



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
801 WARRENVILLE ROAD  
LISLE, ILLINOIS 60532-4351

August 23, 1996

IA 96-046

Mr. Dennis C. Palmer  
[HOME ADDRESS DELETED  
UNDER 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION  
(NRC INSPECTION REPORT NOS. 50-454/455/95013; AND 50-454/455/96005)

Dear Mr. Palmer:

This refers to NRC inspections conducted on December 25, 1995, through February 22, 1996, and May 22 through July 2, 1996, and NRC Office of Investigations (OI) Report of Investigation No. 3-96-009 concerning the circumstances surrounding your violation of NRC requirements as a Control System Technician (CST) at Byron Station. Copies of the inspection reports and the synopsis of the investigation are enclosed.

On January 25, 1996, you and a lead CST were assigned to perform the quarterly Surveillance Procedure 1BVS 3.3.10-3 for Process Radiation Monitor 1PR01J. The lead CST went to the Main Control Room where the RM-11 console is located and you went to the Auxiliary Building where process radiation monitor 1PR01J is located. Step F.2.1 of the procedure required the lead CST to record the as-found conversion factor stored in Channel 12 displayed on the RM-11 console. The as-found value was 3.23E-11. Subsequent steps of the procedure required the lead CST to enter calculated conversion factors into Channel 12 to initiate interlock and high radiation alarms. Step F.2.16 required the lead CST to restore Channel 12 by entering the original as-found value recorded in Step F.2.1. However, the lead CST inadvertently left 3.23E-04 entered in Channel 12. The lead CST also inappropriately initialed the second block of Step F.2.16 which was required to be initialed by you as independent verification. Your supervisor identified the verification error and you were directed to verify Step F.2.16. However, you did not identify that the wrong value was left in Channel 12.

The next day during a planned Unit 1 containment release, 1PR01J erroneously alarmed on high radiation because the value the lead CST left in Channel 12 was conservative. After discussing the event with the system engineer the lead CST realized that he had left the wrong value in Channel 12. The lead CST subsequently located the work package, and while you were present, changed the original as-found value recorded in Step F.2.1 to the wrong value he had left in Channel 12 in an attempt to prevent disciplinary action against both of you. However, while following up on the event, the work package was reviewed by your supervisor, the system engineer and the Master Instrument Mechanic, and it was determined that the lead CST had falsified Step F.2.1.

Deliberate misconduct is defined in 10 CFR 50.5(a), (a copy is enclosed) and includes a deliberate submittal to the NRC or licensee information that the

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person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC. The NRC OI investigation determined that you collaborated with the lead CST to deliberately falsify the data in Step F.2.1 of the procedure, which is a violation of 10 CFR 50.5.

After consultation with the Director, Office of Enforcement, I have decided to issue the enclosed Notice of Violation (Notice) for violation of 10 CFR 50.5, while you were engaged in licensed activities at Byron Station. In not taking more significant action against you, we recognized (1) the minor safety consequences of the violation, and (2) that you have resigned employment with Commonwealth Edison.

You should be aware of the seriousness with which the NRC views your actions. The public health, safety, and trust demand that nuclear power plant personnel conduct themselves with integrity at all times. You did not conduct yourself in this manner in this case. In the future, any similar violation may result in more significant enforcement actions including an order prohibiting involvement in NRC licensed activities.

You are not required to respond to this letter. However, if you choose to provide a response, please provide it to me in writing and under oath within 30 days at U.S. Nuclear Regulatory Commission, Region III, 801 Warrenville Road, Lisle, Illinois 60532.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, records or documents compiled for enforcement purposes are placed in the NRC Public Document Room (PDR). A copy of this letter with your address removed, and your response, if you choose to submit one, will be placed in the PDR after 45 days unless you provide sufficient basis to withdraw this letter and Notice of Violation.

If you have any questions or comments, please contact Bruce Burgess of my staff at (708) 829-9666.

Sincerely,

/s/ A. B. Beach

A. Bill Beach  
Regional Administrator

Enclosures:

1. Notice of Violation
2. Inspection Report Nos. 50-454/455/95013 and 50-454/455/96005
3. Synopsis of OI Report No. 3-96-005
4. Deliberate Misconduct Rule, 10 CFR 50.5

cc w/o enclosures: (if placed in the PDR)  
K. Graesser, Site Vice President,  
Byron Station

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OFFICE	RIII:EIC	N	RIII:EIC		RIII:DRP		RIII:RAO	
NAME	Pelke/K		Burgess		Caldwell		Beach	
DATE	08/16/96		08/16/96		08/17/96		08/22/96	

Concurrence  
by J. Lieberman  
8/15/96

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