

NOTICE OF VIOLATION

Commonwealth Edison Company
Byron Station, Units 1 and 2

Docket Nos. 50-454; 50-455
License Nos. NPF-37; NPF-66

During an NRC inspection conducted from January 20, 1998 through February 10, 1998, five violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

1. 10 CFR Part 50, Appendix B, Criterion III states, in part, that design control measures shall be provided for verifying or checking the adequacy of design, and that design changes, including field changes, be subjected to design control measures commensurate with those applied to the original design.

Contrary to the above, on June 7, 1996, the team identified that field change request (FCR) #960062 was not subjected to design control measures commensurate with those applied to the original design in that the seismic analysis was not changed to reflect design changes. In addition, as-built drawings and seismic calculations did not match the plant design because an Auxiliary Feedwater battery rack was not modified as required by DCP #9600148.

This is a Severity Level IV Violation (Supplement 1).

2. 10 CFR Part 50, Appendix B, Criterion X, "Inspections," requires, in part, that a program for inspection of activities affecting quality shall be established and executed by or for the organization performing the activity to verify conformance with the documented instructions, procedures and drawings for accomplishing the activity. Such inspections shall be performed by individuals other than those who performed the activity being inspected.

Contrary to the above, the team determined that prior to February 4, 1993, the licensee had failed to establish an effective process for independent inspection and verification of modification activities affecting quality such as field installations of safety related exempt changes. Also, there were no requirements for Quality Control mandatory inspections to witness/inspect ongoing electrical exempt change field installations. Consequently, in May 1996, wiring errors occurred during field installations of an exempt change by maintenance in the IB emergency diesel generator (EDG) control panel.

This is a Severity Level IV violation (Supplement I).

3. 10 CFR Part 50, Appendix B, Criterion XVI, requires, in part, that measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, and nonconformances are promptly identified and corrected. In the cases of significant conditions adverse to quality, the measure shall ensure that the cause of the condition is determined and corrective action taken to preclude repetition.

Contrary to the above:

- a. On February 26, 1998, the team identified that prompt corrective actions were not initiated to address a potentially degraded condition, corrosion of bolts and anchors, of AF battery rack #1AF01EB-B. DCP #9600148 issued to correct this condition, had been signed as complete, but had not been completed in the field since May 15, 1996.
- b. The licensee failed to implement an effective corrective action program to assure that a comprehensive instrument out-of-tolerance program was established and implemented to address multiple consecutive out-of-tolerance instrument calibrations, a condition adverse to quality which was previously identified in NRC inspection report 454/95011.
- c. From 1986 to 1998, the licensee failed to take adequate corrective action to ensure that field installed modification DCP-8500999 had been successfully tested and declared operable prior to placing it in service. In particular, MWR B10072 generated in August 1994 to correct a post-modification testing deficiency (thermostate failed to reset) was never implemented in the field.

This is a Severity Level IV violation (Supplement 1).

4. Technical Specification 6.8.1 required that written procedures shall be established, implemented, and maintained covering activities for Fire Protection Program implementation.

Byron Administrative Procedure (BAP) 1100-17, "Implementing Procedure for the Pre-Fire Plans," Revision 2, stated, in part, the Pre-Fire plans as written are required by, and meet the criteria of 10 CFR Part 50, Appendix R, and the commitments of Branch Technical Position (BTP) CMEB 9.5-1, Appendix A. In addition, the Fire Marshal and Fire Protection Engineer will perform an annual review of the Pre-Fire Plan drawings and documentation and will sign and date a new Pre-Fire Plan annual cover sheet.

Contrary to the above, prior to February 5, 1998, requirements of BAP 1100-17 were not implemented in that a new annual review sheet was not signed and dated for the Pre-Fire plans. In addition, the Pre-Fire plans were not maintained to meet the criteria of 10 CFR 50, Appendix R, and the commitments of BTP CMEB 9.5-1, Appendix A, in that the drawings had not been updated during the annual review.

This is a Severity Level IV violation (Supplement I).

5. Byron Station Operating License, Section 2.F, requires, in part, that the licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the Updated Safety Analysis Report (USAR) for the facility.

The Fire Protection Report, Section 5.b, considered a part of the USAR, required the fire brigade members have an annual physical exam which shows them capable of unrestricted activity.

Contrary to the above, prior to February 2, 1998, the fire brigade members did not have an annual physical exam whose results were used to assess their qualifications for unrestricted activity on the fire brigade.

This is a Severity Level IV violation (Supplement I).

Pursuant to the provisions of 10 CFR 2.201, Commonwealth Edison is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region III, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

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, Illinois
this 27 day of March 1998