

July 21, 2000

EA 00-103

Mr. Oliver D. Kingsley
President, Nuclear Generation Group
Commonwealth Edison Company
ATTN: Regulatory Services
Executive Towers West III
1400 Opus Place, Suite 500
Downers Grove, IL 60515

SUBJECT: NOTICE OF VIOLATION
(BYRON INSPECTION REPORTS 50-454/99020(DRP); 50-455/99020(DRP))

Dear Mr. Kingsley:

This refers to the inspection completed on January 18, 2000, at the Byron Generating Station and information provided by the Commonwealth Edison Company (ComEd) to the U.S. Nuclear Regulatory Commission (NRC) in letters from William Levis dated, February 21 and April 12, 2000.

Based on the results of this inspection and the information provided by ComEd, the NRC has determined that a deliberate violation of NRC requirements occurred. The NRC identified that a maintenance mechanic failed to perform visual inspections of portable fire extinguishers and fire hose stations on several occasions between January and November 1999. The subsequent ComEd investigation into the matter determined that the individual failed to perform the visual inspections and falsified records regarding the inspections.

The violation is cited in the enclosed Notice of Violation (Notice). After the NRC identified this violation, Byron Station conducted an investigation and took immediate corrective actions, including disciplinary action against the individual involved in this matter. However, the NRC is concerned because the violation was deliberate. The NRC must be able to rely on licensee employees to comply with all established requirements, and deliberate noncompliance of regulatory requirements by licensee employees cannot be tolerated. In addition, while your immediate corrective actions were considered adequate, we are concerned that the corrective actions to prevent recurrence were apparently limited to the mechanical maintenance department. Therefore, the NRC is citing the violation in accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions (Enforcement Policy)," NUREG 1600.

The NRC has concluded that no specific deficiencies in the Byron Station's fire protection program contributed to or caused this event, other than the deliberate activities of the maintenance mechanic.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

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 (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

John A. Grobe, Director
Division of Reactor Safety

Docket Nos. 50-454; 50-455
License Nos. NPF-37; NPF-66

Enclosure: Notice of Violation

cc w/encl: D. Helwig, Senior Vice President, Nuclear Services
C. Crane, Senior Vice President, Nuclear Operations
H. Stanley, Vice President, Nuclear Operations
R. Krich, Vice President, Regulatory Services
DCD - Licensing
W. Levis, Site Vice President
R. Lopriore, Station Manager
Brad Adams, Regulatory Assurance Manager
M. Aguilar, Assistant Attorney General
State Liaison Officer
State Liaison Officer, State of Wisconsin
Chairman, Illinois Commerce Commission

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Docket File

NOTICE OF VIOLATION

Commonwealth Edison Company
Byron Generating Station

Docket Nos. 050-454; 050-455
License Nos. NPF-37; NPF-66
EA 00-103

During an NRC inspection completed on January 18, 2000, 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 50.9(a), provides, in part, that information required by the Commission's regulations, to be maintained by the licensee shall be complete and accurate in all material respects.

The Byron Station Operating License for Units 1 and 2, NPF-37 and NPF-66, respectively, require, in part, that the licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the licensee's Fire Protection Report.

Byron Fire Protection Report, Section 3.4.b, states that department and station procedures are established to cover specific instructions such as for inspections, test, administrative control, fire drills and training that govern the fire protection program.

Section 3.4.i of Byron Fire Protection Report states that documentation involving the fire protection program is retained in a central file or QA vault as provided by the QA program.

Byron Maintenance Surveillance Requirement FP-3A and 3B, "Portable Fire Extinguisher Monthly Inspection," Revision 1, requires, in part, visual inspection of portable fire extinguishers at monthly intervals in the Turbine and Auxiliary Buildings, respectively.

Byron Maintenance Surveillance Requirement 3.10.F.1, "Common Fire Hose Station 31 Day Inspection," Revision 1, requires, in part, visual inspection of fire hose stations which are common to both Units 1 and 2 at 31-day intervals.

Contrary to the above, information required by the Commission's regulations to be maintained by the licensee were not complete and accurate in all material respects. Specifically, in January, May, July, and November 1999, a mechanical maintenance individual deliberately failed to perform the visual inspection of 15 portable fire extinguishers at monthly intervals in the Turbine and Auxiliary Buildings. Furthermore, in March, May, and June 1999, the individual deliberately failed to perform the visual inspection of 13 fire hose stations at monthly intervals in the Turbine and Auxiliary Buildings. The individual indicated on Data Sheets required to be maintained by the licensee that the portable fire extinguishers and fire hose stations were in satisfactory condition without performing the required inspections. The Data Sheets are material to the NRC in that they provide information on the condition of portable fire extinguishers and fire hose stations. (010104)

This is a Severity Level IV violation (Supplement VII).

Pursuant to the provisions of 10 CFR 2.201, Commonwealth Edison 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 the facility that is the subject of this Notice, 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 for each violation: (1) the reason for

the violation, or, if contested, the basis for disputing the violation or severity level, (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 placed in the NRC Public Electronic Reading Room (PERR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PERR 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 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 21st day of July 2000.