

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Commonwealth Edison Company
Braidwood Nuclear Station Unit 1

Docket No. 50-456
License No. NPF-72
EA 90-208

During an NRC inspection conducted on November 19-23, 1990, violations of NRC requirements were 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, 42 U.S.C. 2282 and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

I. Violations Assessed a Civil Penalty

Technical Specification 6.8.1.a requires that written procedures be established, implemented, and maintained for activities listed in Appendix A of Regulatory Guide 1.33, Revision 2, February 1978. Listed activities include administrative procedures and surveillance testing.

1. Surveillance procedure BwVS 4.6.2.2-1, Steps 2.21 through 2.24, requires, in part, the closure of Residual Heat Removal Hot Leg Suction Vent Valve (RH028B), and removal of the hose from the vent connection on RH028B, prior to restoring the Residual Heat Removal system to the original as found condition.

Contrary to the above, on October 4, 1990, the Technical Staff Engineer directing the performance of surveillance procedure BwVS 4.6.2.2-1, failed to follow steps 2.21 through 2.24 by not closing vent valve RH028B before opening isolation valve RH8702B, a step in restoring the Residual Heat Removal system to its original as found configuration.

2. Braidwood administrative procedure E-AP 335-1, Operating Shift Turnover and Relief, sections C.3.d (Shift Engineer), C.4.d (Station Control Room Engineer - SCRE), and C.5.e (Shift Supervisor), requires, in part, that the off-going Shift Engineer, SCRE and Shift Supervisor document on the turnover sheet surveillances in progress at turnover.

Contrary to the above, on October 3, 1990, the off-going Shift Engineer, SCRE, and Shift Supervisor failed to document on their respective turnover sheets that surveillance BwVS 0.5-2.RH.2-1 was then in progress on the Unit 1 Residual Heat Removal system.

3. Braidwood administrative procedure BwAP 300-1, Conduct of Operations, Section C.3.n.(3), requires, in part, that the individual who is to perform the activity is responsible to adequately review the procedure, to fully understand what he (she) is doing, and to be cognizant of all the limitations, precautions, and requirements.

Contrary to the above, on October 4, 1990, the extra Nuclear Station Operator assigned to perform the residual heat removal system surveillance activities failed to adequately review surveillance procedure BwVS 4.6.2.2-1, to fully understand the activities and was not cognizant of all limitations, precautions, and requirements when opening isolation valve RH8702B prior to closing vent valve RH028B.

4. Braidwood administrative procedure BwAP 300-1, Conduct of Operations, Section C.3.n.(2), requires, in part, that briefings shall be conducted by the Shift Engineer or designee for individuals involved in an evolution that is to be performed.

Contrary to the above, on October 3, 1990, the Shift 1 Shift Engineer or designee failed to conduct an adequate briefing with the individuals assigned to perform the residual heat removal system surveillance tests.

5. Braidwood administrative procedure BwAP 390-1, Operating Department Surveillance Program, Section E.3, requires, in part, that when the Station Control Room Engineer (SCRE) assigns a surveillance to the appropriate nuclear station operator (NSO), the SCRE shall inform the NSO of any effects on total plant operations, limiting conditions, or any other significant information concerning the performance of a surveillance.

Contrary to the above, on October 3, 1990, the Station Control Room Engineer failed to inform the appropriate NSO assigned to perform the surveillances, of effects on plant operation, limiting conditions or any other significant information concerning the performance of surveillances BwVS 4.6.2.2-1 and BwVS 0.5-2.RH.2-1 on the Unit 1 Residual Heat Removal system.

6. Braidwood administrative procedure BwAP 390-1, Operating Department Surveillance Program, Section E.5, requires, in part, the Station Control Room Engineer record in the comments section of the applicable surveillance data package cover sheet the reason for non-scheduled or extra surveillances being performed if the surveillance is not listed on the current schedule.

Contrary to the above, on October 3, 1990, the Shift 3 Station Control Room Engineer failed to record on the data package cover sheet the reason for performing surveillance BwVS 0.5-2.RH.2-1, a non-scheduled or extra surveillance that was not listed on the current schedule.

7. Braidwood administrative procedure BwAP 390-1, Operating Department Surveillance Program, Section E.4, requires, in part, that the Unit Nuclear Station Operator shall ensure that the surveillance is performed in accordance with the applicable station procedures.

Contrary to the above, on October 4, 1990, the Unit 1 Nuclear Station Operator failed to ensure that activities associated with Residual Heat Removal system surveillances, BwVS 4.6.2.2-1 and BwVS 0.5-2.RH.2-1, were conducted in accordance with the surveillance procedures in that isolation valve RH8702B was opened prior to closing vent valve RH028B.

This is a Severity Level III problem (Supplement I).

Cumulative Civil Penalty - \$87,500 (assessed equally among the 7 violations).

II. Violation Not Assessed a Civil Penalty

Technical Specification 6.2.2.e requires, in part, that administrative procedures be developed and implemented to limit the working hours of unit staff who perform safety-related function; e.g., licensed Senior Operator, licensed Operator, health physics personnel, equipment operators, and key maintenance personnel.

Contrary to the above, as of October 4, 1990, the licensee failed to develop adequate administrative procedures to limit the working hours of unit staff who perform safety-related functions. Specifically, BWAP 100-7, Revision 2, Overtime Guidance for Personnel that Perform Safety-Related Functions, the administrative procedure implementing Technical Specification 6.2.2.e was deficient in that it did not address all unit staff groups responsible for performing safety-related functions such as Technical Staff Engineers who direct the performance of surveillance testing.

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

Pursuant to the provisions of 10 CFR 2.201, the Commonwealth Edison Company (licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (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. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. 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.

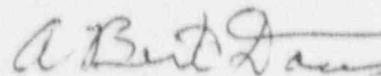
Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the cumulative amount of the civil penalty or may protest imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and 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 penalties should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1990), 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 parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

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

The response noted above (Reply to Notice of Violation, letter with payment of civil penalties, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137, and a copy to the NRC Resident Inspector at the Braidwood Nuclear Station.

FOR THE NUCLEAR REGULATORY COMMISSION



A. Bert Davis
Regional Administrator

Dated at Glen Ellyn, Illinois
this 30th day of January 1991