

April 20, 2000

EA 00-057

Mr. David Wilson  
Vice President, Nuclear  
IES Utilities, Inc.  
Alliant Tower  
200 First Street SE  
P. O. Box 351  
Cedar Rapids, IA 52406-0351

SUBJECT: NOTICE OF VIOLATION  
(NRC OFFICE OF INVESTIGATIONS REPORT NO. 3-1999-032)

Dear Mr. Wilson:

This letter refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) to determine whether a Duane Arnold Energy Center (DAEC) facility fuel handling supervisor willfully violated regulatory requirements on August 11, 1999, when he directed movement of two fuel bundles without a reactor engineer being present. A copy of the investigation report synopsis is enclosed.

Based on the information developed during the investigation, the NRC has determined that a willful violation of NRC requirements occurred. The investigation determined that on August 11, 1999, a DAEC facility fuel handling supervisor directed the transfer of two new fuel bundles from the spent fuel pool prep machine to spent fuel pool fuel rack locations without a reactor engineer present as part of the fuel moving crew, in violation of DAEC Refueling Procedure RFP 402, Revision 6, "Fuel Movement Within the Spent Fuel Pool."

Based, in part, on the facts that the individual was serving in a supervisory position, was the procedure owner, and was responsible for training personnel on the procedure, the NRC has concluded that the fuel handling supervisor acted willfully when he failed to comply with the requirements of DAEC Technical Specification 5.4.1.a. with respect to Refueling Procedure 402. The activities of the fuel handling supervisor on August 11, 1999, caused the DAEC facility to be in violation of NRC requirements. The violation is cited in the enclosed Notice of Violation (Notice). Although DAEC identified the violation, reported it to the NRC, and took immediate corrective actions, including disciplinary action against the individual involved in this matter, the NRC is concerned about the willful violation because the individual involved was a supervisor. The NRC must be able to rely on licensee employees to comply with all established requirements, and willful noncompliance of regulatory requirements by licensee employees cannot be tolerated. Therefore, the NRC is citing the violation in accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions (Enforcement Policy)," NUREG 1600.

The NRC has concluded that no specific deficiencies in DAEC's fuel handling program contributed to or caused this event, other than the willful activities of the fuel handling supervisor.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with 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 Electronic Reading Room (PERR) (at the NRC homepage <http://www.nrc.gov/NRC/ADAMS/index.html>).

Sincerely,

Original signed by  
Steve Reynolds for

John A. Grobe, Director  
Division of Reactor Safety

Docket No. 50-331  
License No. DPR-49

Enclosure: As stated

cc w/encl: E. Protsch, Executive Vice President -  
Energy Delivery, Alliant;  
President, IES Utilities, Inc.  
Richard L. Anderson, Plant Manager  
K. Peveler, Manager, Regulatory Performance  
State Liaison Officer  
Chairperson, Iowa Utilities Board  
The Honorable Charles W. Larson, Jr.  
Iowa State Representative

D. Wilson

-2-

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Sincerely,

John A. Grobe, Director  
Division of Reactor Safety

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DATE	04/ /00		04/ /00		04/ /00		04/ /00		04/ /00		04/ /00	

**OFFICIAL RECORD COPY**

cc w/encl: E. Protsch, Executive Vice President -  
Energy Delivery, Alliant;  
President, IES Utilities, Inc.  
Richard L. Anderson, Plant Manager  
K. Peveler, Manager, Regulatory Performance  
State Liaison Officer  
Chairperson, Iowa Utilities Board  
The Honorable Charles W. Larson, Jr.  
Iowa State Representative

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## NOTICE OF VIOLATION

Alliant, IES Utilities Inc.  
Duane Arnold Energy Center

Docket No. 50-331  
License No. DPR-49  
EA 00-057

During an NRC investigation completed February 23, 1999, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

Technical Specification 5.4.1.a requires, in part, that written procedures shall be implemented covering the activities recommended in Appendix A of Regulatory Guide (RG) 1.33, Revision 2, February 1978.

Regulatory Guide 1.33, Revision 2, Appendix A, "Typical Procedures for Pressurized Water Reactors and Boiling Water Reactors," Section 2.k., states, in part, that procedures for the preparation for refueling and refueling equipment operation should be performed in accordance with written procedures.

Step 4.1(1) Refuel Floor Procedure 402, "Fuel Movement Within the Spent Fuel Pool," Rev. 6, (a procedure required by Section 2.k of RG 1.33), requires that for fuel handling within the spent fuel pool, the fuel moving crew shall consist of the following personnel: (a) Fuel Handling Supervisor; (b) Fuel Handlers(2) - one of which is designated a Spotter; and (c) Reactor Engineer.

Contrary to the above, on August 11, 1999, the fuel moving crew did not consist of a fuel handling supervisor, fuel handlers (2), and a reactor engineer, when fuel handling occurred in the spent fuel pool. Specifically, the reactor engineer was not present when two new fuel bundles were moved in the spent fuel pool.

This is a Severity Level IV violation (Supplement I).

Pursuant to the provisions of 10 CFR 2.201, Duane Arnold Energy Center is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region III, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be placed in the NRC Public Electronic Reading Room (PERR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PERR without redaction. The PERR is available at the NRC homepage <http://www.nrc.gov/NRC/ADAMS/index.html>. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 20<sup>th</sup> day of April 2000

## Synopsis

This investigation was initiated on August 23, 1999, by the U.S. Nuclear Regulatory Commission, Office of Investigations, Region III, to determine whether a Fuel Handling Supervisor willfully violated Technical Specification 5.4.1.a by improperly moving fuel without a reactor engineer being present as required by Duane Arnold Energy Center Refueling Procedure RFP 402.

Based on the evidence developed during the investigation, it is concluded that there is sufficient evidence to substantiate the allegation that a Fuel Handling Supervisor willfully violated Technical Specification 5.4.1.a by improperly moving fuel without a reactor engineer being present as required by Duane Arnold Energy Center Refueling Procedure RFP 402.