



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

DESIGNATED ORIGINAL

Certified By Gina Matalas

09 AUG 1988

Docket No. 55-3096
License No. SOP-2621
EA 88-77

Mr. Frank J. Pfender, Jr.

HOME ADDRESS DELETED
UNDER 10 CFR 2.790

Dear Sir:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY

In March 1987, the NRC received information that control room operators at Philadelphia Electric Company's Peach Bottom Atomic Power Station had been observed sleeping while on duty in the control room, reading materials not directly job related, and being otherwise inattentive to the obligations of their licenses. The NRC promptly confirmed this information during the initial phase of an investigation of this matter. As a result, the NRC no longer had reasonable assurance that the facility would be operated in a manner to assure that the health and safety of the public would be protected, and therefore, issued an Order to Philadelphia Electric Company (PECo) on March 31, 1987 suspending operations of the Peach Bottom reactors, effective immediately.

Subsequently, the NRC found that the inattentiveness described in the Order had occurred over an extended period of time and was pervasive. Other examples of inattentive behavior not known at the time of the Order were also identified such as control room personnel being routinely reclined in a resting position with their heads back and eyes closed for indeterminate periods of time; playing hand held computer games or video games on one of the computer display screens in the control room, and engaging in horseplay. Operators were aware of these conditions and failed to take action to correct them. As a result of these findings, the NRC conducted an enforcement conference with you on March 30, 1988 for the purpose of discussing your understanding of (1) these inattentiveness issues, (2) their safety significance, (3) their causes, and (4) corrective actions taken by both you and the utility. During that conference, you specifically admitted to your personal involvement in at least some of this inattentive behavior. Your actions constituted a violation of your individual senior reactor operator license. The violation is described in the enclosed Notice and is classified at Severity Level II in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR 2, Appendix C (Enforcement Policy) (1988).

The NRC recognizes that your license has been terminated. Nonetheless, the activities described in the Notice were engaged in by you while you were performing duties under your license. Your participation in those activities was ongoing for an extended period prior to the shutdown and was indicative of a complacent and unprofessional attitude by you toward the privileges and responsibilities of your license, contrary to safety, and constituted serious dereliction of duties in carrying out those responsibilities. Further, in your role as a shift superintendent, you set a poor example for those individuals under your supervision and failed to exercise the command and control responsibilities expected of a person in your position. You should be reminded

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that you held a license from the United States government which conferred upon you the special trust and confidence of the American people in the safe operation of nuclear facilities and placed you in a position where your performance was expected to be above reproach. Consequently, I have determined that additional action should be taken to emphasize that license holders are not only accountable to their management, but also are individually accountable to the NRC and have a responsibility to remain alert and attentive at all times to ensure protection of the public health and safety.

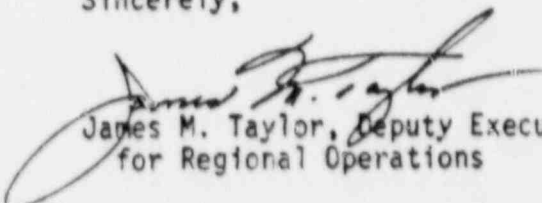
During the NRC deliberations concerning appropriate enforcement action, the NRC considered the entire spectrum of possible enforcement actions, including a Letter of Reprimand, Notice of Violation, Civil Penalty, and Orders to Modify, Suspend or Revoke your license. Since your license is not current at this time, an order against your license is not appropriate. Nonetheless, in light of your involvement in this conduct and your failure to take corrective action concerning subordinates involved in such conduct and after consultation with the Commission, I have decided to issue to you the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$1,000 for the violation in the enclosed Notice. The violation is classified at Severity Level II in view of your past supervisory role. Although the Enforcement Policy does not provide a schedule of civil penalty amounts for civil penalties issued against individuals, the penalty is based on the schedule provided for in Table 1A for other materials licenses. The staff has considered the factors for increasing and decreasing the base civil penalty and has determined that a 25 percent increase of the base civil penalty is appropriate in this case to reflect the added responsibility you had as the individual in charge of a shift on which a prolonged breakdown of proper shift operation occurred. You are required to respond to the enclosed Notice and should follow the instructions specified therein when preparing your response.

Although you currently do not hold a license, if you should seek any future NRC approval as a licensed individual, the NRC may require that you either (1) participate in a rehabilitation program equivalent to the "People, Foundation for Excellence" course completed by shift supervisors and reactor operators who have retained their license, or (2) justify to the NRC why participation in such a program is unnecessary.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosures 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,



James M. Taylor, Deputy Executive Director
for Regional Operations

Enclosure: Notice of Violation and
Proposed Imposition of Civil Penalty

cc w/encl: (see next page)

Frank J. Pfender

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cc w/encl:
Corbin McNeill, Executive Vice President, Nuclear
Public Document Room (PDR),
Local Public Document Room (LPDR)
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Commonwealth of Pennsylvania
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