



Commonwealth Edison
1400 Opus Place
Downers Grove, Illinois 60515

April 11, 1994

U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Document Control Desk

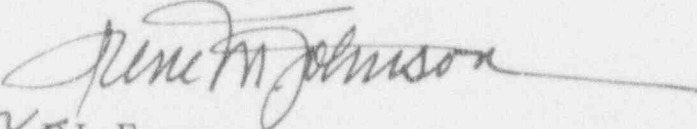
Subject: Byron Nuclear Power Station Units 1 and 2
Response to Notice of Violation Inspection
Report Nos. 50-454/94004; 50-455/94004
NRC Docket Numbers 50-454 and 50-455

Reference: Brent Clayton letter to K. Graesser dated
March 10, 1994 transmitting NRC Inspection
Report 50-454/94004 and 50-455/94004

Enclosed is Commonwealth Edison Company's (CECo) response to the Notice of Violation (NOV) which was transmitted with the referenced letter and Inspection Report. The NOV cited two Severity Level IV violations requiring a written response. CECo's response is provided in the attachment.

If your staff has any questions or comments concerning this letter, please refer them to JoEllen Burns, Regulatory Performance Administrator, at (708)663-7285.

Respectfully,


for D.L. Farrar
Nuclear Regulatory Services Manager

Attachment

cc: J. B. Martin, NRC Regional Administrator - RIII
G. F. Dick, Byron Project Manager - NRR
H. Peterson, Senior Resident Inspector, Byron
B.L. Jorgensen, Reactor Projects Chief - RIII

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**BYRON STATION
RESPONSE TO NOV 50-454(455)\94004**

VIOLATION (50-454/455-94004-01 (DRP))

10 CFR Part 55.21 states, in part, that "A licensee shall have medical examination by a physician every two years."

10 CFR Part 55.33 states, in part, that "To certify the medical fitness of the applicant, an authorized representative of the facility licensee shall complete and sign Form NRC-396, 'Certification of Medical Examination by Facility Licensee.' Form NRC-396 must certify that a physician has conducted the medical examination of the applicant as required in Part 55.21."

10 CFR Part 55.54 (i) states, in part, that "the licensee may not permit the manipulation of the controls on any facility by anyone who is not a licensed operator or senior operator as provided in part 55 of this chapter."

Contrary to the above:

- a. During the period from March 27, 1989 to December 11, 1991, one of your operators, licensed pursuant to 10 CFR Part 55, did not receive the required two year interval medical examination.
- b. During the period from July 18, 1991 to December 16, 1993, six of your operators, licensed pursuant to 10 CFR Part 55, did not receive the required two year interval medical examination.
- c. Subsequently, five operators, under license numbers OP-30755, OP-30756, SOP-31000, SOP-31001, and SOP-31002, performed licensed duties requiring the manipulation of controls at the Byron Nuclear Generating Station, more than two years after their most recent medical examination.

REASON FOR THE VIOLATION

The reasons why the individuals exceeded their medical expiration dates is attributed to the following:

1. Lack of a prompting mechanism to ensure that the renewal process had been started well in advance of expiration. In the past, the training department had relied on an individual to periodically review a database to check for individuals whose medical examinations were approaching expiration and take action to start the renewal process. This was ineffective, as there was no mechanism that forced the individual to review the database.
2. Lack of procedural guidance specifically delineating when a medical examination is considered expired. In the past, the practice was to try to meet the medical exam anniversary, however, any time prior to the license anniversary date was considered acceptable. This was not specifically spelled out in the procedure.

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On October 5, 1993, the Byron License Requalification Program Coordinator was reviewing the licensee medical exam database and questioned the Training Department Management Assistant regarding the status of some individuals' medical exams. It appeared that the database was lacking. The Training Department then looked at their licensed operators' medical exam dates and determined that there may be a problem. On October 5, 1993, Byron took steps to get medical exams for those operators who had exceeded 2 years from their last exam. (These exams were complete on December 16, 1993.) Coincidentally, on October 7, 1993, Byron Station contacted Dresden Station and was told of a medical exam timing issue at Dresden Station. Later in the day on October 7, 1993, Dresden issued Lessons Learned Initial Notification (LLIN) 93-108, Licensed Operators Exceeding NRC Required Medical Examination Biennial Periodicity - Dresden Station, describing the problem at Dresden. Byron's Support Services Director discussed the issue with the Senior Resident Inspector during the week of October 5, 1993. On November 1, 1993 the Byron procedure which controls the medical exam process, BTP 400-6, NRC License Applications, was revised to clearly state when a medical would expire (2 years from the date the physician signs Form 396). This addressed reason #2 cited above. Subsequently, on November 15, 1993 all license holders' license and medical expiration dates were logged on the stations computerized General Surveillance (GSRV) database. GSRV was programmed to issue a weekly surveillance ninety (90) days prior to an individuals' license or medical expiration. This is now the formal mechanism that serves to prompt the training department to ensure the renewal process is in progress. This action addressed reason #1 stated above.

CORRECTIVE ACTIONS TAKEN AND RESULTS ACHIEVED

Personnel with medical exams beyond the 2 year medical anniversary date were scheduled for medical exams. These exams were completed on December 16, 1993. At this time, no Byron Station licensed operators exceed their 2 year medical anniversary.

CORRECTIVE ACTIONS TO AVOID FURTHER VIOLATIONS

On November 1, 1993, BTP 400-6, NRC License Applications, was revised to make it clear that the medical exam expiration date was 2 years from the last medical exam, NOT 2 years from the last license anniversary date. Subsequently, on November 15, 1993, all license and medical expiration dates were logged on the stations computerized GSRV database. GSRV was programmed to issue a weekly surveillance ninety (90) days prior to an individuals' license or medical expiration. On March 17, 1994, this procedure was again revised to more specifically describe the medical renewal process. This procedure now states that anyone who has exceeded the medical exam anniversary date (i.e. whose last medical exam is more than two years (730 days old) will be immediately removed from licensed duties. The GSRV database was also modified to issue the surveillance, previously described, 120 days prior to an individuals' license or medical expiration as

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opposed to 90 days. This serves to improve scheduling flexibility. On March 28, 1994, a memo, BYRON letter 94-0116, was issued to all license holders reminding them of the medical requirements associated with 10 CFR Part 55. They were also informed that they would be removed from license duties if their medicals were to expire. Additionally, beginning April 4, 1994, all license holders will again be appraised of the license medical requirements during license continuing training sessions.

DATE FULL COMPLIANCE WILL BE ACHIEVED

Full compliance was achieved on December 16, 1993, when all operators were within 2 years of their medical exam anniversaries.

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VIOLATION (50-454/455-94004-02(DRP))

Byron Technical Specification 6.8.1 states, in part, that "written procedures shall be established, implemented, and maintained covering the activities associated with Fire Protection Program implementation."

Byron Administrative Procedure, BAP 1100-9, "Control, Use, and Storage of Flammable and Combustible Liquids and Aerosols", states, in part, that "all flammable and combustible liquid containers transported into plant areas which will be left unattended shall have prior authorization by the Station Fire Marshal and have a completed Transient Fire Load Permit."

Contrary to the above, approximately 30 gallons (in uncovered 5 gallon containers) of used oil, for which not transient combustible authorization had been obtained, was left unattended in the auxiliary building on February 16, 1994.

REASON FOR VIOLATION

The reason for this violation has been determined to be failure to follow procedures due to the misinterpretation of BAP 1100-9.

The Fuel Handlers were performing oil changes on several pieces of equipment. When the Fuel Handlers arrived at the site where the 55 gallon waste oil barrel is stored they found it to be full. The appropriate departments were contacted to sample and replace the barrel with an empty one. The Fuel Handlers made the assumption that placing the buckets of oil in the Fuel Handling cage constituted the buckets being attended while they continued with their assignments. Following the replacement of the waste oil barrel the Fuel Handlers returned to the cage and transferred the waste oil from the buckets into the barrel. This entire scenario took place in an eight hour shift. During this time the Station Fire Marshal, assistant Fire Marshal, and NRC Inspector were on a plant tour. The Inspector noticed the oil in the cage and brought it to the attention of the Fire Marshal. The Fire Marshal indicated he was aware of an oil change taking place and would investigate the fact that the buckets of oil were left unattended without an approved transient fire load permit.

This constitutes a violation of BAR 1100-9, "Control, Use, and Storage of Flammable and Combustible Liquids and Aerosols", which states, in part, that "all flammable and combustible liquid containers transported into plant areas which will be left unattended shall have prior authorization by the Station Fire Marshal and have a completed Transient Fire Load Permit."

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CORRECTIVE ACTIONS TAKEN AND RESULTS ACHIEVED

The Fire Marshall immediately notified the Fuel Handlers of the concern. The unattended buckets of oil were emptied into the appropriate approved waste oil barrel.

CORRECTIVE ACTIONS TO AVOID FURTHER VIOLATIONS

The requirements of BAP 1100-9 were reviewed with all Fuel Handlers during a Department Safety/Tailgate meeting.

A Training Revision Request (TRR) was initiated to review Fuel Handler training, both initial and continuing, and ensure that BAP 1100-9 was covered or incorporate pertinent information from BAP 1100-9 into the training lesson plans. This review and training will be complete by 09/09/94. A Nuclear Tracking System (NTS) item has been generated to track the completion of this review.

DATE FULL COMPLIANCE WILL BE ACHIEVED

Full compliance was achieved, on 02/16/94, when the open buckets of oil were emptied into the 55 gallon waste oil barrel.