



Commonwealth Edison
1400 Opus Place
Downers Grove, Illinois 60515

December 27, 1990

BCD

Director
Office of Enforcement
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: Dresden Nuclear Power Station Units 2 and 3
Reply to a Notice of Violation
Inspection Report Nos. 50-237/90017;
50-249/90017; 50-237/90022; 50-249/90022
NRC Docket No. 50-237 and 50-249

Reference: A. Bert Davis letter to Cordell Reed dated
November 28, 1990.

Gentlemen:

The referenced letter transmitted Inspection Report 50-237/90022 and 50-249/90022 which included a Level III Notice of Violation (NOV) and a proposed imposition of a Civil Penalty in the amount of \$37,500. The NOV cited a failure to recognize that the use of a temporary air sampling pump constituted a design change that required the performance of a proper engineering review and the establishment of proper procedural controls prior to its implementation. The attachment to this letter provides Commonwealth Edison Company's response and corrective actions to address the violation.

Commonwealth Edison Company recognizes the significance of this violation and the need to effectively apply corrective actions. We feel the corrective actions we have taken in response to this violation have been prompt and extensive, and that current programs will prevent reoccurrence.

Enclosed please find a check for \$37,500 in payment of the civil penalty. If your staff has any questions or comments concerning this matter, please refer them to Rita Radtke, Compliance Engineer at 708/515-7284.

Respectfully,

Rita Radtke FOR

T.J. Kovach
Nuclear Licensing Manager

Attachment: Reply to a Notice of Violation
Check Number: 00290920 (\$37,500.00)

cc: A.B. Davis, Regional Administrator - Region III
B.L. Siegel, Project Manager - NRR
D.E. Hills, Senior Resident Inspector - Dresden
NRR Document Control Desk

RR:TK:lmw
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ATTACHMENT

REPLY TO A
NOTICE OF VIOLATION

AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Commonwealth Edison
Dresden Nuclear Power Station

Docket Nos.
License Nos.
EA 90-168

50-237 and 50-249
DPR-19 and DPR-25

During NRC inspections conducted on June 13 through July 31, 1990 and June 28 through September 20, 1990, 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 (1990), 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 is set forth below:

10 CFR 50.59(a) states, in part, that a holder of a license may make changes in the facility as described in the safety analysis report without prior Commission approval unless the proposed change involves a change in the technical specifications incorporated in the license or an unreviewed safety question. It also states, in part, that a proposed change shall be deemed to involve an unreviewed safety question if the margin of safety as defined in the basis for any technical specification is reduced.

Section 14.2.6.4.1 of the Final Safety Analysis Report (FSAR) states, in part, that the Air Sample System be configured such that the "air sample will be drawn through the tubing, out through a drywell penetration, auto-isolation valves, and then to a continuous air monitor."

Section 14.2.4.2.C of the Updated Safety Analysis Report (USAR), which discusses offsite dose releases following a Loss of Coolant Accident (LOCA), states, in part, that the primary containment leaks 0.5 percent of the contained free volume per 24 hours at 25 psig. Section 14.2.4.3 of the USAR, which discussed post-LOCA control room dose rates, states, in part, that activity releases are based on a containment leakage rate of 1.6 percent per day.

Technical Specification 3.7.A.2.a(3) states that the maximum allowable leakage rate at a pressure of Pa, La, is equal to 1.6 percent by weight of the containment air per 24 hours at 48 psig. The bases for the surveillance requirements for Section 3.7.A.2 explain that the maximum allowable test leak rate (1.6%) was derived from the maximum allowable accident leak rate of about 2 percent/day, when corrected for the effects of containment environment under accident and test conditions. The bases additionally state that the accident leak rate could be allowed to increase to about 3.2 percent/day before the guideline thyroid doses value given in 10 CFR 100 would be exceeded, so that establishing the test limit of 1.6 percent/day provides an adequate margin of safety to assure the health and safety of the general public.

Contrary to the above, the licensee, without prior Commission approval, on a sporadic basis since 1978 and on an almost daily basis from 1987 up to discovery in June 1990, made changes to the facility as described above in the safety analysis report (automatic isolation was not provided during containment air sampling) that involved a change to the Technical Specifications (TSs) and constituted an unreviewed safety question. Specifically, use of a temporary sample pump to obtain the required daily drywell air sample would have involved a change to the TSs in that the maximum allowable leakage rate (1.6 percent/day) would have been increased by 4.73 percent/day for a total leakage of approximately 6.33 percent/day. Use of the temporary sample pump constituted an unreviewed safety question in that this amount exceeded the leakage specified in the bases for the above TS section, such that the margin of safety defined therein was eliminated.

This is a Severity Level III violation (Supplement I)
Civil Penalty - \$37,500.

DISCUSSION

On August 24, 1990 and October 4, 1990 the Nuclear Regulatory Commission (NRC) issued Inspection Report 50-237/90017; 50-249/90017; and Inspection Report 50-237/90022; 50-249/90022 respectively which contained the results of special inspections on the operation of a temporary air sampling pump utilized to obtain the daily drywell air sample. Based on the inspections, an apparent violation was identified for the failure to perform a safety evaluation under the provisions of 10 CFR 50.59 for the installation and use of a portable air sampling pump as a temporary mechanical alteration. The as-installed configuration also resulted in exceeding the Technical Specification containment leak rate limit during operation of the pump.

The apparent violation was the subject of an enforcement conference held on October 12, 1990 with Region III personnel. At that presentation Commonwealth Edison concurred with the NRC's violation and indicated that if a 10 CFR 50.59 evaluation had been performed, the conclusion that the portable air sampling pump could not be installed without prior NRC approval would have been reached.

CORRECTIVE STEPS TAKEN AND RESULTS ACHIEVED

1. Temporary Procedure Change 90-286 to Dresden Radiation Protection (DRP) procedure 1350-3, "Sampling the Drywell Manifold System Using the RaDeco Air Sampler," was approved on June 28, 1990, which required the Radiation Protection Technician (RPT) to be in continual attendance and in radio contact with the control room when the manual isolation valves were open during drywell sampling operations with the portable sample pump. This was in effect for only one sampling evolution.
2. On June 30, 1990, a Temporary Alteration was made to Unit 2 to move the sampling point to a line which had automatic primary containment Group II isolation capabilities. A similar Temporary Alteration was made to Unit 3 on July 3, 1990, which had been out of service prior to the discovery on June 28, 1990.

3. Dresden Administrative Procedure (DAP) 10-02, "10 CFR 50.59 Review Screening and Safety Evaluation," was reviewed to determine the adequacy of screening criteria for performing safety evaluations. It was determined that the guidelines implemented in the January 1990 revision eliminated the mechanism which allowed the temporary sample pump procedure to be approved without a screening or 10 CFR 50.59 safety evaluation. Other new Chemistry and Radiation Protection procedures which could have been erroneously screened out of a 10 CFR 50.59 safety evaluation were reviewed; no other improper screenings were identified.
4. Other Chemistry and Radiation Protection procedures and surveillances were examined to identify if any containment integrity violations existed; no violations were identified.
5. A sample of more than 200 new station procedures were reviewed to verify that the appropriate safety evaluations or screenings were performed. Several minor discrepancies were discovered and will be corrected by January 31, 1991. At this time, none of the discrepancies have been determined to have resulted in a Technical Specification violation or an unreviewed safety question.
6. DAP 9-2, "Procedure and Revision Processing," was revised on November 30, 1990, to add a checklist for initiating new procedures or revising existing procedures to provide a verification that the appropriate paperwork is included in the procedure package prior to onsite review.

CORRECTIVE ACTIONS TO PREVENT FURTHER NONCOMPLIANCES

1. An expanded walkdown will be performed to inspect for unauthorized alterations. Specific plant areas will be targeted, e.g., process sampling. This inspection plan will be developed and walkdowns will begin by January 1, 1991.
2. Dresden Operating Surveillance (DOS) 010-6, "Surveillance of Units 1, 2, and 3 Temporary System Alteration Logs," provides for a quarterly inspection for unauthorized alterations in the plant. A detailed review of the procedure has been performed. Based upon the results of that review, revisions to DOS 010-6 and DAP 7-4, "Control of Temporary System Alterations," will be made by March 31, 1991.
3. The ongoing training program for station personnel is being evaluated to identify those individuals who may require training on the temporary alteration program. In addition, the ongoing training program will be reviewed to verify that all personnel involved in activities addressed in each administrative program/procedure are appropriately trained. A matrix of Dresden Administrative training requirements will be produced by January 31, 1991, and appropriate changes will be made to the ongoing programs by June 30, 1991.
4. An engineering evaluation of the containment air sample system has been provided to the Station and is being reviewed. Once this review is completed, the Station will take appropriate action which may include: procedure changes, system modifications, and licensing actions.

5. Nuclear Operations Directive (NOD)-TS.11, "10 CFR 50.59 Safety Evaluation Process", was approved and issued to the stations on October 9, 1990. The NOD has subsequently been revised to incorporate additional knowledge and information gained from initial training classes. Revision 1 of NOD-TS.11 has been issued on December 18, 1990. Due to this revision, implementation of the NOD at Dresden Station will not begin until January 31, 1991.

A summary of this event and the key issues raised concerning the performance of 10 CFR 50.59 evaluations was provided for incorporation into the planned training for the new NOD. This summary has been included in the training classes given to date and is also part of the lesson plans for future classes.

6. The Engineering and Construction (ENC) Department has developed, in addition to the training being provided for NOD-TS.11, enhanced training on the role of the Final Safety Analysis Report, Technical Specifications, and accident analyses in performing safety evaluations. This training is specific to each station. It includes discussion of the licensing basis documents, accident design assumptions, accident analyses key parameters, and the application of 10 CFR 50.59 to these documents and analyses. A pilot class has been presented for Zion Station. It is expected that the initial round of classes for each of the other five nuclear stations will be developed and provided at the sites and corporate engineering office by October, 1991. The program will then be included in the training program for engineering personnel.
7. Commonwealth Edison is implementing a program to rebaseline the licensing basis of Dresden Station. As a result of this effort, the Updated Final Safety Analysis Report will be rewritten. Based on the current prioritization of ENC's work activities, as well as the availability of resources, this effort is planned for completion in 1993. Interim information, e.g., design basis documents and draft chapter rewrites, will become available through the ENC Department to the Station throughout 1991 and 1992.
8. The ENC Department, in conjunction with the Nuclear Licensing Department, is performing a root cause evaluation of recent NRC violations involving 10 CFR 50.59 evaluations. This evaluation will be completed on December 27, 1990. After management review, recommendations from this evaluation which warrant further action will be tracked to resolution by ENC Regulatory Assurance.

DATE WHEN FULL COMPLIANCE WILL BE ACHIEVED

Full compliance was achieved on June 30, 1990 for Unit 2 and July 3, 1990 for Unit 3, when the sampling point was moved to a sample line equipped with automatic containment isolation capability.



Commonwealth Edison Company

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ONE FIRST NATIONAL PLAZA ★ CHICAGO, ILLINOIS

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CHECK NUMBER

DECEMBER 18, 1990

PAY TO THE ORDER OF
TREASURER OF THE UNITED STATES
OFFICE OF ENFORCEMENT
WASHINGTON DC 20555

~~XXXXXXXXXX~~ 37,500.00

PAY THIS AMOUNT

Thirty Seven Thousand Five Hundred

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TO: HARRIS BANK GLENCOE GLENCOE, ILLINOIS

Dennis F. O'Brien
TREASURER

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