

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Commonwealth Edison Company
Zion Generating Station, Units 1 and 2

Docket Nos. 50-295; 50-304
License Nos. DPR-39; DPR-48
EA 97-048

During an NRC inspection conducted from December 3, 1996, through January 22, 1997, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the NRC proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

1. Technical Specification 6.1.5 requires that retraining and replacement training of station personnel shall be in accordance with ANSI N18.1, "Selection and Training of Nuclear Power Plant Personnel," dated March 8, 1971.

ANSI N18.1, dated March 8, 1971, step 5.1, requires that a continuing program of training be used for training replacement personnel and for retraining necessary to ensure that personnel remain proficient.

ZAP 200-09, "Training," revision 0, dated September 17, 1992, step 3.a.1, requires, in part, that personnel, other than station-men, involved in the transfer, packaging, or transport of radioactive material shall be trained in accordance with IE Bulletin 79-19, and retrained biennially.

IE Bulletin 79-19 states that personnel should be trained in the DOT and NRC regulatory requirements, the waste burial license requirements, and in the instructions and operating procedures for the transfer, packaging, and transport of radioactive waste.

Contrary to the above, since April 1992 and April 1994, two licensee personnel involved in the packaging of radioactive material and authorized by the licensee to release licensed material to carriers were not trained in the DOT and NRC regulatory requirements, the waste burial license requirements, and in the instructions and operating procedures for the transfer, packaging, and transport of radioactive waste in accordance with ZAP 200-9, revision 0.

2. Technical Specification 6.2.2.A requires, in part, that radiation control procedures be maintained and shall be consistent with the requirements of 10 CFR 20.

10 CFR 20.2006 requires, in part, that each shipment of radioactive waste intended for disposal at a licensed land disposal facility must be accompanied by a shipment manifest which includes a certification by the waste generator as specified in Section III of Appendix F to Part 20.

Section III of Appendix F to Part 20 requires that the waste generator certify that the transported materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation and the Commission.

Contrary to the above, since April 1, 1996, the licensee failed to maintain ZRP 5600-7 "Off-site shipment of Radioactive Material," revision 0, to be consistent with the requirements specified in 10 CFR 20.2006. Specifically, ZRP 5600-7 was not updated to incorporate the April 1, 1996, revisions to the Department of Transportation regulations (49 CFR 100-179), and contained inaccurate instructions for the classification, description, packaging, marking, and labeling of radioactive material.

3. Technical Specification 6.2.2.A requires, in part, that radiation control procedures be implemented.

ZRP 5610-4, "Preparation and Shipment of Samples for Special Analysis," revision 0, dated November 12, 1993, step E.3, requires, in part, that primary spent resin and steam generator blowdown resin samples be sent out for analysis yearly, in accordance with 10 CFR 61 guidelines.

ZAP 610-3, "Unescorted Access to and Conduct in Radiologically Posted Areas," revision 1(G), dated September 12, 1996, step E.5, requires, in part, that personnel are to contain contaminated equipment removed from contaminated areas or have the equipment released by a radiation protection technician.

Contrary to the above:

- a. Between August 1993 and November 1996, the licensee failed to send out primary spent resin samples for analysis, in accordance with ZRP 5610-4.
- b. Since September 1994, the licensee failed to send out steam generator blowdown resin samples for analysis, in accordance with ZRP 5610-4.
- c. On January 8, 1997, operations personnel removed a potentially contaminated rod from a posted contaminated area without containing the rod or having the rod released by a radiation protection technician in accordance with ZAP 610-3.

Notice of Violation and Proposed
Imposition of Civil Penalty

-3-

4. 10 CFR 71.5 requires, in part, that each licensee who transports licensed material outside of the site of usage, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable Department of Transportation regulations in 49 CFR parts 170 through 189 appropriate to the mode of transport.

49 CFR 173.421 requires, in part, that a Class 7 (radioactive) material whose activity per package does not exceed the limits specified in 49 CFR 173.425 and its packaging are excepted from the specification packaging, marking, and labeling, and the shipping paper and certification requirements, if the radiation level at any point on the external surface of the package does not exceed 0.005 mSv/hr (0.5 mrem/hr).

Contrary to the above, on December 9, 1996, the licensee improperly transported a Class 7 (radioactive) material package as a package excepted from the specification packaging, marking, and labeling requirements, and the shipping paper and certification requirements. Specifically, this package exceeded the 0.005 mSv/hr maximum radiation limit on the external surface of the package required for excepted packages in 49 CFR 173.421.

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

Pursuant to the provisions of 10 CFR 2.201, Commonwealth Edison Company (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved. 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 why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or the cumulative amount of the civil penalties if more than one civil penalty is

Notice of Violation and Proposed
Imposition of Civil Penalty

-4-

proposed, or may protest imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations listed in this Notice, in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section VI.B.2 of the Enforcement Policy should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

The response noted above (Reply to Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region III and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR 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

Notice of Violation and Proposed
Imposition of Civil Penalty

-5-

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.

Dated at Lisle, IL
this 17th day of June 1997