

DCD/DCB  
(KIDS)

May 24, 1989

Docket No. 50-454  
License No. NPF-37  
EA 88-266

Commonwealth Edison Company  
ATTN: Mr. J. J. O'Connor  
Chief Executive Officer  
Post Office Box 767  
Chicago, Illinois 60690

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY  
(NRC INSPECTION REPORT NO. 50-454/88019(DRP))

This refers to our letter dated October 12, 1988, which forwarded the results of a special safety inspection conducted on September 19 through 28, 1988, to review the circumstances surrounding the loss of one train of the residual heat removal system (RHR) while the water level in the reactor coolant system was being lowered on September 19, 1988. On October 21, 1988, we held an enforcement conference with members of your staff during which the apparent violations, the root causes and your corrective actions were discussed.

The inspection results show that when the event discussed above occurred the unit was operated contrary to the requirements of 10 CFR Part 50, Appendix B, Criterion V, as implemented by Commonwealth Edison Company's Quality Assurance Manual, Quality Requirement 5.0, which requires that activities affecting quality be prescribed by documented procedures of a type appropriate to the circumstances. Byron Operating Procedure BOP RH-9, Revision 51A, "Pump Down of the Reactor Cavity to the RWST," was inadequate in that it did not specifically require the use of any means of Reactor Coolant System (RCS) level indication during draining of the reactor cavity below the reactor vessel flange. In addition, Byron Operating Procedure BOP RC-4a, Revision 51, "Reactor Coolant System Drain," which contains instructions for installation of the tygon hose level indication system, was inadequate because it failed to ensure that the tygon level hose was an accurate indication of RCS level.

In a letter to you dated October 4, 1988, we described our concern that you were apparently failing to factor previous industry lessons learned, transmitted by NRC generic correspondence, into plant procedures and practices. In reply, you advised us that both your corporate and individual plant staffs routinely review generic correspondence to ensure that lessons learned from events are evaluated for applicability and that a determination is made of whether actions to preclude such occurrences are warranted at your facilities. However, Information Notices 86-01, 87-23, 87-46, and 88-36 as well as Generic

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Letter 87-12 address issues applicable to this event. Had you taken adequate action in response to those issuances, the loss of decay heat removal capability during low reactor coolant level operations may have been prevented. Further, it is evident that the plant operators were relying upon a makeshift procedure that had not been properly developed and reviewed. This event, therefore, represents a serious concern regarding your staff's ability to ensure the operability of safety-related systems.

The NRC has considered your argument that the operators reasonably should not have been expected to recognize the phenomenon that caused the loss of RCS level. The NRC has concluded that how the loss of level occurred is not a primary concern in this case. Rather, there are two issues of immediate concern to the NRC based on the September 19, 1988 event. First, an undetected loss of level occurred and no matter what the reason for it, that is unacceptable. Further, the reliance on only direct visual indication to monitor RCS level did not provide for an accurate method of level indication had the RCS level decreased below the vessel flange for reasons as simple as the operator failing to or improperly securing the draindown. The need to consider and anticipate all possible scenarios as well as the need to maintain the availability of redundant indicators are concepts that are basic to safe plant operations. Moreover, it is of concern that your procedures required the availability of the tygon level hose as a prerequisite but then did not provide for its use.

To emphasize the importance of ensuring that critical plant parameters and systems are controlled in accordance with appropriate station procedures and that necessary corrective actions are taken in response to generic communications, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the amount of Fifty Thousand Dollars (\$50,000) for the violation described in the enclosed Notice. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, 53 Fed. Reg. 40019 (October 13, 1988) (Enforcement Policy), the violation described in the enclosed Notice has been categorized at Severity Level III. The base value of a civil penalty for a Severity Level III violation is \$50,000. The escalation and mitigation factors in the Enforcement Policy were considered and although escalation for prior notice could have been applied, it was not, given that none of the previously cited generic issuances specifically address the type of problem under consideration here. Nevertheless, when those documents are considered in total, it is clear that the NRC expects careful RCS level control and monitoring in all situations. Additionally, as discussed above, had your staff taken adequate action in response to those issuances, this problem may have been prevented.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional



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actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the Commission's regulations, a copy of this letter, the enclosures, and your response to this letter will be placed in the NRC Public Document Room.

The responses directed by this letter and the accompanying Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Sincerely

Original signed by  
A. Bert Davis

A. Bert Davis  
Regional Administrator

Enclosures:

1. Notice of Violation  
and Proposed Imposition  
of Civil Penalty
2. Inspection Report  
No. 50-454/88019(DRP)

cc w/enclosures:

T. J. Maiman, Vice President,  
PWR Operations  
H. Bliss, Nuclear  
Licensing Manager  
R. Pleniewicz, Station Manager  
DCD/DCB (RIDS)  
Licensing Fee Management Branch  
Resident Inspector, RIII Byron  
Resident Inspector, RIII Braidwood  
D. W. Cassel, Jr., Esq.  
Richard Hubbard  
J. W. McCaffrey, Chief, Public  
Utilities Division  
Diane Chavez, DAARE/SAFE  
L. Olshan, NRR LPM  
H. S. Taylor, Quality Assurance  
Division

OE	D:OE	DEDS	RIII	RIII	RIII	RIII	RIII
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JLuehman/jaw	JLieberman	HThompson	Schultz	5-23	Grobe	5-23	5/24/89

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