



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REC IV

811 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064

DEC 28 1992

Docket No. 50-458  
License No. NPF-47  
EA 92-207

Gulf States Utilities  
ATTN: Phil Graham,  
Vice President, RBNG  
P.O. Box 220  
St. Francisville, Louisiana 70775

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF  
CIVIL PENALTY - \$100,000  
(NRC INSPECTION REPORT NO. 50-458/92-33)

This is in reference to the inspections conducted October 7-16 and October 19-23, 1992, at Gulf States Utilities' River Bend Station (RBS) nuclear power plant near St. Francisville, Louisiana. The results of these inspections were provided to Gulf States Utilities (GSU) in a report issued November 10, 1992. Because significant violations of NRC requirements were identified during these inspections, the inspection findings were discussed with GSU representatives in an enforcement conference conducted in NRC's Arlington, Texas office on November 20, 1992. The principal purpose of the enforcement conference was to ensure that NRC had obtained all information relevant to an enforcement decision.

NRC's inspections were conducted in response to two events which occurred during a recent refueling outage at RBS. The first event, which was discovered by GSU radiation protection personnel on October 1, 1992, involved a plastic bag containing radioactive waste which had been mislabeled. A tag on the bag, which was completed on September 4, 1992, indicated that radiation levels on contact with the bag were less than 2 millirem/hour (mr/hr) when in fact radiation levels as high as 14,000 mr/hr were discovered on October 1. The second event, which was discovered by personnel at a Baton Rouge scrap iron facility on October 19, 1992, involved a piece of scrap steel that had come from the RBS facility and was found to be slightly contaminated with radioactive material.

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Gulf States Utilities

- 2 -

As discussed in detail in the inspection report, NRC's inspections documented 17 apparent violations of NRC radiation safety requirements, with many, but not all, related to these two events. These apparent violations, a number of which were discovered by GSU during its own investigations of these events, included nine instances in which radiation surveys were not performed as required, five instances in which RBS radiation protection procedures were not followed as required, two instances in which personnel radiation monitoring devices were not utilized as required, and one instance in which radioactive material was transferred to an unauthorized recipient.

Based on the information GSU presented to the NRC during the enforcement conference, one apparent violation has been dropped in its entirety and part of another apparent violation has been dropped. The first violation that has been dropped was identified in the inspection report as violation 458/9233-05 and involved the apparent failure to perform a radiation survey of packing material from valve E12\*VF 039C. GSU established during the conference that this packing material had been properly surveyed. The violation that has been dropped in part was identified in the inspection report as part of violation 458/9233-09 and involved the apparent failure to document a survey of a waste storage area on the 113-foot elevation of the fuel building. GSU established during the conference that a contamination survey of the waste storage area was documented (violation 458/9233-09 also involved a failure to document a survey of a bag containing radioactive waste).

In addition, during the enforcement conference, GSU also presented information regarding Violations A.1 and B.2.b of the attached Notice. With respect to Violation A.1, GSU indicated that its airborne contamination surveys were representative of worker breathing zones. The NRC staff considered this information carefully; however, given the results of the discussions that NRC undertook with the RBS personnel who were involved, the facts as noted in the associated Radiological Deficiency Report prepared by RBS, and the GSU conclusion that the personnel uptakes occurred due to localized puffs of activity, the NRC staff maintains that the airborne contamination surveys were not representative of the actual worker breathing zone. Regarding Violation B.2.b, GSU indicated that a reasonable person would not have used the ladder to access the high radiation area. Notwithstanding your position on this issue, the requirements of RBS Procedure RPP-0005 were clearly not met; thus, the violation did occur.

The most significant of the violations that are being cited include the failure to survey or conduct adequate surveys of bags containing highly radioactive waste material, the failure to conduct adequate radiation and airborne surveys during

Gulf States Utilities

- 3 -

maintenance activities that led to the generation of this waste, the failure to survey material released from the facility to a scrap yard, and the failure to adhere to plant procedures regarding posting and restricting access to high radiation areas.

In our view, these violations represent a breakdown in the controls that are essential to the prevention of significant radiation exposures and to the control of radioactive material. Although it does not appear that these violations resulted in radiation exposures to individuals in excess of NRC limits in 10 CFR Part 20, there was a potential for exceeding such limits. These violations appear to have occurred due to a combination of individual failures to follow established procedures and, importantly, existing weaknesses in GSU's radiation protection program at RBS. GSU's radiation protection program appears to have lacked sufficient controls to ensure that radioactive material was properly surveyed and controlled.

GSU must not only develop and maintain sufficient controls in its radiation protection program to prevent such violations from recurring, it must ensure that individuals who are given the responsibility for radiation protection understand the importance of this function and the health and safety implications of not performing their jobs adequately. We note that poor attitudes toward radiation safety were also to blame for recurring violations of high radiation area boundary controls at RBS, a problem that led NRC to assess a \$37,500 civil penalty in June 1991 (EA 91-059). It is disturbing that individual attitudes continue to be partly to blame for the violations at issue in this enforcement action.

Collectively, the violations in the enclosed Notice of Violation represent a potentially significant lack of attention to licensed responsibilities. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR Part 2, Appendix C, these violations are classified in the aggregate as a Severity Level III problem.

During the enforcement conference, GSU pointed out that, in its view, some of the violations were derivatives of the failures to survey. NRC has reviewed this information and agrees that some violations were the unavoidable consequence of the initial failure to survey. While these violations are still included in the Notice of Violation, NRC did not rely on them to determine the severity level in this case. Given the radiation levels involved, the survey failures alone are sufficient cause to classify these violations in the aggregate as a Severity Level III problem.

The staff recognizes that GSU took immediate action to restore compliance and assure safety, and has taken or plans to take

Gulf States Utilities

- 4 -

comprehensive action to eliminate radiation safety program weaknesses and ensure against a recurrence of these violations. GSU's short-term actions included, but were not limited to: conducting surveys of all waste areas to assess the scope of the problem; counseling and disciplining the involved radiation protection technicians; and evaluating exposures of individuals who were involved in valve maintenance or in handling mislabeled bags. GSU's long-term corrective actions, which were described in some detail during the enforcement conference, include, but are not limited to: improvements in integrating radiological work practices into maintenance planning and training; requirements to spot-check waste bags that have been surveyed and tagged; requirements to equip workers with extremity dosimeters when repacking primary system valves; plans to have both a peer review and Institute for Nuclear Power Operations review of the RBS radiation safety program in the involved areas; and establishment of a radiation protection enhancement committee.

To emphasize the importance of developing and ensuring sound radiation protection programs and practices at all levels and the need to effect lasting corrective actions, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the amount of \$100,000 for the Severity Level III problem described above and in the enclosed Notice.

The base value of a civil penalty for a Severity Level III problem is \$50,000. The civil penalty adjustment factors in Section VI.B.2 of the Enforcement Policy were considered and resulted in no adjustment to the base penalty because the mitigation for GSU's corrective actions was offset by the escalation due to GSU's prior performance in the health physics area. Nevertheless, in order to reflect the level of concern with which the NRC views the fact that these violations were due, in part, to (1) individual failures to follow established procedures, (2) existing weaknesses in GSU's radiation protection program at RBS, and (3) the fact that GSU has failed to instill in individuals a proper regard for the importance of radiation protection requirements, I have decided, pursuant to Section VII of the Enforcement Policy, to escalate the civil penalty for this violation by 100 percent of the base civil penalty to convey a stronger regulatory message.

GSU is required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of

DEC 28 1992

Gulf States Utilities

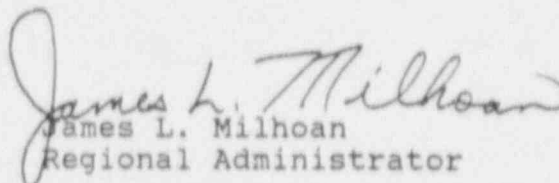
- 5 -

future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure 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 L. Milhoan  
Regional Administrator

Enclosure:

Notice of Violation and Proposed Imposition  
of Civil Penalty

cc: Gulf States Utilities  
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DEC 28 1991

Gulf States Utilities

- 6 -

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bcc:

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