

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Commonwealth Edison Company
Dresden Station
Unit 1

Docket No. 50-010
License No. DPR-2
EA 94-044

During an NRC inspection conducted on January 27 through February 18, 1994, 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, 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 violations and associated civil penalty are set forth below:

The Order Authorizing Decommissioning of Facility dated September 3, 1993, approves the Decommissioning Plan proposed by the licensee on January 7, 1986, as revised, and authorizes the licensee to decommission the Dresden 1 facility in accordance with the Decommissioning Plan. Further, the Order authorizes the licensee to make changes in the facility or procedures as described in the Decommissioning Plan subject to specified conditions, i.e., after performing a review based on criteria similar to the criteria of Section 50.59 of Title 10 of the Code of Federal Regulations (10 CFR 50.59).

- A. The Decommissioning Plan, as revised by a licensee letter dated February 7, 1992, states, in part, in Section 2.1.1, that "... the preparations for SAFSTOR include the activities described herein: ... HVAC (Heating, ventilation, and air conditioning)... will be maintained, as required, for continued use during SAFSTOR dormancy."

Contrary to the above, as of January 25, 1994, the licensee did not maintain the Unit 1 HVAC during preparation for SAFSTOR, as required, for continued use during SAFSTOR dormancy and no changes to the Decommissioning Plan were initiated pursuant to the specified conditions, in the Order. Specifically, no HVAC was provided in the Dresden Unit 1 containment (01013).

- B. The Decommissioning Plan, as revised by a licensee letter dated October 30, 1992, states in part that, "Primary piping systems as well as the majority of the balance of plant systems have been drained. Other systems that may still contain fluids have been properly laid up and will not be challenged by temperature extremes."

Contrary to the above, as of January 25, 1994, the Dresden Unit 1 Service Water system, fuel transfer tube and other systems still contained fluids and were not properly laid up to prevent being challenged by temperature extremes. Furthermore, no changes to the Decommissioning Plan were initiated pursuant to the specified conditions in the Order (01023).

- C. The Decommissioning Plan, as revised by a licensee letter dated February 7, 1992, states, in Section 3 that, "Commonwealth Edison has identified a decommissioning project team to manage the program to prepare Dresden Unit 1 for SAFSTOR. The team consists of a

Decommissioning Project Manager responsible for the on-site project staff and general office project staff..."

Contrary to the above, as of January 25, 1994, the licensee had not identified a Decommissioning Project Manager and no changes to the Decommissioning Plan were initiated pursuant to the specified conditions in the Order (01033).

This is a Severity Level III problem (Supplement I).
Civil Penalty - \$200,000.

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 (Notice). 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 or a Demand for Information 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 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 amount of the civil penalty proposed above, 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 penalty 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, 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

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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 responses noted above (Reply to Notice of Violation, letter with payment of civil penalty, 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, 801 Warrenville Road, Lisle, Illinois 60532-4351, and a copy to the NRC Resident Inspector at the Dresden Station.

Dated at Rockville, Maryland
this 13th day of June 1994