



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

June 2, 1997

EA No. 97-051

Mr. D. M. Smith, President
PECO Nuclear
Nuclear Group Headquarters
Correspondence Control Desk
Post Office Box 195
Wayne, Pennsylvania 19087-0195

SUBJECT: EXERCISE OF ENFORCEMENT DISCRETION
(NRC Inspection Report No. 50-352/96-10, 50-353/96-10)

Dear Mr. Smith:

This letter refers to the NRC inspection conducted between December 17, 1996, and February 3, 1997, at the Limerick Generating Station, Units 1 and 2, the findings of which were discussed with you and members of your staff during exit meetings on February 3 and 5, 1997. During the inspection, an apparent violation of NRC requirements was identified involving discrepancies in your methodology to reach and maintain the cold shutdown reactor condition following certain postulated fires that affect operations from the control room. The inspection report was transmitted to you on March 6, 1997. Since the circumstances surrounding this apparent violation, the significance of the issues, and the need for lasting and effective corrective action were discussed with members of your staff at the inspection exit meetings, the NRC informed you, in our letter transmitting the inspection report, that it may not be necessary to conduct a predecisional enforcement conference to enable the NRC to make an enforcement decision. As an alternative, you were provided an opportunity to either (1) respond to the apparent violation addressed in this inspection report within 30 days of the date of this letter or (2) request a predecisional enforcement conference. Based on discussions with the NRC, you responded on April 11, 1997, by providing a revision to the Licensee Event Report (LER 96-021), that had initially reported the condition.

The specific condition involves a reduction in your ability to achieve safe shutdown in the event of a fire in that instrument gas might not be available to operate the main steam relief valves (MSRVs) due to postulated fire damage. This constitutes a violation of your license that requires that the fire protection program be maintained. The violation, that was identified by your staff as part of a Thermo-Lag reduction project, was caused by an incorrect assumption made in the fire safe shutdown analysis in 1984, as well as during a reanalysis in 1985. Your subsequent reviews of the Primary Containment Instrument Gas (PCIG) system to operate the MSRVs, revealed that pressurized nitrogen from the PCIG may only be available for up to 1 hour, even though your shutdown analysis relies on the system for up to 6 hours.

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Q PDR



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In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, a Notice of Violation would normally be issued for this violation. However, after consultation with the Director, Office of Enforcement, I have been authorized to exercise enforcement discretion in accordance with Section VII.B.3 of the Enforcement Policy and refrain from issuing a Notice of Violation in this case because: (1) the violation was identified by your staff as a result of your special efforts as part of the Thermo-Lag reduction project, (2) the violation was not likely to be identified by routine licensee efforts, (3) the violation was caused by conduct that occurred over 12 years ago and is not reasonably linked to present performance, and (4) the violation was the subject of prompt and comprehensive corrective actions. The corrective actions include: initiation of a compensatory fire watch; providing a protected source of instrument gas; revision to appropriate procedures; and plans to complete, by September 1, 1997, a review of the safe shutdown systems to confirm the physical capability of each system to perform as required in the safe shutdown analysis.

No response to this letter is required. In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR).

Sincerely,



Hubert J. Miller
Regional Administrator *fu*

Docket Nos. 50-352; 50-353
License Nos. NPF-39; NPF-85

cc w/encl:

G. Hunger, Jr., Chairman, Nuclear Review Board and Director - Licensing

W. MacFarland, Vice President - Limerick Generating Station

J. Kantner, Manager, Experience Assessment

Secretary, Nuclear Committee of the Board

Commonwealth of Pennsylvania

PECO Nuclear

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** See previous correspondence*

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