

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Commonwealth Edison Company
Dresden Station
Units 2 and 3

Docket Nos. 50-237 and 50-249
License Nos. DPR-19 and DPR-25
EA 93-019

During an NRC inspection conducted from December 14, 1992, to January 29, 1993, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 421 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

I. Violations Assessed a Civil Penalty

10 CFR 50.59, Changes, Tests and Experiments allows a licensee to make changes to the facility as described in the final safety analysis report (FSAR) without prior Commission approval unless the proposed change involves a change in the technical specifications incorporated in the license or an unreviewed safety question. A proposed change is deemed, in part, to involve an unreviewed safety question if the margin of safety as defined in the basis for any technical specification is reduced.

10 CFR 50.59 also requires, in part, that the licensee maintain records of changes in the facility and these records must include a written safety evaluation which provides the bases for the determination that the proposed change does not involve an unreviewed safety question.

FSAR Section 5.2.3.3 (Rev. June 1990), "Containment Characteristics After Reactor Blowdown," stated, in part, the long-term pressure and temperature response of the primary containment was analyzed for a minimum of two containment cooling service water (CCSW) pumps available to mitigate the design basis accident (DBA).

FSAR Table 6.2.4:1 (Rev. June 1992), "LPCI/Containment Coolant Equipment Specifications," stated the train heat load was 95 million BTU/hr and the train CCSW flow was 7,000 gpm.

1. Contrary to the above, on December 1, 1992, changes were accepted to the facility as described in the FSAR, reducing the specified (CCSW) train flow below 7000 gpm and the CCSW heat load below 95 million BTU/hr, which involved the following unreviewed safety questions and prior Commission approval was not obtained:

- (a) Containment overpressure was required to provide adequate emergency core cooling system (ECCS) pump net positive suction head (NPSH). As a result of the change, the margin to safety as defined in the basis for Technical Specification 3.7.A. was reduced by now requiring containment pressure to provide adequate NPSH. Specifically, Technical Specification Basis 3.7.A stated: "For an initial maximum suppression chamber water temperature of 95°F and assuming the normal complement of containment cooling pumps (2 LPCI pumps and 2 containment cooling service water pumps) containment pressure is not required to maintain adequate net positive suction head (NPSH) for the core spray, LPCI and HPCI pumps."
 - (b) Long-term containment pressure was increased above eight psig. As a result of the change, the margin to safety as defined in the basis for Technical Specification 3.5.B. was reduced by that increase above eight psig. Specifically, Technical Specification Basis 3.5.B stated: "For the flow specified, the containment long-term pressure is limited to less than eight psig and, therefore, is more than ample to provide the containment heat removal capability."
2. Contrary to the above, on December 1, 1992, the licensee accepted changes to the CCSW, reduction of the train flow below 7,000 gpm and heat load below 95 million BTU/hr, without performing an adequate written safety evaluation to provide the bases that these changes did not constitute an unreviewed safety question. Specifically, the safety evaluation was deficient in the following areas:
- (a) New containment performance and decay heat computer codes were used for the safety evaluation without adequate validation that the codes properly modeled the Dresden Nuclear Station plant configuration. Benchmarking was limited to a comparison with the results of the old codes using different inputs for key parameters.
 - (b) Net positive suction head (NPSH) calculations for core cooling pumps were not performed for the most limiting conditions that could occur. Potentially more severe accidents were not considered, flows were not corrected for instrument inaccuracies to provide the most limiting conditions, and the limiting pump (core spray) was not considered in the calculations.

- (c) Methodologies were employed which resulted in non-conservative conclusions to the NPSH calculations. Specifically, the acceptance criterion for adequate NPSH was defined as being one percent below the vendor specified value.

This is a Severity Level III problem (Supplement I).
Civil Penalty - \$75,000

II. Violation Not Assessed a Civil Penalty

10 CFR Part 50, Appendix B, Criterion XI, "Test Control," requires, in part, that a test program be established to assure that all testing required to demonstrate that systems and components will perform satisfactorily in service is identified and performed in accordance with written test procedures which incorporate the requirements and acceptance limits contained in the applicable design documents.

Contrary to the above, the testing performed to demonstrate the acceptability of modification M12-2/3-82-1, which allowed the Unit 2 Containment Cooling Service Water System (CCSW) pumps to supply cooling to the backup control room ventilation system under accident conditions, failed to demonstrate that the affected systems would perform satisfactorily in service. Specifically, the written test procedure failed to incorporate acceptance limits such as minimum CCSW system discharge pressure and flow rate.

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

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 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 to 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.

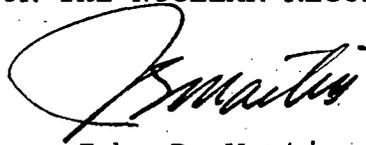
Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in amount of the civil penalty proposed above, 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 violation 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 10 CFR Part 2, Appendix C, 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: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington D. C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137, and with a copy to the NRC Resident Inspector at the Dresden Station.

FOR THE NUCLEAR REGULATORY COMMISSION



John B. Martin
Regional Administrator
Region III

Dated at Glen Ellyn, Illinois
the 15 day of July 1993