregoing instrument, and acknowledged that he signed the same as his free act and deed for the uses and purposes herein mentioned.

GIVEN under my hand and seal this 9th day of October 1995.


Notary Public in and for the
STATE OF WASHINGTON

Residing at Kennewick WA

My Commission Expires 4/28/98

STATE OF WASHINGTON ,
)
COUNTY OF BENTON)

Subject: NRC Enforcement Action 95-109
NRC Inspection Report 95-16
Reply to Notice of Violation
Affidavit of P.G. Williamson

I, P.G. Williamson, was employed by the Washington Public Power Supply System as a temporary laborer for the Radiation Protection Department during the R-10 (Spring 1995) Maintenance and Refueling Outage. I have been involved with packaging and transport of radioactive materials as a temporary laborer for the past two outages at the Supply System. I have also received HAZMAT/Radiation Worker training through the Northwest Laborers Organization.

This affidavit is provided to support the Supply System's response to a Nuclear Regulatory Commission Notice of Violation and Proposed Imposition of Civil Penalty (EA 95-109). In this affidavit I describe the actions taken in response to an event involving the removal of several radioactive filters generated as a result of the Chemical Decontamination of the Reactor Water Cleanup (RWCU) System and their transport to the radioactive waste processing area.

During decontamination of the RWCU System in the R-10 Maintenance and Refueling Outage I was one of the two laborers responsible for transporting a drum containing chemical decontamination filters to the radioactive waste processing area. During transport efforts, we rolled the transport cart from an elevator into an airlock. I was along side of the cart. As we attempted to exit the airlock, the swiveling front wheels on the cart struck the sill of the outside doorway. The cart tipped up and the drum containing the filters slid forward off the cart. As instructed by Supply System General Employee Radiation Worker Training, we immediately exited the area and called the Main Control Room for assistance when both of our dosimeter alarms began to sound.

I strongly believe that the use of audible dosimetry and the training I received as a radiation worker combined to minimize any real opportunity for an unplanned exposure. I clearly understood my responsibilities for taking action in the event of an alarming dosimeter and I believe I acted accordingly.

I have reviewed the foregoing information and that to the best of my knowledge, information, and belief the statements made in it are true.

DATE OCTOBER 5th, 1995

P.G. Williamson
P.G. Williamson
Temporary Outage Laborer

On this date personally appeared before me P.G. Williamson, to me known to be the individual who executed the foregoing instrument, and acknowledged that he signed the same as his free act and deed for the uses and purposes herein mentioned.

GIVEN under my hand and seal this 5th day of October 1995.

Audrey Ann Jenkins
Notary Public for the
STATE OF WASHINGTON

Residing at Richland

My Commission Expires 2-13-98

Appendix A

Violation A

Technical Specification Section 6.8.1.a requires that written procedures be established, implemented, and maintained covering the activities recommended in Appendix A of Regulatory Guide 1.33, Revision 2, February 1978. Section 7.e of Regulatory Guide 1.33 addresses Radiation Protection Procedures.

1. Procedure PPM 1.11.8, "Radiation Work Permit," Revision 7, Section 3.1 states: "The Radiation Work Permit (RWP) is the administrative method for controlling work in radiologically controlled areas to ensure that occupational exposures are maintained as low as reasonably achievable (ALARA). The process for initiating and preparing RWP's ensures that jobs are adequately planned and reviewed for ALARA considerations; and that the radiological conditions are evaluated to establish appropriate radiation protection requirements and measures. The RWP serves as the mechanism for insuring that personnel are adequately informed of and protected against the radiological hazards in the work area."

Procedure PPM 1.11.8, "Radiation Work Permit," Revision 7, Section 5.5.1 states: "An RWP issued for entries into High Radiation Areas shall specify the dose rates in the immediate work area"

Contrary to the above, RWP 95000076 02, "RWCU System Chemical Decon," issued for work entries in a High Radiation Area on May 14, 1995, did not include accurate work area dose rates for the immediate work area. The RWP identified general area dose rates as 20-500 mrem/hr and contact dose rates of 50 rem/hr. However, actual general area and contact dose rates were 1,600 mrem/hr and 80 rem/hr respectively. (01013)

2. Procedure PPM 11.2.7.3, "High and Very High Radiation Area Controls," Revision 10, Section 3.1, states: "A Radiation Work Permit (RWP) must be used for work in High or Very High Radiation Areas except as exempted in PPM 1.11.8."

Radiation Work Permit 95000076 02, which was issued for work in a High Radiation Area, identified a dose rate limit of 50 rem/hr on the waste bag during filter change out for bag removal.

Contrary to the above, work continued on May 14, 1995, in a High Radiation Area where the dose rate was in excess (additional 30 rem/hr) of the 50 rem/hr specified by RWP 95000076 02. The RWP was not revised or the work stopped when the measured dose rate exceeded the 50 rem/hr on the waste bag during the filter change out. (01023)

3. Procedure PPM 11.2.2.5, "ALARA Job Planning and Reviews," Revision 3, Section 6.3.1.b, states, in part, "ALARA prejob briefings are performed to ensure workers understand the radiological conditions, RWP requirements, and work instructions associated with specific tasks and evolutions when: The potential exists for sudden changes in radiological conditions." Section 6.33 states, in part, "If an ALARA prejob briefing is required, record prejob briefing discussion topics in HP Logbook text within TES or manually on a Prejob Briefing Record."

Contrary to the above, the records of the ALARA prejob briefing discussion topics, for the ALARA prejob briefing specified by RWP 95000076 02, on May 14, 1995, did not include discussion topics in the HP Logbook text within TES or in a Prejob Briefing Record. Topics that were not recorded involved pertinent instructions to radiation workers. These topics included: actual radiological conditions in the work area, potential for changing radiological conditions, alarm setpoints for the electronic dosimeters, actions to be taken in the event of an electronic dosimeter alarm, or responses to unexpected radiation levels. (01033)

Response to Violation A

The Supply System accepts the violation. The reasons for the violation, the corrective actions taken and the corrective actions planned are the same as described in our July 21, 1995 response to the apparent violations (Reference 1).

The Supply System was in full compliance at 1100 hours on May 14, 1995 when transport of the barrel containing the spent reactor water cleanup system decontamination filters to radioactive waste processing was successfully completed in accordance with the recovery plan.

Violation B

Technical Specification 6.12.1 requires, in part, that entrance into High Radiation Areas be controlled by requiring issuance of a Radiation Work Permit (RWP). Any individual or group of individuals permitted to enter such areas shall be provided with or accompanied by one or more of the following:

1. A radiation monitoring device which continuously indicates the radiation dose in the area.
2. A radiation monitoring device which continuously integrates the radiation dose rate in the area and alarms when a preset integrated dose is received. Entry into such areas with this monitoring device may be made after the dose rate levels in the area have been established and personnel have been made knowledgeable of them.
3. A health physics qualified individual (qualified in radiation protection procedures) with a radiation dose rate monitoring device who is responsible for providing positive control over the activities in the area and shall perform periodic radiation surveillance at the frequency specified by the Health Physicist in the RWP.

RWP 95000076 02 dated May 13, 1995, required continuous HP coverage for the reactor water cleanup filter changeout and transport to radioactive waste.

Contrary to the above, during the transport of the reactor water cleanup filter on May 14, 1995, continuous HP coverage was not provided as required by RWP 95000076 02 and individuals entered a High Radiation Area without any prescribed monitoring methods. Subsequently, while transporting the barrel containing the spent reactor water cleanup filters to the radioactive waste, the barrel tipped in the reactor building personnel airlock resulting in radiation levels of 20 rem/hr at 12 inches and 80 rem/hr on contact. (01043)

Response to Violation B

The Supply System accepts the violation. The reasons for the violation, the corrective actions taken and the corrective actions planned are the same as described in our July 21, 1995 response to the apparent violations (Reference 1).

The Supply System was in full compliance at 1100 hours on May 14, 1995 when transport of the barrel containing the spent reactor water cleanup system decontamination filters to radioactive waste processing was successfully completed in accordance with the recovery plan.