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August 21, 2000

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United States Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

Byron Station, Units 1 and 2  
Facility Operating License Nos. NPF-37 and NPF-66  
NRC Docket Nos. STN 50-454 and STN 50-455

Subject: Reply to Notice of Violation  
Inspection Report Nos. 50-454/99020 and 50-455/99020

Reference: Letter from John A. Grobe (NRC) to Oliver D. Kingsley (Commonwealth Edison Company) dated July 21, 2000, transmitting Notice of Violation (NRC Inspection Report 50-454/99020 and 50-455/99020)

Enclosed is Commonwealth Edison (ComEd) Company's reply to the Notice of Violation (NOV) which was transmitted with the referenced letter and Inspection Report. The NOV cited one (1) Severity Level IV violation requiring a written response. ComEd's response is provided in the attachment.

ComEd is committing to the following actions:

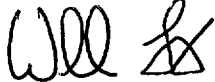
- 1) Each onsite functional area at Byron Station will brief their personnel regarding this incident to ensure worker understanding and awareness regarding the seriousness of the issue.
- 2) A broader review of surveillances will be conducted to include a sample of areas outside the mechanical maintenance department to further ensure the falsification of records is limited to one individual.

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Any other actions described in the submittal represent intended or planned actions by ComEd. They are described for the NRC's information and are not regulatory commitments.

Should you have any questions concerning this letter, please contact Mr. Brad Adams, Regulatory Assurance Manager, at (815) 234-5441, extension 2280.

Respectfully,

A handwritten signature in black ink, appearing to read 'W Levis', with a stylized flourish at the end.

William Levis  
Site Vice-President  
Byron Station

WL/GS/dpk/rf

Attachment(s)

cc: NRC Regional Administrator – NRC Region III  
NRC Senior Resident Inspector – Byron Station

**ATTACHMENT I  
REPLY TO A NOTICE OF VIOLATION  
NRC INSPECTION REPORT 50-454/99020 and 50-455/99020**

**VIOLATION**

10 CFR 50.9(a), provides, in part, that information required by the Commission's regulations to be maintained by the licensee shall be complete and accurate in all material respects.

The Byron Station Operating License for Units 1 and 2, NPF-37 and NPF-66, respectively, require, in part, that the licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the licensee's Fire Protection Report.

Byron Fire Protection Report, Section 3.4.b, states that department and station procedures are established to cover specific instructions such as for inspections, tests, administrative control, fire drills and training that govern the fire protection program.

Section 3.4.i of Byron Fire Protection Report states that documentation involving the fire protection program is retained in a central file or QA vault as provided by the QA program.

Byron Maintenance Surveillance Requirement FP-3A and 3B, "Portable Fire Extinguisher Monthly Inspection," Revision 1, requires, in part, visual inspection of portable fire extinguishers at monthly intervals in the Turbine and Auxiliary Buildings, respectively.

Byron Maintenance Surveillance Requirement 3.10.F.1, "Common Fire Hose Station 31-Day Inspection," Revision 1, requires, in part, visual inspection of fire hose stations which are common to both Units 1 and 2 at 31-day intervals.

Contrary to the above, information required by the Commission's regulations to be maintained by the licensee was not complete and accurate in all material respects. Specifically, in January, May, July, and November 1999, a mechanical maintenance individual deliberately failed to perform the visual inspection of 15 portable fire extinguishers at monthly intervals in the Turbine and Auxiliary Buildings. Furthermore, in March, May, and June 1999, the individual deliberately failed to perform the visual inspection of 13 fire hose stations at monthly intervals in the Turbine and Auxiliary Buildings. The individual indicated on Data Sheets required to be maintained by the licensee that the portable fire extinguishers and fire hose stations were in satisfactory condition without performing the required inspections. The Data Sheets are material to the NRC in that they provide information on the condition of portable fire extinguishers and fire hose stations.

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

**REASON FOR THE VIOLATION**

The violation was due to inappropriate action by a single individual. We agree with the violation. Immediately upon identification of this issue, Byron Station management initiated a review of the issue and found that one individual within the Mechanical Maintenance Department was responsible for completing the November 1999 fire protection surveillances that addressed these fire extinguishers that did not have visual inspections performed as required. An internal review was performed to identify the 1999 fire protection surveillances for which this individual was responsible. Results of this review revealed that this individual participated in nine different fire protection surveillances for fire extinguishers and/or fire hoses during 1999. All surveillance documentation had been signed off as completed by this individual; however, based on a review of security gate records, it was confirmed that not all of the associated work for each

surveillance could have been performed. In addition to the fire protection surveillances, a sampling of the work assigned to this individual during the Byron Station Unit 2 fall refueling outage was reviewed for proper documentation. No additional instances of documentation discrepancies or record falsification were identified as a result of this additional sampling. Finally, a number of fire protection surveillances performed by other individuals at Byron Station were reviewed. No instances of documentation discrepancies or record falsification were identified from this review. Therefore, it was determined that the instances of surveillance falsification were limited to the one individual in the Mechanical Maintenance Department.

After the initial review was performed, the individual in question approached management and admitted falsifying several fire protection surveillance records for fire extinguishers and fire hoses. This individual was immediately suspended from work pending further review. Subsequently, a meeting was held with Station management, union representatives, and the subject individual. Appropriate disciplinary actions were communicated to the individual at that meeting and subsequently implemented.

All deficient fire protection extinguisher and hose surveillances were completed. Based on the reviews performed to date, the fire protection surveillance falsification issue is limited to the one individual and the incidents do not reflect the overall integrity and work ethic of the Byron Station organization.

#### **CORRECTIVE STEPS THAT HAVE BEEN TAKEN AND RESULTS ACHIEVED**

All deficient fire protection extinguisher and hose surveillances were completed. Following discovery of the deficient performance of fire extinguisher and fire hose surveillances, briefings were held between each supervisor and their crew in the Mechanical Maintenance Department. Items discussed included expectations regarding completion and documentation of surveillance requirements and the seriousness of falsification of records and failure to properly perform assigned work. Worker awareness regarding the seriousness of this issue has been enhanced. The focus of this corrective action was on the Mechanical Maintenance Department due to the fact that this is the department responsible for the performance of the Fire Protection surveillances in question. However, after further consideration, this corrective action was subsequently expanded to address all Station personnel as discussed below. As noted above, appropriate disciplinary action was taken regarding the individual in question.

#### **CORRECTIVE STEPS THAT WILL BE TAKEN TO AVOID FURTHER VIOLATION**

1. Highlights of this issue have been provided by means of informational packages to each onsite functional area for their review and discussion with each employee. Department briefings are currently in progress. A general article has been published in the Station's newspaper. Emphasis of the communication briefings is on the requirement that any information required to be documented as a quality record be complete and accurate in all material respects. Personnel are reminded of what their signature means when they sign for steps in a surveillance procedure or any other quality document. The message being communicated is that falsification of records is a serious offense and will not be tolerated. Personnel are being reminded that criminal sanctions may result for willful violation of, attempted violation of, or conspiracy to violate Federal Regulations. A personal standard of honesty, trust, and integrity is essential for all personnel. The action for each onsite functional area to brief their personnel on this issue is tracked by Action Tracking (AT) Item 33217.

2. Originally when reviewing the 1999 surveillance falsification issue, it was determined to be limited to fire extinguisher and fire hose surveillances based on statements provided by the individual involved. Recently, in response to a separate issue, Byron Maintenance Surveillance, OBMSR 3.10.g.7, "Tech Spec Fire Damper 18 Month Visual Inspection," was being re-performed on a select sample of fire dampers to assess if fire dampers added to this surveillance in 1998 had been properly verified. This surveillance was partially executed in September 1999 by the same individual involved in the fire extinguisher and fire hose surveillance falsifications that occurred in 1999. On August 11, 2000, a discrepancy was noted where a step signed off by this same individual indicated that a visual inspection was performed on fire damper OVC138Y; however, this damper was physically removed from the plant in 1986 (note that this damper was erroneously added to the surveillance procedure in 1998). Visual inspection of this damper was not possible. Previously executed fire damper visual surveillances before the 1999 surveillance have been reviewed; no additional discrepancies were noted. Given the degree of uncertainty surrounding completion of this particular fire damper visual surveillance, the Mechanical Maintenance Department is currently in process of reperforming the surveillance on all of the affected dampers. Reperformance of this surveillance in its entirety will remove any uncertainty as to the adequacy or completeness of previous surveillances. Note that Nuclear Oversight personnel had previously reviewed the fire extinguisher inspection surveillance along with the security gate records to verify no additional falsification of inspections for all Auxiliary Building fire extinguishers identified. A broader review of additional surveillances will be conducted to include a sample of areas outside of the Mechanical Maintenance department. Performance of the above-described actions will be tracked under corrective actions associated with Byron Station Condition Report B2000-02247 that documents the August 11, 2000 discovery.
3. A follow-up self-assessment review will be conducted to include a sample of areas outside the Mechanical Maintenance Department to ensure continued acceptability of surveillance inspections. This action will be tracked under corrective actions associated with Byron Condition Report B2000-02247.
4. An effectiveness review of corrective actions will be conducted by the Mechanical Maintenance Department to ensure continued acceptability of surveillance inspections. This action is tracked under Action Tracking item 33217.

#### **DATE WHEN FULL COMPLIANCE WILL BE ACHIEVED**

Full compliance as a result of the original issue identified in the NRC Notice of Violation was achieved on December 15, 1999, when all deficient fire protection extinguisher and hose surveillances were completed. The results of all these surveillances were found to be satisfactory. On January 13, 2000, ComEd took appropriate disciplinary action with the individual that was involved in the falsification of the fire protection surveillance records. Additionally, a recently identified fire damper visual inspection discrepancy is being addressed via corrective actions to Condition Report B2000-02247. The corrective actions to this Condition Report include reperformance of the fire damper visual surveillance. Reperformance of this surveillance is currently in progress and will be completed by September 8, 2000.