

March 29, 2000

IA 99-052

Mr. Raymond E. Landrum
{Home Address Deleted
Under 10 CFR 2.790(a)}

SUBJECT: RESPONSE TO NOTICE OF VIOLATION

Dear Mr. Landrum:

This acknowledges receipt of your February 16, 2000 response to the Notice of Violation (Notice) sent to you by the U.S. Nuclear Regulatory Commission (NRC) on November 3, 1999, concerning a violation of 10 CFR 50.7, "Employee Protection," at the Commonwealth Edison Company's (ComEd) Zion Nuclear Station. In your letter to the NRC, you denied the violation. A Notice was also sent to ComEd on November 3, 1999, for the same violation (EA 98-518). By letter dated February 3, 2000, ComEd denied the violation and asked the NRC to rescind the \$110,000 civil penalty proposed by that Notice. We will evaluate your response and provide you with our decision following the final decision in the action issued to ComEd, since the decisions may be related.

Your response included an affidavit of the former Operations Manager at the Zion site and contained personal names and performance rating information and supporting justifications. Accordingly, in correspondence dated February 17 and 18, 2000, your attorney requested that the personal information not be made public in accordance with 10 CFR 2.790 and included a redacted version with the personal privacy information deleted so that the document could be made public.

We have reviewed this request in accordance with the requirements and criteria of 10 CFR 2.790 and have determined that the submitted information sought to be withheld contains privacy information. Therefore, the privacy information so identified in your February 3, 2000, letter will be withheld from public disclosure pursuant to 10 CFR 2.790(a)(6) and Section 103(b) of the Atomic Energy Act of 1954, as amended. Withholding from public inspection does not affect the right, if any, of persons properly and directly concerned to inspect the documents.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, if, for example, the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

Please feel free to call Mr. Geoffrey Cant of my staff at (301) 415-3283 if you have any questions.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, with your home address removed, will be placed in the NRC Public Electronic Reading Room link at <http://www.nrc.gov/NRC/ADAMS/index.html>.

Sincerely,

/RA/

R. W. Borchardt, Director
Office of Enforcement

cc: O. D. Kingsley, ComEd
D. F. Stenger, Esq.
Hopkins & Sutter

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