

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Mr. Donald G. Falcone  
HOME ADDRESS DELETED  
UNDER 10 CFR 2.790

Docket No. 55-9525  
License No. OP-10032-2  
EA 88-12

During an enforcement conference conducted with you on February 18, 1988, a violation of your reactor operator license was admitted. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1988), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violation and associated civil penalty are set forth below:

Reactor Operator License No. OP-10032-2 requires, in part, that when manipulating the controls of the Peach Bottom Atomic Power Station Units 2 and 3, you shall observe the operating procedures and other conditions specified in the facility license which authorizes operation of the facility.

Technical Specification 6.8 of Facility Operating License Nos. DPR-44 and DPR-56 for the Peach Bottom Atomic Power Station requires the establishment and implementation of certain written procedures and administrative policies. Peach Bottom Administrative Procedure No. A.7, entitled "Shift Operations", written to satisfy the requirements of Technical Specification 6.8, requires, in paragraphs 7.1.7 and 7.1.8, that while on duty licensed operators and senior licensed operators be alert and attentive to their instrumentation and controls within their area at all times and all distracting activities in the control room must be prohibited (for example, horseplay and reading that is not directly job related).

Contrary to the above, on various shifts for an extended and indeterminate period of time prior to March 24, 1987, particularly during the 11:00 p.m. to 7:00 a.m. shift, you were, at times, inattentive to instrumentations and controls, and allowed yourself to be distracted by activities that you knew, or should have known, violated procedure A.7, such as reading non-job related materials while on duty, reclining in a resting position with your eyes closed, and other activities that precluded you from adequately performing licensed duties.

This is a Severity Level III Violation. (Supplement I)

Civil Penalty - \$500.

Pursuant to the provisions of 10 CFR 2.201, you are hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation; (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps

that have been taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why your license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of section 182 of the Act, 42 U.S.C 2232, this response shall be submitted under oath or affirmation.

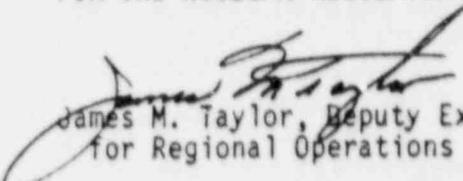
Within the same time as provided for the response required above under 10 CFR 2.201, you may pay the civil penalty by letter to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, or money order payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or may protest imposition of the civil penalty in whole or in part by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should you fail to answer within the time specified, an order imposing the civil penalty will be issued. Should you elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violation listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the five factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1988), should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply, pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. Your attention is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

The responses to the Director, Office of Enforcement, noted above (Reply to a Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406.

FOR THE NUCLEAR REGULATORY COMMISSION

  
James M. Taylor, Deputy Executive Director  
for Regional Operations

Dated this 9 day of August 1988

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