

May 28, 1997

EA 97-200

Mr. K. Graesser  
Site Vice President  
Byron Station  
Commonwealth Edison Company  
4450 N. German Church Road  
Byron, IL 61010

SUBJECT: NRC INSPECTION REPORT 50-454/97005(DRP); 50-455/97005(DRP) AND  
NOTICE OF VIOLATION

Dear Mr. Graesser:

On May 1, 1997, the NRC completed an inspection at your Byron 1 & 2 reactor facilities. The enclosed report presents the inspection results.

On March 15, 1997, after a Unit 2 shutdown, you identified that the containment floor drains were plugged. On March 17, 1997, the blockage in the flow control box was cleared and the floor drain system declared operable after an operability assessment was performed to evaluate the missing or modified drain grates. This operability assessment allowed Unit 2 to start-up with a known deficiency. We reviewed the actions of your staff, including engineering, operations, and maintenance. We also reviewed the licensee event report (LER) you submitted documenting the event.

Based on the results of this inspection, four apparent violations of NRC requirements were identified and are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600.

The floor drain system was apparently inoperable for greater than 5 months, a significant deviation from technical specification requirements and an apparent violation. Operators had an opportunity to identify the inoperable floor drain system during periodic shifts of the reactor containment fan coolers (RCFCs). The RCFCs cause a characteristic recorder trace due to condensation drainage, the absence of which could have been identified during periodic surveillances of the recorder trace and through inconsistencies in the containment sump pump run times. The failure to identify this condition was identified as an apparent violation. Additionally, the original design of floor drain grates was identified as not being capable of being installed due to an apparent error in pouring the concrete during original construction. No safety evaluation was performed to document the acceptability of using a different design grate or no grate at all, an apparent violation of 10 CFR 50.59. Further, one of the apparent violations involves the reporting of inaccurate information in the LER that reported the inoperable floor drain system. The details pertaining to each apparent violation are described in the enclosed report.

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No Notice of Violation (NOV) is presently being issued for these inspection findings. In addition, the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review.

A predecisional enforcement conference to discuss the apparent violations has been scheduled for June 20, 1997, at 10:00 a.m. in the Region III office in Lisle, Illinois. This meeting will be open to the public. The decision to hold a pre-decisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to enable the NRC to make an enforcement decision, including a common understanding of the facts and circumstances surrounding the violations, their root causes, your opportunities to identify the apparent violations sooner, your corrective actions, and the significance of the issues.

In addition, this is an opportunity for you to point out any errors in our inspection report and for you to provide any information concerning your perspectives on: 1) the severity of the violations, 2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, and 3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding these apparent violations is required at this time.

An additional finding resulted in a violation regarding the failure to mark and protect safeguards information and is cited in the enclosed NOV. The circumstances surrounding the violation are described in detail in the enclosed report. Please note that you are required to respond to this violation and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

We are also reviewing your temporary alteration program to determine the appropriateness of excluding strip chart recorders from the program. We are concerned that connecting strip chart recorders electrically to operable equipment for extended periods of time without a detailed review does not maintain adequate design control. This issue was considered an unresolved item pending further NRC review of the technical adequacy of the temporary alteration program.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response to the Notice will be placed in the NRC Public Document Room (PDR).

Sincerely,

/s/ R. N. Gardner for  
Geoffrey E. Grant, Director,  
Division of Reactor Projects

Docket Nos. 50-454; 50-455  
License Nos. NPF-37; NPF-66

Enclosures: 1. Notice of Violation  
2. Inspection Report 50-454/455/97005(DRP)

cc w/encl: T. J. Maiman, Senior Vice President  
Nuclear Operations Division  
D. A. Sager, Vice President,  
Generation Support  
H. W. Keiser, Chief Nuclear  
Operating Officer  
K. Kofron, Station Manager  
D. Brindle, Regulatory Assurance  
Supervisor  
I. Johnson, Acting Nuclear  
Regulatory Services Manager  
Richard Hubbard  
Nathan Schloss, Economist  
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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure(s) will be placed in the NRC Public Document Room (PDR).

Sincerely,

Geoffrey E. Grant, Director,  
Division of Reactor Projects

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