

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Commonwealth Edison Company
Dresden Station

Docket Nos. 50-237 and 50-249
License Nos. DPR-19 and DPR-25
EA 94-048

During an NRC inspection conducted from January 11 through February 22, 1994, a violation of NRC requirements was 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), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violation and associated civil penalty are set forth below:

10 CFR Part 50, Appendix B, Criterion XVI, "Corrective Action," requires, in part, that measures be established to assure that conditions adverse to quality are 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 action taken to preclude repetition. The identification of the significant condition adverse to quality, the cause of the condition, and the corrective action shall be documented and reported to the appropriate levels of management.

Contrary to the above, as of January 11, 1994, the licensee had failed to promptly correct a significant condition adverse to quality as demonstrated by the following:

- A. Since 1991, Dresden Units 2 and 3 Yarway reactor water level switches 2/3-263-72 A-D were out-of-tolerance or completely failed to actuate at least 50 times. The instrumentation provides signals to the reactor low water level low pressure coolant injection (LPCI), core spray and high pressure coolant injection (HPCI) initiation, automatic depressurization system (ADS) permissive, and diesel generator start logic. The instrumentation also provides a signal to trip HPCI on high level.
- B. The licensee's Vulnerability Assessment Team (VAT) identified in 1992 excessive drift of the Yarway reactor water level switches. The VAT recommended that station management should continue to follow-up on the availability of new like-for-like replacement switches, and finalize a course of action.
- C. The licensee submitted LER No. 249/93001 because on January 13, 1993, Yarway reactor water level switch 3-263-72A was found outside the required Technical Specification range. The LER stated in the Corrective Actions section, that "[d]ue to continuing problems with the Yarway level indication switches and their becoming obsolete, reduced parts availability, and reduced vendor support, the Station has proceeded to investigate possible alternatives to the Yarway switches.... Presently, a feasibility study is under way to evaluate replacement of these switches. This feasibility study will be complete by 06/01/93."

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- D. The licensee submitted LER No. 249/94003 because on January 19, 1994, Yarway reactor water level switch 3-263-72B failed to trip on a low reactor water level signal.

This is a Severity Level III violation (Supplement I). (01013)
Civil Penalty - \$75,000.

Pursuant to the provisions of 10 CFR 2.201, Commonwealth Edison Company (Licensee) is hereby required to submit a written statement of 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 to why the license should not be modified, suspended, or revoked or why such other actions 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 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 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 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.

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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 responses 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, 801 Warrenville Road, Lisle, Illinois 60532-4351, and with a copy to the NRC Resident Inspector at the Dresden Station.

Dated at Lisle, Illinois
this 17 day of May 1994