

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTIES

Commonwealth Edison Company
Byron Generating Station, Units 1 & 2

Docket Numbers 50-454; 50-455
License Numbers NPF-37, NPF-66
EA 97-264

During an NRC inspection conducted on May 27 through June 5, 1997, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the NRC 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:

I. Violations Assessed a Civil Penalty

A. Compliance with Technical Specifications

1. Technical Specification 3.5.2 requires that two independent Emergency Core Cooling System (ECCS) subsystems be operable with the units in Modes 1, 2, and 3 with each subsystem comprised of: a) one operable centrifugal charging pump; b) one operable safety injection pump; c) one operable Residual Heat Removal (RHR) heat exchanger; d) one operable RHR pump; and e) an operable flow path capable of taking suction from the refueling water storage tank on a safety injection signal and automatic opening of the containment sump suction valves.

Technical Specification Surveillance 4.5.2.b(1) requires that each ECCS subsystem be demonstrated operable at least once per 31 days by venting the ECCS pump casings and discharge piping high points outside of containment.

Contrary to the above:

- a. Since commercial operation began in 1985 and 1986, respectively for Unit 1 and Unit 2, and continuing until May 1997, the ECCS subsystem consisting of a Centrifugal Charging (CV) system had not been demonstrated operable at least once per 31 days by venting the pump casing and the CV high points outside containment when the units were in Modes 1, 2, and 3.
- b. A Unit 1 high point vent, 1RH027, on the discharge piping of the RHR heat exchanger outside of containment was not vented at least once per 31 days when the units were in Modes 1, 2, and 3, to demonstrate operability from 1985 through June 2, 1997.
(01013)

2. Technical Specification 3.3.2 requires that the Engineered Safety Features Actuation System (ESFAS) instrumentation channels and interlocks shown in Table 3.3-3 shall be operable with their trip setpoints set consistent with the values shown in the trip setpoint column of Table 3.3-4.

Technical Specification Surveillance 4.3.2.1 requires that each ESFAS instrumentation channel and interlock and the automatic actuation logic and relays be demonstrated operable by the performance of the ESFAS instrumentation surveillance requirements specified in Table 4.3-2.

Technical Specification Table 4.3-2, Functional Unit 3.a.(2), "Containment Isolation, Phase A Isolation" requires that automatic actuation logic and actuation relays receive a slave relay test on a quarterly basis.

Technical Specification Definition 1.31 states, in part, that a slave relay test shall include a continuity check, as a minimum, of associated testable actuation devices.

Contrary to the above:

- a. As of May 27, 1997, the continuity test for the slave relay contacts that actuate the CV letdown orifice isolation valves 1CV8149A/B/C and 2CV8149A/B/C, (Containment Phase A Isolation Valves) was not performed on a quarterly basis since April 29, 1991.
- b. As of May 27, 1997, the continuity test for the slave relay contacts that actuate the CV letdown isolation valves 1CV8152, 1CV8160, 2CV8152, and 2CV8160, (Containment Phase A Isolation Valves) was not performed on a quarterly basis since June 13, 1991.
(01023)

These violations represent a Severity Level III problem (Supplement I) - \$55,000

II. Violations Not Assessed a Civil Penalty

A. Written Procedures

1. 10 CFR Part 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," requires, in part, that activities affecting quality be prescribed by documented procedures of a type appropriate to the circumstances and shall be accomplished in accordance with these procedures. The procedures shall include appropriate quantitative or qualitative acceptance criteria for determining that important activities have been satisfactorily accomplished.

Contrary to the above as of June 2, 1997, procedures 1BOS 5.2.b-1, "Unit 1 ECCS Venting and Valve Alignment Monthly Surveillance," Revision 5 and 2BOS 5.2.b-1, "Unit 2 ECCS Venting and Valve Alignment Monthly Surveillance," Revision 4, failed to have appropriate steps specified to vent the safety injection pumps. (02014)

This is a Severe Level IV violation (Supplement i).

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 to 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 the cumulative amount of the civil penalties if more than one civil penalty is proposed, 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 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 234(c) 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: 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.

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. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated at Lisle, IL
this 3rd day of October 1997