

July 23, 2002

EA-02-118

Mr. John L. Skolds, President
Exelon Nuclear
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING AND
NOTICE OF VIOLATION (NRC INSPECTION REPORT NO. 50-456/02-03;
50-457/02-03) (BRAIDWOOD STATION, UNIT 1)

Dear Mr. Skolds:

The purpose of this letter is to provide you with the final results of our significance determination of the finding identified in the subject inspection report. As discussed in the letter from the NRC to you, dated June 25, 2002, the inspection finding was assessed using the significance determination process and was preliminarily characterized as White, an issue with low to moderate increased importance to safety, which may require additional NRC inspections. This White finding involved your corrective actions for Unit 1 pressurizer power operated relief valve (PORV) air accumulator check valve failures.

In a telephone conversation with Mrs. Ann Marie Stone of NRC, Region III, on July 9, 2002, Mr. Thomas Joyce, Braidwood Plant Manager, indicated that Exelon Generating Company agreed with the preliminary characterization of the risk significance of this finding and the apparent violation associated with this issue. Mr. Joyce also indicated that there was no additional information you wished to present and, therefore, a Regulatory Conference was not needed.

After considering the information developed during the inspections, the NRC has concluded that the inspection finding is appropriately characterized as White (i.e., an issue with low to moderate increased importance to safety, which may require additional NRC inspections).

You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified White finding. Such appeals will be considered to have merit only if they meet the criteria given in NRC Inspection Manual Chapter 0609, Attachment 2.

The NRC has also determined that your staff failed to take prompt corrective actions to prevent recurrence of a significant condition adverse to quality, specifically, Unit 1 pressurizer PORV air accumulator check valves leak-through, as evidenced by repeated failures to meet testing acceptance criteria between 1991 and 2001. This resulted in several extended periods where the unit was operated in a condition where the pressurizer PORVs may not have been able to perform their intended safety function of opening following events which resulted in isolation of

instrument air to the containment or loss of the service air compressors. This is a violation of Criterion XVI, "Corrective Action," of 10 CFR Part 50, Appendix B, which requires, in part, that conditions adverse to quality be promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective actions taken to preclude repetition. The violation is cited in the attached Notice of Violation (Notice). The circumstances surrounding the violation are described in detail in the subject inspection reports. In accordance with the NRC Enforcement Policy, NUREG-1600, the Notice of Violation is considered escalated enforcement because it is associated with a White finding.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response.

As stated in our Annual Assessment letter dated March 4, 2002, the performance indicator for the Safety System Unavailability, Heat Removal System (Auxiliary Feedwater) was determined to be in the White performance band in the Mitigation Systems cornerstone. This current finding, pressurizer PORV air accumulator check valve failures, also affects the Mitigation System cornerstone. Therefore, per the NRC Action Matrix, overall plant performance for Braidwood Unit 1 has been determined to be in the degraded cornerstone band due to the two white issues in the same cornerstone. We will use the NRC Action Matrix to determine the most appropriate NRC response for these events and will notify you, by separate correspondence, of that determination.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Geoffrey E. Grant, Director
Division of Reactor Projects

Docket No. 50-456
License No. NPF-72

Enclosure: Notice of Violation

See Attached Distribution

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NOTICE OF VIOLATION

Exelon Generating Company
Braidwood Station, Unit 1

Docket No. 50-456
License No. NPF-72
EA-02-118

During an NRC inspections conducted from February 4 through February 22, 2002, 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:

10 CFR Part 50, Appendix B, Criterion XVI, "Corrective Action," requires, in part, that conditions adverse to quality be promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective actions taken to preclude repetition.

Contrary to the above, between April 1991 and October 1995, the licensee failed to correct and prevent recurrence of the Unit 1 pressurizer power operated relief valve (PORV) air accumulator check valves leak-through, a significant condition adverse to quality. Specifically, Unit 1 pressurizer relief valves failed to meet testing acceptance criteria in April 1991, October 1992, April 1994, January 1995, October 1995, October 1998, and September 2001. This resulted in several extended periods where the unit was operated in a condition where the pressurizer PORVs may not have been able to perform their intended safety function of opening following events which resulted in isolation of instrument air to the containment or loss of the service air compressors.

This violation is associated with a White SDP finding.

Pursuant to the provisions of 10 CFR 2.201, Exelon Generating 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 Braidwood, 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" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation or significance determination, (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 Publicly Available Records (PARS) component of NRC's document system (ADAMS), 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. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). 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 23 day of July 2002.