

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Commonwealth Edison Company  
Quad Cities Station, Units 1 and 2

Docket Nos. 50-254; 50-265  
License Nos. DPR-29; DPR-30  
EA 95-241

During an NRC inspection conducted on September 2 through October 18, 1995, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, 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 violation and associated civil penalty are set forth below:

10 CFR Part 50, Appendix B, Criterion XVI, "Corrective Action," requires, in part, that measures be established to assure that conditions adverse to quality are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition. The identification of the significant condition adverse to quality, the cause of the condition, and the corrective action taken shall be documented and reported to the appropriate levels of management.

Contrary to the above, from June 1994 until October 4, 1995, the licensee failed to promptly correct the potential for safety-related 480 VAC motor control centers (MCCs) to trip on current overload, a significant condition adverse to quality. Specifically:

1. Commonwealth Edison Corporate Engineering performed a study in June 1994 to compare each Quad Cities feed breaker trip settings to its calculated maximum current. The study identified maximum currents of 300, 343, 472, 304, 299 amps for MCCs 29-2, 18-1B, 18-2, 28-1B, and 28-2, respectively, which were greater than each breaker's trip setting lower end tolerance of 270 amps.
2. NRC Unresolved Item 50-254/265/94014-03(DRP) for Quad Cities, issued July 15, 1994, stated, in part, that three MCCs at Dresden were found, under certain conditions, to be carrying loads in excess of the setpoint for the long time delay trip of the MCC feed breaker. One safety related feed breaker (MCC 18-2) at Quad Cities Unit 1 was determined to be set too low.
3. The Dresden Lessons Learned Initial Notification (LLIN 94-059), issued June 20, 1994, alerted Commonwealth Edison Nuclear Stations of the potential that engineered safeguards features (ESF) bus overcurrent relay settings may be too low for all postulated loading conditions (i.e., LOCA with no LOOP).
4. Dresden's LER 237/94018, "Potential Trip of Motor Control Centers Due to Improper Feed Breaker Settings," was issued July 7, 1994. Additionally, Revision 1 to LER 237/94018 was issued December 29, 1994, which stated, in part, that the cause of the overloaded condition was a failure to

assure that the addition of plant loads over time (load growth) were reviewed for impact on breaker settings, and a failure to review plant operating conditions during the development of protective device settings. The LER also alerted the licensee of the need to consider overcurrent trip setting tolerances. Specifically, the LER stated, "The setting of this breaker was 400 amps  $\pm 10\%$  due to the tolerance of the EC-2A device."

5. On October 4, 1995, the Quad Cities feed breaker for MCC 29-2 tripped from current overload. (01013)

This is a Severity Level III violation (Supplement I).  
Civil Penalty - \$50,000.

Pursuant to the provisions of 10 CFR 2.201, 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 as 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 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 violation 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 VI.B.2 of the Enforcement Policy 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 penalty, and Answer to a Notice of Violation) should be addressed to: James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region III, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at Lisle, Illinois  
this 2nd day of January 1996