

May 16, 2003

EA-03-058

Mr. A. C. Bakken III
Senior Vice President
Nuclear Generation Group
American Electric Power Company
500 Circle Drive
Buchanan, MI 49107

SUBJECT: D. C. COOK NUCLEAR POWER PLANT
NOTICE OF VIOLATION [NRC OFFICE OF INVESTIGATIONS REPORT
NO. 3-2002-013]

Dear Mr. Bakken:

This refers to an NRC Office of Investigation (OI) report of an incident that occurred at the D. C. Cook Nuclear Power Plant on January 28, 2002. The incident involved an employee of the Framatome Corporation, a contractor at the D. C. Cook Nuclear Power Plant, that failed to follow the instructions of a radiation protection technician (RPT) and subsequently failed to immediately exit the work area in Unit 2 when the employee's electronic dosimetry (ED) alarmed. OI investigated the matter and concluded that the individual deliberately failed to follow radiation protection (RP) requirements. Enclosure 1 is a copy of the synopsis of the OI report.

Based on the information developed during the OI investigation, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) (Enclosure 2). In summary, on January 28, 2002, a RPT became aware that a Framatome employee performing valve testing in the Unit 2 Containment Building was approaching the daily radiation exposure limit allowed under the radiation work permit (RWP) that governed those work activities. The RPT initially instructed the individual to leave the area so that the worker's administrative exposure limit would not be exceeded. The Framatome employee declined to leave and the RPT reported the situation to an RP supervisor. After discussing the problem with the RP supervisor, the RPT returned to the job site, heard the worker's ED alarming and again instructed the Framatome employee to immediately stop work and leave the area. The worker's ED was alarming because the administrative exposure limit established by the RWP had been exceeded. Rather than immediately leaving the area as instructed by the RPT, and upon receiving the ED alarm as required by procedure, the Framatome employee continued with his assigned work for several more minutes until a particular segment of the valve testing was completed.

The Framatome employee's radiation exposure, while slightly exceeding the daily administrative limit established under the RWP, did not approach the regulatory limits provided in 10 CFR Part 20. Also, the potential for a significant radiation exposure was low given the radiological conditions in the work area and the worker's knowledge of those conditions. Therefore, this violation of the Plant Technical Specification requiring employees to follow the instructions of an RPT and to immediately leave the area when an electronic dosimeter alarms has been categorized in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, at Severity Level IV. Additionally, the actions of the Framatome employee placed him in violation of the NRC regulation that prohibits deliberate misconduct (10 CFR 50.5).

We understand that the individual's access to the plant's radiologically controlled area (RCA) was withdrawn immediately following the incident, consistent with RP department protocol. However, about one hour later your staff allowed the worker back into the RCA to complete the valve testing, despite indications that the individual understood his actions were contrary to RP procedures. While we recognize that your staff identified the violation and communicated the incident to site personnel through a station newsletter article, we conclude that your corrective actions are not comprehensive, do not reinforce the proper response to following RP staff instructions and to responding to dosimetry alarms, and, in general, do not appear sufficient to prevent recurrence of similar problems. Specifically, your staff's action of allowing the individual to return to the RCA does not appear to reinforce adherence to RP procedures and proper response to dosimetry alarms. Also, the newsletter article does not reinforce your RP procedure adherence expectations to contractors and others who were unaware of the newsletter article. Therefore, to encourage prompt and comprehensive correction of violations and after consultation with the Director, Office of Enforcement, the enclosed Notice is being issued.

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 enclosures, and your response will be made available electronically for public inspection in the

NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

/RA/

Cynthia D. Pederson, Director
Division of Reactor Safety

Docket No: 50-316
License No: DPR-74

Enclosures: 1. OI Report Synopsis
2. Notice of Violation

cc w/encls: J. Pollock, Site Vice President
M. Finissi, Plant Manager
R. Whale, Michigan Public Service Commission
Michigan Department of Environmental Quality
Emergency Management Division
MI Department of State Police
D. Lochbaum, Union of Concerned Scientists

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SYNOPSIS

This investigation was initiated on June 3, 2002, by the U. S. Nuclear Regulatory Commission, Office of Investigations, Region III, to determine if a contract valve technician deliberately disregarded RP requirements.

Based upon the evidence developed during this investigation, it was substantiated that a contract valve technician deliberately disregarded radiation protection requirements.

NOTICE OF VIOLATION

American Electric Power Company
D. C. Cook Nuclear Power Plant, Unit 2

Docket No. 50-316
License No. DPR-74
EA-03-058

During an NRC Office of Investigations (OI) investigation completed on January 28, 2003, at the D. C. Cook Nuclear Power Plant, 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:

D. C. Cook Technical Specification No. 6.11, "Radiation Protection Program," requires that procedures for personnel radiation protection be prepared consistent with the requirements of 10 CFR Part 20 and be approved, maintained and adhered to for all operations involving personnel radiation exposure.

D. C. Cook procedure PMP-6010-RPP-001, "General Radiation Worker Instructions," Revision 0, effective September 5, 2001, implements Technical Specification 6.11. Section 3.1 of that procedure requires, in part, that radiation workers comply with the directions in a Radiation Work Permit (RWP) and the directives of radiation protection (RP) personnel, and promptly obey "stop work" and "evacuate" instructions by RP personnel. Section 3.2.12 of this procedure further requires that the worker leave the area immediately and notify RP personnel if the electronic dosimeter alarms for any reason.

Contrary to the above, on January 28, 2002, an employee of Framatome, a contractor at the D. C. Cook Nuclear Power Plant, failed to obey the instructions of a RP technician to stop work and evacuate the work area in Unit 2. Further, the same employee failed to immediately leave the work area after the employee's assigned electronic dosimetry alarmed.

This is a Severity Level IV Violation (Supplement IV).

Pursuant to the provisions of 10 CFR 2.201, American Electric Power Company 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 D. C. Cook Nuclear Power Plant, 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 EA-03-058" 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 made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. 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 16th day of May 2003