

MAR 18 1994

DCP/DCB  
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Docket Nos. 50-254; 50-265  
License Nos. DPR-29; DPR-30

Commonwealth Edison Company  
ATTN: R. Pleniewicz  
Site Vice President  
Quad Cities Station  
22712 206th Avenue North  
Cordova, IL 61242

SUBJECT: NOTICE OF VIOLATION (NRC INSPECTION REPORT NOS. 50-254/93025;  
50-265/93025)

Dear Mr. Pleniewicz:

This will acknowledge receipt of your letter dated December 3, 1993, in response to our letter dated October 26, 1993, transmitting a Notice of Violation associated with the failure to make a 10 CFR 50.72 notification when the emergency diesel generator exciter panel was found outside its design basis. In this case, the exciter panel was not seismically mounted to the floor.

In your response, you disagreed with the violation stating it is your belief that a 10 CFR 50.72 notification was not required because the deficiency was outside the scope of events considered for the design basis. You also stated that it is your belief that the "design basis of the plant" refers to the design basis accident analysis and an individual item being beyond its design does not necessarily require reporting under 10 CFR 50.72.

10 CFR 50.2 defines design bases to be "information which identifies the specific function to be performed by a structure, system, or component of a facility, and the specific values or ranges of values chosen for controlling parameters as reference bounds for design. These values may be (1) restraints derived from generally accepted state of the art practices for achieving functional goals, or (2) requirements derived from analysis (based on calculation and/or experiments) of the effects of a postulated accident for which a structure, system, or component must meet its functional goals."

Limiting your consideration of the plant's design basis to only those few, specific events for which an accident or transient analysis is required (in Chapter 15 of the Safety Analysis Report), as you proposed, would be too restrictive. The term, "design basis," as used in 10 CFR 50.2, is much broader than specific accident or transient analyses. Nothing in the statements of considerations for 10 CFR 50.72 or 50.73 suggests that the NRC intended to employ a narrower scope than would be suggested by 10 CFR 50.2.

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The NRC's current position on reporting conditions outside the design basis is as follows:

Examples of events or conditions the NRC considers reportable include errors in the actual design, such as discovery that an ECCS design does not meet the single failure criterion. These conditions also include hardware problems such as discovery that high energy line break restraints are not installed. In cases such as this, a 10 CFR 50.72 report is sometimes made and then retracted, without submittal of an LER, because further analysis shows that the plant is actually within its design basis. For example, analysis might show that the particular restraints that are missing are not needed for compliance with the design basis.

Another example of an event or condition that the NRC considers reportable is discovery that one train of a required two-train safety system has been incapable of performing its design function for an extended period of time during operation. For example, in a two-train ECCS system, one train might be found with a design flaw or with a component that would never have functioned because it was installed incorrectly and a test that would reveal the problem was not performed. This would be considered outside the design basis because, for an extended period of time, the system did not have suitable redundancy. Note that this discussion concerns events that actually place the plant outside its design bases. It does not include minor infractions such as (1) cases of technical inoperability, where a component is declared inoperable because a surveillance test is overdue, or (2) cases where the LCO allowed outage time is slightly exceeded (These conditions may, however, be reportable as conditions prohibited by the Technical Specifications, 10 CFR 50.73(a)(2)(i)(B)).

Since the diesel generator exciter cabinet was assumed to be seismically mounted, as one of the controlling parameters in the reference bounds of its design, the fact that the cabinet has not been seismically mounted since initial installation is reportable as a condition outside the design basis of the plant. Therefore, the Notice of Violation issued for the failure to make a required 10 CFR 50.72 notification is appropriate and will not be withdrawn.

This issue will be a topic for discussion at the next management meeting.

Sincerely,

*Edward G. Greenman*

Edward G. Greenman, Director  
Division of Reactor Projects

See Attached Distribution

RIII	RIII	RIII	AEOD	OGC	RIII
Hiland	Clayton	Hausman	Allison	Mizuno	PM for Greenman

*Yes*  
*3/18/94*

cc:

- L. DelGeorge, Vice President, Nuclear Oversight & Regulatory Services
- G. Campbell, Station Manager
- N. Chrissotimos, Regulatory Assurance Supervisor
- D. Farrar, Nuclear Regulatory Services Manager
- OC/LFDCB
- Resident Inspectors, Quad Cities, Dresden, LaSalle, Clinton
- R. Hubbard
- N. Schloss, Economist, Public Utilities Division
- Licensing Project Manager, NRR
- State Liaison Officer
- Chairman, Illinois Commerce Commission
- T. O. Martin, RIII

*See Previous Concurrence Page*

RIII

RIII

RIII

AEOD

OGC

RIII

Hiland

Clayton

Hausman

*for* Allison

*for* Mizuno

Greenman

*for* Allison *for* Mizuno

*via E-Mail*

However, since the diesel generator exciter cabinet was assumed to be seismically mounted, as one of the controlling parameters in the reference bounds of its design, the fact that the cabinet has not been seismically mounted since initial installation is reportable as a condition outside the design basis of the plant. Therefore, the Notice of Violation issued for the failure to make a required 10 CFR 50.72 notification is appropriate and will not be withdrawn.

This issue will be a topic for discussion at the next management meeting.

Sincerely,

ORIGINAL SIGNED BY T. O. MARTIN

Edward G. Greenman, Director  
Division of Reactor Projects

- cc:
- L.O. DelGeorge, Vice President,  
Nuclear Oversight and Regulatory Services
- G. Campbell, Station Manager
- N. Chrissotimos, Regulatory Assurance  
Supervisor
- D. Farrar, Nuclear Regulatory  
Services Manager
- OC/LFDCB
- Resident Inspectors LaSalle  
Dresden, Quad Cities
- Richard Hubbard
- J. W. McCaffrey, Chief, Public  
Utilities Division
- Licensing Project Manager, NRR
- Robert Newmann, Office of Public  
Counsel
- State Liaison Officer  
Chairman, Illinois Commerce  
Commission

bcc: PUBLIC (IE01)

YES  
RIII  
DMC  
Roton  
2/4/94

RIII  
Palt  
Hiland  
2/4/94

Yes  
RIII  
Clayton  
2/4/94

RIII  
Hausman  
2/11/94

(yes)  
RIII  
DeFayette  
3/8/94

NRR RIII  
Dyer Greenman  
2/4/94  
via Email