

October 28, 1998

EA 98-410

Mr. G. Rainey, President
PECO Nuclear
Nuclear Group Headquarters
Correspondence Control Desk
P.O. Box 195
Wayne, Pennsylvania 19087-0195

SUBJECT: EXERCISE OF ENFORCEMENT DISCRETION RELATED TO NRC INTEGRATED
INSPECTION REPORT 50-277 & 278/98-08

Dear Mr. Rainey:

On September 21, 1998, the NRC completed an inspection at the Peach Bottom Atomic Power Station and documented the results in inspection report 50-277 & 278/98-08.

In the inspection report, the NRC reviewed a licensee-identified issue involving the potential for bypass of the suppression pool. This issue is a violation of NRC requirements, which could be considered for escalated enforcement and be subject to a civil penalty. However, after consultation with the Director, Office of Enforcement and the Regional Administrator, I have been authorized to exercise discretion to not issue a Notice of Violation and not propose a civil penalty in accordance with the provisions provided in NRC Enforcement Policy, Section VII.B.3, Violations Involving Old Design Issues. This decision was made after consideration that: (1) the violation was identified by your staff's good questioning attitude during voluntary initiatives; (2) corrective actions were comprehensive and timely; (3) the conditions were subtle in nature and not likely to be disclosed through routine surveillance or quality assurance activities; and (4) the violation is not reasonably linked to current performance. The exercise of discretion acknowledges your good effort to identify and correct subtle violations, that would not be identified by routine efforts, before the degraded safety systems are called upon.

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

We appreciate your cooperation.

Sincerely,

Original Signed by:

Charles W. Hehl, Director
Division of Reactor Projects

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PDR ADOCK C5000277
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Docket Nos.: 50-277, 50-278

License Nos.: DPR-44, DPR-56

cc:

J. Hagan, Vice President, Nuclear Station Support
J. Doering, Vice President, Peach Bottom Atomic Power Station
M. Warner, Plant Manager, Peach Bottom Atomic Power Station
G. D. Edwards, Chairman, Nuclear Review Board
R. Boyce, Director, Nuclear Quality Assurance
A. F. Kirby, III, External Operations - Delmarva Power & Light Co.
G. J. Lengyel, Manager, Experience Assessment
J. W. Durham, Sr., Senior Vice President and General Counsel
T. M. Messick, Manager, Joint Generation, Atlantic Electric
W. T. Henrick, Manager, External Affairs, Public Service Electric & Gas
R. McLean, Power Plant Siting, Nuclear Evaluations
D. Levin, Acting Secretary of Harford County Council
R. Ochs, Maryland Safe Energy Coalition
J. H. Walter, Chief Engineer, Public Service Commission of Maryland
Mr. & Mrs. Dennis Hiebert, Peach Bottom Alliance
Mr. & Mrs. Kip Adams
Commonwealth of Pennsylvania
State of Maryland
TMI - Alert (TMI A)

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