

NOTICE OF VIOLATION

AND

PROPOSED IMPOSITION OF CIVIL PENALTIES

Commonwealth Edison Company
LaSalle County Station, Unit 1

Docket No. 50-373
License No. NPF-11

A special inspection conducted at LaSalle County Station, Unit 1, during the period June 21 through July 1, 1983, disclosed that a suppression pool to drywell vacuum breaker was rendered inoperable as a result of improperly returning a vacuum breaker isolation valve to service during an outage. The unit was then started up on five occasions and operated for a total of 21 days with that vacuum breaker inoperable in violation of the Technical Specifications.

To emphasize the importance of properly controlling safety related equipment and operating the facility in accordance with the Technical Specifications, the NRC proposes to impose a civil penalty in the cumulative amount of Sixty Thousand Dollars. The base civil penalty for a Severity Level III event is \$40,000. However, after considering the prior notice of similar events and issues in NRC Inspection Reports No. 50-373/83-01(DPRP) and 50-373/83-05(DPRP), the lack of effective preventative actions taken in response thereto, and the failure of multiple administrative controls which, had they been properly implemented, would have prevented this violation of Technical Specifications, the base penalty for this event has been increased by 50%. In accordance with the General Policy and Procedure for NRC Enforcement Actions (Appendix C to 10 CFR Part 2), 47 FR 9987 (March 9, 1982), and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, PL 96-295, and 10 CFR 2.205, the particular violations and associated civil penalties are set forth below:

I. Civil Penalty Violations

- A. Technical Specification 6.2.A requires, in part, that detailed written procedures shall be adhered to for the applicable areas recommended in Appendix "A" of Regulatory Guide 1.33 Revision 2, February 1978.

Appendix "A" of Regulatory Guide 1.33, Revision 2, February 1978, recommends administrative procedures for equipment control (e.g., locking and tagging/out of service procedures). Administrative control of equipment is implemented through LaSalle Administrative Procedures LAP 900-4, "Equipment Out of Service Procedure," and LAP 240-1, "Use of Locks on Valves."

LaSalle Administrative Procedure LAP 900-4, "Equipment Out of Service Procedure," Steps F.2.j and F.2.k require: j) the Supervisor in charge of the equipment or his designee will audit the Equipment Outage Checklist to verify proper completion; and k) for Safety Related Outages, the Shift Supervisor will designate a second person to make an inspection and verify that the physical isolation points have been properly positioned, for return to service.

LaSalle Administrative Procedure LAP 240-1, "Use of Locks on Valves," Step F.6 requires that, if plant conditions require a locked valve to be positioned in a manner other than that indicated in Attachment A(B), the valve may be unlocked and repositioned either by an approved procedure or an outage checklist. When the procedure or outage is completed the valve shall be placed in the position indicated in Attachment A(B) and locked.

Contrary to the above, LAP 900-4, Steps F.2.j and F.2.k, and LAP 240-1, Step F.6, were not adhered to on May 26, 1983, when the suppression pool side isolation valve for the "D" suppression pool to drywell vacuum breaker was returned to service. This resulted in the isolation valve being left in the closed position rendering the vacuum breaker inoperable.

This is a violation.

Civil Penalty - \$40,000.

- B. Technical Specification 3.0.4 prohibits entry into an operational condition (including hot shutdown, startup or power operation) unless the Limiting Conditions for Operation are met without reliance on provisions contained in the Action Statements.

Technical Specification Limiting Condition for Operation 3.6.4 requires that, whenever the reactor is in hot shutdown, startup or power operation, all suppression pool to drywell vacuum breakers be operable and closed.

Contrary to the above, the reactor entered the operational conditions of hot shutdown, startup, and/or power operation on May 28, June 2, June 7, June 8, and June 14, 1983, while the Limiting Conditions for Operation were not met. The "D" suppression pool to drywell vacuum breaker was isolated and rendered inoperable on May 26, 1983, and that condition was not corrected until June 21, 1983.

This is a violation.

Civil Penalty - \$20,000.

Violations A and B when viewed in the aggregate have been categorized as Severity Level III (Supplement I). Cumulative penalties of \$60,000 have been proposed for the violations associated with this Severity Level III problem based on the considerations set forth above. The amount assessed for each violation is based on its relative significance.

II. Violation Not Assessed a Civil Penalty

Technical Specification 6.6.B.1.b requires that the director of the appropriate regional office or his designee be notified as expeditiously as possible but within 24 hours and confirmed by telegraph, mailgram, or facsimile transmission, no later than the first working day following any event involving operation of the unit or affected system when any parameter or operation subject to a limiting condition is less conservative than the least conservative aspect of the limiting condition for operation established in the Technical Specifications.

Contrary to the above, on June 21, 1983, the licensee discovered that the unit was operated in a condition less conservative than the least conservative aspect of the Limiting Condition for Operation established in Technical Specification 3.6.4. Technical Specification 3.6.4 requires that all suppression pool to drywell vacuum breakers be operable during hot shutdown, startup and power operation. The unit was operated with the "D" suppression pool to drywell vacuum breaker isolated and inoperable and this condition was not reported to NRC Region III until June 24, 1983.

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


Pursuant to the provisions of 10 CFR 2.201, Commonwealth Edison Company is hereby required to submit to the Director, Office of Inspection and Enforcement, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, and a copy to the Regional Administrator, U. S. Nuclear Regulatory Commission, Region III, 799 Roosevelt Road, Glen Ellyn, IL 60137, within 30 days of the date of this Notice a written statement or explanation, including for each alleged violation: (1) admission or denial of the alleged violation; (2) the reasons for the violation, if admitted; (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. 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, Commonwealth Edison Company may pay the civil penalties in the amount of \$60,000 or may protest imposition of the civil penalties, in whole or in part, by a written answer. Should Commonwealth Edison Company fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an order imposing the civil penalties proposed above. Should Commonwealth Edison elect to file an answer in accordance with

10 CFR 2.205 protesting the civil penalties, such answer 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 penalties, in whole or in part, such answer may request remission or mitigation of the penalties. In requesting mitigation of the proposed penalties, the five factors contained in Section IV(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 statements or explanations by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. Commonwealth Edison Company's attention is directed to the other provisions of 10 CFR 2.205, regarding the procedures for imposing a civil penalty.

Upon failure to pay any civil penalties due, which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the civil penalties, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION


James G. Keppler
Regional Administrator

Dated at Glen Ellyn, IL
this 9 day of August 1983