



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

January 27, 1998

EA 97-266

Mr. J. S. Perry
Site Vice President
Dresden Nuclear Power Station
Commonwealth Edison Company
6500 North Dresden Road
Morris, IL 60450

SUBJECT: NOTICE OF VIOLATION (NRC LETTER TO J. S. PERRY DATED
SEPTEMBER 17, 1997, AND NRC INVESTIGATION REPORT 3-96-023)

Dear Mr. Perry:

This refers to the investigation conducted by the NRC Office of Investigations at the Dresden Station. The investigation was initiated to determine if Commonwealth Edison Company (ComEd) provided material false statements regarding the Unit 2 and 3 Residual Heat Removal (RHR) corner room structural steel configuration. The results of the investigation were documented in our September 17, 1997, letter. The investigation concluded that the Dresden Nuclear Power Station engineering staff provided false or misleading written information to the NRC. Due to the seriousness of providing false information to the NRC, a predecisional enforcement conference was conducted on October 28, 1997. The handouts presented at the enforcement conference and a list of participants are provided as enclosures to this letter.

The NRC has determined that a violation of NRC requirements occurred. This was based on the information developed during the investigation and the information provided by your staff during the conference. The violation is cited in the enclosed Notice of Violation (Notice). The circumstances surrounding the violation are described in detail in the subject report.

The violation contained in the Notice pertained to inaccurate written information that was provided to the NRC concerning the configuration of the RHR corner room structural steel. During a telephone conference call on February 26, 1996, to address operability concerns that NRC inspectors identified during an ongoing NRC inspection¹, the NRC questioned if Unit 2 and 3 RHR corner room steel configuration affected either the startup of Unit 2 or the operations of Units 2 and 3. You and your staff responded to the NRC concerns in a letter dated March 4, 1996. This letter addressed both the acceptability of the Unit 2 startup and the continued operation of both units by providing quantitative data supporting operability determinations. The attachment to the letter contained a description of the installed configuration of the RHR corner room structural steel. During subsequent inspection activities, the NRC became aware that the information contained in the attachment to the

¹ See NRC Inspection Report Numbers 50-237/96005(DRS) and 50-249/96005(DRS) and enforcement action 96-115

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March 4, 1996, letter was inaccurate. The NRC found the information to be material because it related to the operability of Unit 3 safety related components. Additional engineering effort was required by ComEd to confirm that the Unit 3 RHR corner room structural steel was operable in the "as found" configuration. The NRC must be able to depend upon the accuracy and completeness of information provided by its licensees; this is of the utmost importance when addressing operability of safety related structures, systems and components. Providing information to the NRC that is not complete and accurate in all material respects is a violation of 10 CFR 50.9. The inaccurate information provided was of more than minor significance. Therefore, this violation has been categorized in accordance with NUREG-1600, "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), at Severity Level IV.

At the enforcement conference, ComEd affirmed that inaccurate information was provided but disagreed that the information was material because it was not provided intentionally and it did not change the conclusions of the letter. The NRC found the information to be material as discussed above. It appears that the violation was caused by insufficient effort to verify the accuracy of the information. The corrective actions discussed at the enforcement conference appear adequate to prevent recurrence. The corrective actions include counseling the individuals involved, briefings for all engineering personnel on lessons learned, a letter from the engineering manager to all engineers reminding them of the need for accuracy, and a new procedure for preparation of regulatory correspondence to include validation by two technical individuals. In addition, compliance was achieved when the March 4, 1996, letter was corrected by ComEd's April 4, 1996, letter. Additionally, the NRC expects that the Commonwealth Edison Company Corporate Office will ensure that the lessons learned from this Enforcement Action will be communicated to and acted upon (if necessary) by the other Commonwealth Edison Nuclear Power stations and the Corporate staff.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and plans to correct the violation and prevent recurrence, and the date when full compliance was achieved is adequately addressed on the docket by ComEd's April 4, 1996, letter and by this letter and its enclosures. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

J. Perry

-3-

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response (if you choose to provide one) will be placed in the NRC Public Document Room (PDR).

Sincerely,



A. Bill Beach
Regional Administrator

Docket Nos. 50-237, 50-249
License Nos. DPR-19, DPR-25

Enclosures: 1. Notice of Violation
2. Licensee's Conference Handout
3. NRC's Conference Handout
4. List of Conference Participants

cc w/encl: R. J. Manning, Executive
Vice President, Generation
M. Wallace, Senior Vice
President, Corporate Services
E. Kraft, Vice President
BWR Operations
Liaison Officer, NOC-BOD
D. A. Sager, Vice President,
Generation Support
D. Farrar, Nuclear Regulatory
Services Manager
I. Johnson, Licensing
Operations Manager
Document Control Desk-Licensing
T. Nauman, Station Manager Unit 1
M. Heffley, Station Manager Units 2 and 3
F. Spangenberg, Regulatory Assurance
Manager
Richard Hubbard
Nathan Schloss, Economist
Office of the Attorney General
State Liaison Officer
Chairman, Illinois Commerce
Commission

J. Perry

-4-

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Enforcement Coordinators

RI, RII and RIV

Resident Inspector, Byron

RCapra, NRR

JStang, NRR

RGallo, NRR

JGilliland, OPA

HBell, OIG

GCaputo, OI

TMartin, AEOD

MBies, RIII,

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