



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

December 5, 1995

EA 95-214

Mr. Michael J. Wallace
Vice President and Chief
Nuclear Officer
Commonwealth Edison Company
Executive Towers West III
1400 Opus Place, Suite 300
Downers Grove, Illinois 60515

SUBJECT: DRESDEN STATION - UNITS 2 AND 3
NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY -
\$50,000
(NRC INSPECTION REPORT NOS. 50-237/95011(DRS); 50-249/95011(DRS))

Dear Mr. Wallace:

This refers to the inspection conducted on August 22 through September 29, 1995, at the Dresden Station. The purpose of the inspection was to review the circumstances surrounding a radioactive waste shipment which was received at an offsite vendor facility with an external radiation level in excess of the Department of Transportation (DOT) limit. The report documenting the inspection was sent to you by letter dated October 4, 1995. A predecisional enforcement conference was conducted on November 2, 1995, and the report documenting the conference was sent to you by letter dated November 9, 1995.

Based on the information developed during the inspection and the information that you provided during the conference, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) and the circumstances surrounding it is described in detail in the subject inspection report. In summary, on August 14, 1995, Dresden was notified by a vendor representative that a shipment received at its Oak Ridge, Tennessee, facility had an external radiation level of 350 mrem/hr which was in excess of the DOT limit (200 mrem/hr). The shipment had left the Dresden site with an external radiation level of 175 mrem/hr. However, a piece of pipe with a radiation level of 1,000 mrem/hr had shifted in transport because it had not been properly braced.

The event involved an external radiation level in excess of one but not more than five times the DOT external radiation limit which was established to ensure that radiation from packages in transport is sufficiently low to protect the public health and safety. We recognize that a vendor representative was brought onsite to facilitate the shipping process, to ensure only materials acceptable to the vendor were packaged, and to supervise the packaging and loading. Nevertheless, a lack of ownership and management oversight of the radioactive material shipping program, compounded by

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confusion on the part of workers to fully understand their roles and responsibilities resulted in the violation. We believe this violation is indicative of a more widespread problem in the radiation protection program at Dresden. You were previously issued a Notice of Violation on August 25, 1995, for an event with a similar root cause. That event involved inadequate controls during the removal of a Reactor Water Cleanup system manway cover which led to an unplanned internal and external contamination of workers and equipment in the Unit 2 reactor building. Therefore, the violation is considered a significant regulatory concern and has been categorized in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, at Severity Level III.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$50,000 is considered for a Severity Level III violation. Because your facility has been the subject of escalated enforcement actions within the last 2 years¹, the NRC considered whether credit was warranted for *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. Credit was not warranted for identification because the violation was identified by a vendor upon receipt of the shipment. Credit was warranted for your comprehensive corrective actions. Immediate corrective actions included promptly initiating an investigation, suspending shipping activities, establishing and communicating standards to workers, and developing a prioritized shipping schedule to control the number of shipments each day. Long term corrective actions included strengthening management of the radiological protection program to more effectively communicate expectations and emphasize accountability. In addition, the licensee initiated steps to improve quality organization programs, establish clear ownership of the shipping program in the Technical Health Physics group, perform periodic independent surveys of shipments prior to departure, enhance shipping procedures and scheduling, and requalify quality control inspectors involved with shipping.

Therefore, to emphasize the need for strict compliance with DOT limits, and in recognition of your previous escalated enforcement actions, I have been authorized, after consultation with the Director, Office of Enforcement, to issue the enclosed Notice in the base amount of \$50,000 for the Severity Level III violation. This penalty was based on the revised Enforcement Policy which went into effect on June 30, 1995. Prior to that date, the base civil penalty would have been \$5,000.

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. In addition, you should describe the

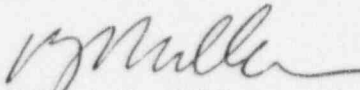
¹ A Severity Level III violation and \$75,000 civil penalty was issued on May 17, 1994 (EA 94-048) for a violation identified on February 23, 1994; a Severity Level III problem and \$200,000 civil penalty was issued on June 13, 1994 (EA 94-044) for violations identified on February 18, 1995; and a Severity Level III problem and \$100,000 civil penalty was issued on April 5, 1995 (EA 95-030) for violations identified on February 10, 1995.

response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. In addition, you should describe the actions you have taken to improve (1) management oversight of the radiation protection program; and (2) worker performance and accountability. 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, its enclosure, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

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,


Hubert J. Miller
Regional Administrator

Docket Nos. 50-237; 50-249
License Nos. DPR-19; DPR-25

Enclosure: Notice of Violation and
Proposed Imposition of Civil Penalty

cc w/encl: J. S. Perry, Vice President, BWR Operations
T. Joyce, Site Vice President
J. C. Brons, Vice President,
Nuclear Support
T. Nauman, Station Manager Unit 1
M. Heffley, Station Manager Units 2 and 3
P. Holland, Regulatory Assurance
Supervisor
D. Farrar, Nuclear Regulatory
Services Manager
Richard Hubbard
Nathan Schloss, Economist,
Office of the Attorney General
State Liaison Officer
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RI, RII, RIV

Licensing Project Manager, NRR

OC/LFDCB

Resident Inspectors LaSalle

Dresden, Quad Cities

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State of Illinois

RAO:RIII

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