

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of

COMMONWEALTH EDISON COMPANY
(Quad Cities Plant, Unit 1)

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Docket No. 50-254
License No. DPR-29
EA 84-123

ORDER IMPOSING CIVIL MONETARY PENALTY

I

Commonwealth Edison Company (the "licensee") is the holder of Operating License No. DPR-29 (the "license") issued by the Nuclear Regulatory Commission (the "Commission"). The license authorizes the licensee to operate the Quad Cities Plant, Unit 1, in accordance with the conditions specified therein. The license was issued on December 12, 1972.

II

A special inspection of the licensee's activities was conducted during the period October 25 - November 4, 1984. The results of this inspection indicated that the licensee had not conducted its activities in full compliance with Commission requirements and the conditions of its license. A written Notice of Violation and Proposed Imposition of Civil Penalty was served upon the licensee by letter dated December 12, 1984. The Notice states the nature of the violation, the requirements of the Commission regulations or license conditions that were violated, and the amount of civil penalty proposed for the violation. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty with a letter dated February 15, 1985.

III

Upon consideration of the licensee's response and the statements of fact, explanation, and arguments regarding rescission or mitigation contained therein, as set forth in the Appendix to this Order, the Director, Office of Inspection and Enforcement, has determined that the violation occurred as stated and that the penalty proposed for the violation designated in the Notice of Violation and Proposed Imposition of Civil Penalty should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1984, as amended, 42 U.S.C. 2282, PL 96-295, and 10 CFR 2.205, IT IS HEREBY ORDERED THAT:

The licensee pay a civil penalty in the amount of Fifty Thousand Dollars (\$50,000) within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Inspection and Enforcement, USNRC, Washington, D. C. 20555.

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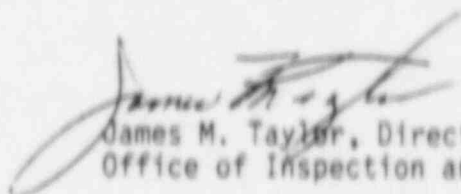
The licensee may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office

of Inspection and Enforcement, USNRC, Washington, D. C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, USNRC, Washington, D. C. 20555 and to the Regional Administrator, Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. If the licensee fails to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

- (a) whether the licensee was in violation of the Commission's requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty referenced in Section II above and
- (b) whether on the basis of such violation this Order should be sustained.

FOR THE NUCLEAR REGULATORY COMMISSION


James M. Taylor, Director
Office of Inspection and Enforcement

Dated at Bethesda, Maryland
this 9th day of August 1985

Appendix

EVALUATION AND CONCLUSION

The licensee's February 15, 1985 response to the December 12, 1984 Notice of Violation and Proposed Imposition of Civil Penalty for the Commonwealth Edison Company (CE) Quad Cities Plant, Unit 1 admits the facts occurred as stated in the Notice but denies that a violation occurred. The violation involved a Unit 1 licensed operator who left his assigned position unattended, with the Unit operating at full power, for a period of approximately 15 minutes while he responded to an event that was in progress on the adjacent Unit. During this period, there was no licensed operator at the controls of Unit 1 except when the Unit 1 operator responded to an annunciator on his own Unit. The licensee's arguments and the NRC's evaluation are as follows:

Restatement of the Violation

10 CFR 50.54(k) states, "An operator or senior operator licensed pursuant to Part 55 of this chapter shall be present at the controls at all times during the operation of the facility."

Technical Specification 6.2.A. requires that detailed written procedures be prepared, approved, and adhered to for operating activities involving nuclear safety.

Station Procedure QAP-300-2, Conduct of Shift Operations, paragraph 9, delineates responsibilities of all operating department personnel licensed by the Nuclear Regulatory Commission as Reactor Operators and performing the duties of a reactor operator. Section 9b of responsibilities and duties states, "b. To be present at the controls of his assigned shift position at all times."

This duty is further clarified by a notation in the procedure which states in part:

"Paragraph k of 10 CFR 50 states 'An operator or senior operator licensed pursuant to part 55 of this chapter shall be present at the controls at all times during the operation of the facility.' In order to comply with this paragraph, an operator will be considered to be at the reactor controls if he (she) is physically within the operating area in front of the unit panels."

Contrary to the above, on October 25, 1984, the Unit 1 operator licensed pursuant to Part 55 was not present at the controls at all times during the operation of the facility. The Unit 1 operator left his assigned unit unattended with the Unit at full power, for a period of approximately 15 minutes, while responding to events occurring on the adjacent Unit. Specifically, the Unit 1 operator left his position to assist the Unit 2 operator in bypassing the Rod Worth Minimizer and then manually initiated the High Pressure Coolant Injection system on Unit 2. During this period there was no operator at the controls physically within the operating area in front of the unit panels of Unit 1, except when he responded to an annunciator on his Unit.

This is a Severity Level III violation (Supplement I).
(Civil Penalty - \$50,000).

Summary of Licensee's Response

The licensee argues that the "at-the-controls" language of 50.54(k) is vague and subject to differing interpretations. CE notes that the Notice of Violation cited Quad Cities Station Procedure QAP-300-2 as a basis for the proposed violation (see restatement of violation for QAP-300-2 language) but contends that additional language in this procedure is relevant.

The licensee contends that the Unit 1 operator was always in a position to view the Unit 1 visual alarms and was always within audible range of the Unit 1 annunciators during the fifteen minute period in question. It is the licensee's position that the distinct locations of Unit 1 and 2 annunciators, at opposite ends of the control room, precluded the possibility of confusing a Unit 2 annunciator with a Unit 1 annunciator. The licensee also contends that the conduct of the Unit 1 operator showed professionalism that was consistent with the letter and spirit of 10 CFR 50.54(k). Commonwealth Edison argues that a citation in this case would be inconsistent with the NRC's position in the past. The licensee states that procedures similar to the procedure in question have been in effect since at least 1977 and have always been understood as not precluding the operator of a stable unit from assisting an operator experiencing difficulty at another unit as long as his actions did not interfere with his ability to respond to potential safety events at his unit. The licensee further argues that Quad Cities operators have done so in the past and were never criticized by the NRC for such conduct.

CE requests that if the Notice of Violation is not withdrawn for the reasons stated above, the penalty should be mitigated because CE has instituted certain short-term and long-term corrective measures. In the short-term the corporate office directed that operating personnel shall not leave the immediate area of the control room for which they have responsibility. Long-term action included amending the Quad Cities Conduct of Operations Directive and Station Procedures. It is CE's position that since the company's response to the NRC's concerns was timely and consistent with the situation, and CE conducted an immediate investigation of the incident and issued comprehensive guidance addressing the concerns, a basis was formed for mitigation of the civil penalties if the violation is not withdrawn.

NRC Evaluation

The NRC staff has carefully reviewed the licensee's response and has concluded that the licensee did not provide any information that was not already considered in determining the significance of the violation and the appropriate civil penalty. While the licensee maintains that the operator acted in a professional manner in assisting the Unit 2 operator, the facts are unchanged that the operator left the controls of a reactor operating at 100 percent power for a period of time without proper relief or authorization.

The NRC does agree with the licensee's statement that the operator was within audible range of the Unit 1 annunciators under some circumstances. There were, however, at least two circumstances which could have interfered with proper attention to Unit 1 operation or problems if they had occurred. First, the

operator had his back to the Unit 1 panels during the time he was working on a Unit 2 system and was presumably concentrating on Unit 2 concerns. Second, if a scram at Unit 2 had occurred, with the many alarms associated with such a scram, the NRC believes there is a real probability that the Unit 1 operator would not have been able to differentiate a Unit 2 annunciator from a Unit 1 annunciator.

With the respect to the licensee's argument that the NRC is changing its interpretation of 10 CFR 50.54(k), it has always been the NRC position that the operator must be present at the controls at all times during operation of the facility except in an emergency when action is immediately needed to protect the public health and safety (10 CFR 50.54(x)). Section 50.54(k) is clear on this point. Regulatory Guide 1.114, Paragraph B, provides further amplification, if any is needed, as to what 10 CFR 50.54(k) requires. It states:

"In order for the operator at the controls of a nuclear power plant to be able to carry out these and other responsibilities in a timely fashion, he must give his attention to the condition of the plant at all times [emphasis added]."

It is the responsibility of the licensee to ensure that station procedures are consistent with the regulations. The licensee's procedures state "... an operator will be considered to be at the reactor controls is he (she) is physically within the operating area in front of the unit panels. An operator is not at the controls when behind the panels or out of the control room." Although this procedure describes some examples of not being at the controls, it does not cover all of the possible situations such as the one at issue here. To read it as describing all of the impermissible situations would be inconsistent with the regulations and inappropriate.

The NRC was also concerned that the off-going Shift Control Room Engineer (SCRE), by leaving the control room to go and talk to the Shift Engineer, did not exercise adequate control over the control room operators during the transient. Because the SCRE was out of the control room he was (1) unaware that Unit 1 was unattended and (2) the Unit 1 operator did not receive proper relief or authorization when leaving the controls.

NRC inspectors have always taken the position that when a reactor operator was away from the control panels, another licensed operator must monitor the status of the "unattended" unit except in an emergency as described above. This was not such an emergency. To the extent that Quad Cities personnel have previously acted in a fashion similar to that which is the subject of the violation at issue, such actions were improper. The NRC was unaware of such past practice and, had it been aware, would not have condoned it.

With respect to mitigation of the civil penalty, the NRC staff can find no basis for such action. As stated in the NRC's December 12, 1984 letter to CE, this violation is indicative of poor performance in the area of adherence to operating procedures which define responsibilities for the control of control room operations. Your corrective actions for previous violations in this area should have precluded this latest event. In fact, the latest event, in conjunction with prior events, could be used as basis for escalation of the base civil penalty. However, since your corrective actions were prompt and extensive, no increase in the civil penalty was proposed.

NRC Conclusion

For the above reasons, the NRC staff believes that the violation occurred as stated. As previously stated, although the NRC staff does recognize that the licensee has taken corrective actions, mitigation of the proposed penalty is not warranted. Thus, the violation occurred as stated and a civil penalty in the amount of \$50,000 is appropriate.