

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Commonwealth Edison Company
Dresden Station
Units 2 and 3

Docket Nos. 50-237; 50-249
License Nos. DPR-19; DPR-25
EA 95-030

During an NRC inspection conducted in the period from January 25 through February 10, 1995, 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), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

1. Technical Specification (TS) 3.7.A.2 requires that primary containment be maintained at all times when the reactor is critical. TS 3.7.A.2.b(2)(a) requires that when primary containment integrity is required, primary containment leakage rates be limited to a combined leakage rate of less than or equal to 60 percent of L_a for all testable penetrations and isolation valves subject to Type B and C tests.

Contrary to the above, between January 6 and February 3, 1995, with the Unit 3 reactor critical, primary containment integrity was not maintained. The primary containment boundaries on valves 3-1601-31A & B were broken for surveillance testing on January 6 and local leak rate testing was not performed. When the boundaries were tested on February 3, the licensee determined that the combined leakage rate exceeded 60 percent of L_a for all testable penetrations and isolation valves subject to Type B and C tests. (01013)

2. TS 3.6.H.5 requires that an idle recirculation pump shall not be started unless the temperature differential between the reactor vessel steam space coolant and the bottom head drain line coolant is less than or equal to 145°F. TS 4.6.H.5 requires that this differential be determined to be within the limits within 15 minutes prior to startup of an idle recirculation loop.

Contrary to the above, on January 10, 1995, the 2B recirculation pump was started in an idle loop without determining within 15 minutes prior to startup that the temperature differential between the reactor vessel steam space coolant and the bottom head drain line coolant was less than or equal to 145°F. (01023)

3. 10 CFR 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," requires that activities affecting quality shall be prescribed by documented instructions, procedures, or drawings, of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings.
 - a. Contrary to the above, as of January 6, 1995, Dresden Operating Surveillance (DOS) 1600-13, "Suppression Chamber to Reactor Building Vacuum Breaker Full Stroke Exercise Test," Revision 7,

approved September 24, 1992, an activity affecting quality, was not appropriate to the circumstances. Specifically, Steps I.2.b and I.2.d were not sufficient for an operator to locate and remove the access plate outside the primary containment boundary prior to cycling check valves 3-1601-31A & B. (01033)

- b. Dresden Operating Abnormal (DOA) 0202-01, "Recirculation Pump Trip - One or Both Pumps," Revision 10, approved December 20, 1994, Step D.12 states, "If idle loop starts are not planned within one hour, then isolate seal purge flow to the idle loop per DOP 0202-11." This is an activity affecting quality.

Contrary to the above, on January 10, 1995, the 2B recirculation pump tripped and was restarted 2 hours and 22 minutes later without isolating seal purge flow to the idle loop. The start of the idle loop was not planned within one hour of the 2B recirculation pump trip. (01043)

- c. Contrary to the above, as of January 10, 1995, Dresden Operating Procedure (DOP) 0202-01, "Unit 2 Reactor Recirculation System Startup," Revision 14, approved December 22, 1994, Step G.10, an activity affecting quality, was not appropriate to the circumstances in that it did not accurately reflect the requirements of TS 3.6.H.5 and 4.6.H.5. TSs 3.6.H.5 and 4.6.H.5 require a determination within 15 minutes prior to starting a second recirculation pump that the temperature differential between the reactor vessel steam space coolant and the bottom head drain line coolant is less than or equal to 145°F. However, Step G.10 of DOP 0202-01 required, in part, that if starting a second recirculation pump, then within 15 minutes of starting the pump verify that the bottom head thermocouple temperature is within 145 degrees of the steam space temperature. (01053)

This is a Severity Level III problem (Supplement I).
Civil Penalty - \$100,000.

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

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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 V.B 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.

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

Dated at Lisle, Illinois
this 5th day of April 1995