



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

Docket File
T5C3

May 28, 1997

EA 97-264; 97-265

Ms. Irene M. Johnson, Acting Manager
Nuclear Regulatory Services
Commonwealth Edison Company
Executive Towers West III
1400 Opus Place, Suite 500
Downers Grove, IL 60515

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION FOR COMMONWEALTH EDISON COMPANY
REGARDING BYRON, UNITS 1 AND 2; AND BRAIDWOOD, UNIT 2 (TAC NOS.
M98781, M98782 AND M98780; NOED NO. 97-6-010)

Dear Ms. Johnson:

By letter dated May 23, 1997, Commonwealth Edison Company (ComEd) requested that the NRC exercise discretion not to enforce compliance with the actions required in Technical Specification (TS) 4.5.2.b.1 for Byron, Units 1 and 2, and Braidwood, Unit 2. TS 4.5.2.b.1 requires venting of the emergency core cooling system (ECCS) pump casings and discharge piping high points outside of containment at least once every 31 days. The letter documented information previously discussed with the NRC during several telephone conference calls on May 22 and 23, 1997. During discussions with the NRC, ComEd became aware that their venting practices of ECCS pump casings and high points for the centrifugal charging (CV) pumps were not in literal compliance with TS 4.5.2.b.1. It was determined that this condition constituted a non-compliance with the surveillance requirements of TS 4.5.2.b.1. This determination was made at 7:00 p.m. CDT on May 22, 1997. Consequently, both trains of CV for each of the three units were declared inoperable and TS 3.0.3 was entered. In accordance with TS 4.0.3, the actions of TS 3.0.3 were delayed for 24 hours for performance of the missed surveillance. TS 3.0.3 requires that when a limiting condition for operation is not met, within 1 hour action shall be initiated to place the unit in a Mode in which the specification does not apply. For this particular case, the units would have had to be in hot standby within 6 hours, in hot shutdown within the following 6 hours, and in cold shutdown within the subsequent 24 hours. ComEd requested that a Notice of Enforcement Discretion (NOED) be issued pursuant to the NRC's policy regarding exercise of discretion for an operating facility, set out in Section VII.c. of the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, and be effective until the NRC could review and approve an exigent amendment to the TS. Although the same issue applied to Braidwood, Unit 1, that unit was in the process of restarting from its sixth refueling outage and ComEd determined that the NOED criteria for a plant attempting to start up were not met.

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In order to demonstrate operability of the ECCS subsystems, the TS require, in part: "venting the ECCS pump casings and discharge piping high points outside

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of containment, ----" at least once per 31 days. In discussions with the NRC on May 22, 1997, regarding a plugged pump vent line for the 2A safety injection pump at Byron, Unit 2, ComEd became aware that their venting practices for CV pump casings and discharge piping high points were not in literal compliance with TS 4.5.2.b.1. Prior to these discussions, ComEd considered themselves in compliance with the TS by crediting the dynamic venting action of the system in operation as meeting the requirement to ensure that the ECCS piping is full of water. For the piping not directly in the flowpath, gas accumulation was judged not to be credible due to the pressure inside the piping. The idle CV pump was considered to be self-venting due to the system design and piping configuration. During the May 22, 1997, discussions, ComEd was informed that the discharge piping downstream of the standby CV pumps and the piping associated with the high point vent valves are not subject to system flow and are, therefore, not flushed or vented. Although ComEd considered all CV pumps to be operable at Byron, Units 1 and 2, and Braidwood, Unit 2, it concluded that the plants were not in literal compliance with the TS and both trains of CV were declared inoperable at 7:00 p.m. CDT.

In support of the NOED request, ComEd referenced information previously provided to the staff in support of License Amendment No. 47 for Byron and Amendment No. 36 for Braidwood. ComEd stated that it had performed an engineering analysis and concluded that in the unlikely event of air voids entering the discharge side of the ECCS pumps, the piping would be capable of withstanding a water hammer event caused by the maximum credible air void in the piping. ComEd also stated that operational experience at Byron and Braidwood in performing ECCS venting surveillances had identified insignificant quantities of air in the pipes. Additionally, ComEd undertook compensatory action on May 22 and 23, 1997, by performing ultrasonic test (UT) inspections of the vulnerable areas in the CV system piping to verify that the piping is filled with water. The UT testing was conducted in accordance with a ComEd approved procedure. Further, ComEd committed to perform weekly UT inspections of the vulnerable areas in the CV system piping until the NRC approves a license amendment to revise the TS.

The intent of TS 4.5.2.b.1 is to ensure that the piping is full of water. Based on UT testing by ComEd to verify that the piping is water-filled, the staff concluded that a NOED is warranted in order to avoid undesirable transients as a result of forcing compliance with the TS and, thus, minimize potential safety consequences and operational risks. With respect to the engineering analysis, the staff reaffirmed its conclusion stated in the Safety Evaluation supporting Amendment No. 47 for Byron and Amendment No. 36 for Braidwood that, in general, the calculations and analytical methods used in determining the effects of water hammer for any system are uncertain in nature due to computer code limitations. Therefore, the staff did not consider the water hammer analysis in evaluating ComEd's NOED request.

On the basis of the NRC's evaluation of ComEd's request, including the compensatory measures described above, the staff has concluded that a NOED is warranted because we are clearly satisfied that this action involves minimal

or no safety impact, has satisfied Section B, Criterion 1(a), avoidance of undesirable plant transients, of the NRC Administrative Letter 95-05, Revisions to Staff Guidance for Implementing NRC Policy on Notices of Enforcement Discretion, and has no adverse radiological impact on public health and safety. Therefore, it is our intention to exercise discretion not to enforce compliance with TS 4.5.2.b.1 for the period from 7:00 p.m. CDT on May 23, 1997, until issuance of a license amendment. We have received ComEd's request, dated May 24, 1997, for an exigent license amendment. This letter documents our telephone conference call on May 23, 1997, at 4:40 p.m. CDT when we orally issued this notice of enforcement discretion.

However, as stated in the Enforcement Policy, action will normally be taken, to the extent that violations were involved, for the root cause that led to the noncompliance for which this NOED was necessary.

Sincerely,

/s/

Robert A. Capra, Director
 Project Directorate III-2
 Division of Reactor Projects - III/IV
 Office of Nuclear Reactor Regulation

Docket Nos. STN 50-454, STN 50-455,
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I. Johnson
Commonwealth Edison Company

cc:

Mr. William P. Poirier, Director
Westinghouse Electric Corporation
Energy Systems Business Unit
Post Office Box 355, Bay 236 West
Pittsburgh, Pennsylvania 15230

Joseph Gallo
Gallo & Ross
1250 Eye St., N.W.
Suite 302
Washington, DC 20005

Michael I. Miller, Esquire
Sidley and Austin
One First National Plaza
Chicago, Illinois 60603

Howard A. Learner
Environmental law and Policy
Center of the Midwest
203 North LaSalle Street
Suite 1390
Chicago, Illinois 60601

U.S. Nuclear Regulatory Commission
Byron Resident Inspectors Office
4448 North German Church Road
Byron, Illinois 61010-9750

Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
801 Warrenville Road
Lisle, Illinois 60532-4351

Ms. Lorraine Creek
Rt. 1, Box 182
Manteno, Illinois 60950

Chairman, Ogle County Board
Post Office Box 357
Oregon, Illinois 61061

Mrs. Phillip B. Johnson
1907 Stratford Lane
Rockford, Illinois 61107

Byron/Braidwood Power Stations

George L. Edgar
Morgan, Lewis and Bochiuss
1800 M Street, N.W.
Washington, DC 20036

Attorney General
500 South Second Street
Springfield, Illinois 62701

EIS Review Coordinator
U.S. Environmental Protection Agency
77 W. Jackson Blvd.
Chicago, Illinois 60604-3590

Illinois Department of
Nuclear Safety
Office of Nuclear Facility Safety
1035 Outer Park Drive
Springfield, Illinois 62704

Commonwealth Edison Company
Byron Station Manager
4450 North German Church Road
Byron, Illinois 61010

Kenneth Graesser, Site Vice President
Byron Station
Commonwealth Edison Station
4450 N. German Church Road
Byron, Illinois 61010

U.S. Nuclear Regulatory Commission
Braidwood Resident Inspectors Office
Rural Route #1, Box 79
Braceville, Illinois 60407

Mr. Ron Stephens
Illinois Emergency Services
and Disaster Agency
110 East Adams Street
Springfield, Illinois 62706

Chairman
Will County Board of Supervisors
Will County Board Courthouse
Joliet, Illinois 60434

Commonwealth Edison Company
Braidwood Station Manager
Rt. 1, Box 84
Braceville, Illinois 60407

Ms. Bridget Little Rorem
Appleseed Coordinator
117 North Linden Street
Essex, Illinois 60935

Document Control Desk-Licensing
Commonwealth Edison Company
1400 Opus Place, Suite 400
Downers Grove, Illinois 60515

Mr. H. G. Stanley
Site Vice President
Braidwood Station
Commonwealth Edison Company
RR 1, Box 84
Braceville, IL 60407