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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 8, 1995

EA 95-109

Washington Public Power Supply System
ATTN: J. V. Parrish, Vice President
Nuclear Operations
3000 George Washington Way
Post Office Box 968, MD 1023
Richland, Washington 99352

SUBJECT: REQUEST FOR RECONSIDERATION OF CIVIL PENALTY
(NRC INSPECTION REPORT 50-397/95-16)

Dear J. V. Parrish:

This is in reply to your October 9, 1995 letter, in response to our Notice of Violation and Proposed Imposition of Civil Penalty (Notice) dated September 7, 1995. In our Notice, we described several violations of radiation protection requirements related to a May 14, 1995 incident, classified them collectively as a Severity Level III problem, and proposed a civil penalty of \$50,000. The Washington Public Power Supply System (Supply System) paid the civil penalty by electronic transfer on October 6, 1995. In your October 9 letter, you acknowledged that the violations occurred and stated that you agreed with the severity level, but requested that the NRC reconsider the civil penalty.

We note that you did not question the NRC's application of the Identification and Corrective Action assessment factors used in determining the civil penalty amount (Section VI.B.2 of the Enforcement Policy). Your request for reconsideration of the civil penalty was based on your position that the incident did not represent an opportunity for a significant unplanned radiation exposure. Although you indicated your agreement with the severity level assigned to the violations, your argument actually pertains to the safety and regulatory significance of the violations, i.e., whether the violations were appropriately classified at Severity Level III.

The NRC recognizes that the incident in question did not result in actual radiation exposures that approached any regulatory limits, and that the laborers involved in the incident discontinued the task when their electronic dosimeters reached the cumulative radiation alarm point. In this narrow context, the NRC understands your position that the incident's safety and regulatory significance was moderate. In making its severity level determination, however, the NRC viewed the incident in terms of its potential to result in a more significant exposure and within the context of its broader implications for the Supply System's radiation protection program.

The NRC viewed the violations associated with this incident as a matter of significant safety and regulatory concern because: 1) slightly different circumstances could have resulted in a more significant exposure to workers;

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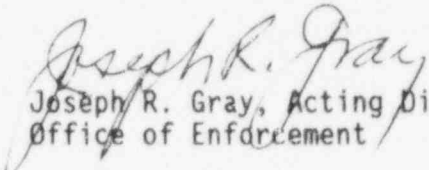
and 2) the violations illustrated significant weaknesses in the Supply System's radiation work permit program. With regard to the first point, we believe that the poor planning associated with the movement of the filters presented the potential for more significant exposures. Specifically, egress from the airlock could have been blocked; different workers may have reacted differently under the same circumstances; and the same workers may have reacted differently had they succeeded in righting the overturned drum. Any of these scenarios could have resulted in higher exposures. In addition, it is difficult to reconcile your statements about the workers' response to dosimeter alarms in light of the fact that these same workers were told earlier to continue the transfer despite the same electronic dosimeters alarming on dose-rate during the entire evolution. With regard to the second point above, several aspects of this incident were of concern from a programmatic standpoint, including: the poor process for planning evolutions of this type; the failure to incorporate the results of actual surveys into the planning process; the failure to stop and reconsider the task after discovering higher than expected radiation levels and worker exposures; and, as discussed above, the decision to continue the task despite dose-rate alarms occurring throughout.

For the reasons described in the NRC's letter to you dated September 7, 1995, the violations were classified in the aggregate as a Severity Level III problem. We continue to believe that this was an appropriate decision and that the proposed base civil penalty was appropriate. Since you paid the civil penalty by electronic transfer, the NRC considers this enforcement action closed.

With respect to the corrective actions you described in this and a previous letter dated July 20, 1995, which was submitted in response to the NRC's inspection report, we find your actions responsive to the concerns raised in our Notice. We will review the implementation of your corrective actions during a future inspection to determine that full compliance has been achieved and will be maintained.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be placed in the NRC's Public Document Room.

Sincerely,


Joseph R. Gray, Acting Director
Office of Enforcement

Docket No. 50-397
License No. NPF-21

cc: See Next Page

Washington Public Power
Supply System

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