



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

09 AUG 1988

Docket No. 55-868L
License No. OP-6049-2
EA 88-05

DESIGNATED ORIGINAL

Mr. James W. Ballantyne
HOME ADDRESS DELETED
UNDER 10 CFR 2.790

Certified By Greg Natas

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 license. 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 an indeterminate period of time; playing hand held computer games or on one of the computer display screens in the control room; and engaging in horseplay. Operators were aware of these conditions and failed to initiate action to correct them. As a result of these findings, the NRC conducted an enforcement conference with you on February 16, 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 to prevent recurrence. 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 reactor operator license. The violation is described in the enclosed Notice and is classified at Severity Level III 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 you have participated in a comprehensive rehabilitation program within PECo for the purpose of better understanding your individual responsibilities under your NRC license and to assure such conduct does not recur. Nonetheless, the activities described in the Notice were engaged in by you for an extended period prior to the shutdown and were 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. You are reminded that you hold a license from the United States government which confers upon you the special trust and confidence of the American people in the safe

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operation of nuclear facilities and places you in a position where your performance is expected to be above reproach. Consequently, I have determined that additional action should be taken to emphasize your individual accountability to the NRC as a license holder, and your responsibility to remain alert and attentive at all times to ensure protection of public health and safety.

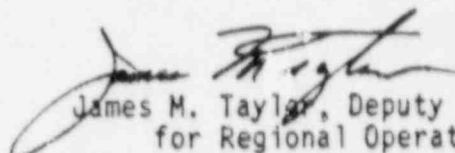
During the NRC deliberations concerning appropriate enforcement action, the NRC considered the entire spectrum of possible enforcement actions, including a Letter of Reprimand, Notice of Violation, a Civil Penalty, and Orders to Modify, Suspend or Revoke your license. In light of your completion of the rehabilitation program and the fact that pervasive and extended management failures contributed significantly to the unacceptable conditions at Peach Bottom, we have determined that an Order against your license is inappropriate. However, 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 \$500 to emphasize that you, as a license holder, are individually accountable to the NRC. The violation is classified at Severity Level III. Although the enforcement policy does not provide a schedule for civil penalties against individual operators, the penalty is based on the schedule provided for other small material individual licensees (see Table IA, 10 CFR Part 2, Appendix C). You should be aware that any recurrence of inattentive behavior could result in revocation of your license.

You are required to respond to the enclosed Notice and should follow the instruction specified therein when preparing your response.

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

J. W. Ballantyne

- 3 -

cc w/encl:

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