

JAN 21 1993

Docket Nos. 50-317 and 50-318
License Nos. DPR-53 and DPR-69
EA 92-168

Mr. Robert E. Denton
Vice President - Nuclear Energy
Baltimore Gas and Electric Company
Calvert Cliffs Nuclear Power Plant
1650 Calvert Cliffs Parkway
Lusby, Maryland 20657-4702

Dear Mr. Denton:

SUBJECT: NOTICE OF VIOLATION
(Inspection Report Nos. 50-317/92-25 and 50-318/92-25)

This letter refers to the NRC inspection conducted between September 11, and October 3, 1992, at the Calvert Cliffs Nuclear Power Plant. During the inspection, the inspectors reviewed the circumstances associated with two examples of a violation which occurred at Unit 1 involving personnel entering posted high radiation areas (HRAs) without a radiation monitoring device as required. Both examples of the violation were identified by your staff and reported to the NRC. The violation is described in the enclosed Notice of Violation. On December 2, 1992, an enforcement conference was conducted with you and members of your staff to discuss both examples of the violation, the related root causes, and your corrective actions.

The first example of the violation occurred in August 1992 when four individuals, including a contractor containment coordinator, a contractor assistant coordinator, and two contractor decontamination technicians, entered a posted HRA (the No. 12 reactor coolant pump bay in the Unit 1 containment) to conduct a containment walkdown inspection without having a continuously indicating radiation monitoring device as required by the technical specifications. (In addition, the individuals were not accompanied by a radiation safety technician (RST) who had such a device.) The containment coordinator apparently convinced the other three individuals, after being questioned by one of them, that he was authorized to enter the area. This constitutes a willful violation of NRC requirements since (1) the containment coordinator had signed the special work permit (SWP) which clearly prohibited entry to the area; (2) the Special Work Permit Coordinator (SWPC) informed the NRC that he had advised the containment coordinator not to enter the area; and (3) a radiation safety technician (RST) at the containment access hatch informed the containment coordinator that no other RSTs were in containment.

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The second example of the violation occurred in September 1992 when a Senior Reactor Operator (SRO) entered the Unit 1 volume control tank (VCT) room, a locked HRA, to conduct a valve position check, without having a continuously reading radiation monitoring device. The SRO had, on several occasions, operated a similar valve in Unit 2 that was not located in a HRA. In fact, on this occasion, the SRO mistakenly went to check the Unit 2 valve before realizing that he was supposed to check the corresponding valve in Unit 1. After proceeding back to Unit 1, the SRO entered the HRA, using a key issued to him as the shift supervisor assistant. When the SRO passed a flashing strobe light, he realized that he had entered a HRA without an exposure rate meter and immediately left the room.

The NRC recognizes that you took disciplinary action against the four individuals involved in the first example, as well as the SRO involved in the second example. This action included permanent removal of access for the containment coordinator and the assistant coordinator, and suspension without pay of the two decontamination technicians and the SRO.

The NRC also recognizes that the safety consequences of the two examples of the violation were low since the dose rates in the specific areas entered within the posted HRA, were, at most, 10 mrem/hr. Nonetheless, the NRC is concerned with (1) the willful nature of the first example of the violation by the containment coordinator; and (2) the fact that another Notice of Violation was issued in 1990 for three examples of improper entries to HRAs. With respect to the August 1992 entry, although the containment coordinator was warned on at least one occasion concerning the need to have a radiation monitoring device before entering the area, the containment coordinator nonetheless entered the HRA and was influential in getting the other three individuals to enter the area. Such an entry could have resulted in the exposure of the individuals to unnecessary amounts of radiation during the walkdown if conditions had been different than those assumed by that individual. Furthermore, willful violations at any severity level are of significant concern to the NRC because the safe performance of activities at nuclear facilities depends not only on the ability, but also the integrity, of the individuals who conduct those activities.

Notwithstanding those concerns, the NRC considered exercising enforcement discretion and not taking any enforcement action against BG&E in this case because: (1) the apparent willful example of the violation involved the act of a non-supervisory individual without management involvement, and occurred despite warning given by BG&E staff which went unheeded by that individual; (2) both examples of the violation were identified by your staff and reported to the NRC, even though such reporting was not required; (3) you took appropriate corrective actions, including disciplinary action against the individuals; and (4) the violation, absent willfulness, would be classified no higher than at Severity Level IV. However, two instances of improper entries occurred involving five individuals within a relatively short period of time. A Notice of

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Violation was previously issued to you by the NRC in 1990 for three separate instances where HRAs were entered without the posting requirements being met. The corrective actions taken in response to that violation in 1990, which included a site wide program to address the event, revised general orientation training and a re-evaluation of HRA postings and boundaries, did not preclude these more recent occurrences in August and September 1992. Therefore, I have determined that enforcement discretion is inappropriate in this case, and a Notice of Violation is being issued for a Severity Level IV violation.

A civil penalty is normally considered for willful violations at any severity level. I considered a penalty given the fact that it occurred despite warnings by members of your radiation protection staff. However, I have decided, after consultation with the Director of Enforcement, and the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, not to issue a civil penalty in this case. This decision was made after considering your investigation and reporting of the problem, as well as your prompt and comprehensive corrective actions taken subsequent to the identification of these occurrences.

For your information, in addition to the Notice of Violation, NRC is issuing a Demand for Information to the contactor containment coordinator in light of the willful nature of the violation and the fact that he was able to convince three other individuals to enter the area even though he was questioned regarding the appropriateness of such an entry.

You are required to respond to the enclosed Notice to this letter and should follow the instructions specified in that Notice when preparing your response. 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 will be placed in the NRC's 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,

Original Signed By:

William T. Gann

Thomas T. Martin
Regional Administrator

Enclosure: Notice of Violation for Inspection Report Nos. 50-317/92-25
and 50-318/92-25

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cc w/encl:

G. Dettler, Director, Nuclear Regulatory Matters (CCNPP)
R. McLean, Administrator, Nuclear Evaluations
J. Walter, Engineering Division, Public Service Commission of Maryland
K. Burger, Esquire, Maryland People's Counsel
R. Ochs, Maryland Safe Energy Coalition
K. Abraham, PAO-RI (2)
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