



Commonwealth Edison  
1400 Opus Place  
Downers Grove, Illinois 60515

DCV

June 1, 1990  
(Corrected Copy, dated 6/07/90 to  
correct Inspection Report Numbers and  
report dates.)

Mr. A. Bert Davis  
Regional Administrator  
U.S. Nuclear Regulatory Commission  
Region III  
799 Roosevelt Road  
Glen Ellyn, IL 60137

Subject: Dresden Station Units 1 and 2  
Braidwood Station Units 1 and 2  
Response to Inspection Reports  
Nos. 50-237/90010 and 50-249/90009 and,  
50-456/89021 and 50-457/89021  
NRC Docket Nos. 50-237, 50-249, 50-456 and 50-457

- References :
- (a) L.R. Greger letter to C. Reed dated  
April 30, 1990
  - (b) L.R. Greger letter to C. Reed dated  
September 7, 1989.
  - (c) T.J. Kovach letter to A.B. Davis dated  
October 10, 1989.
  - (d) C.E. Norelius letter to K.W. Evers  
dated January 18, 1990.

Dear Mr. Davis:

References (a) and (b) issued, respectively, for the Dresden and Braidwood Stations, Notices of Violation regarding apparent failures to mark certain information as Safeguards Information (SI), contrary to 10 CFR 73.21 (e). Commonwealth Edison (Edison) is sensitive to the potential impact that improperly marked SI can have on the common defense and security that 10 CFR 73.21 addresses. Accordingly, independent of any questions regarding the bases for these NOV's. Edison has corrected the examples for the specific violations cited. Regarding implementing broader corrective actions, Edison also noted, in Reference (c), that a similar issue had arisen at the Kewaunee Nuclear Station and, as a result, that Wisconsin Public Service (WPS) had requested the Nuclear Regulatory Commission (NRC) to provide an interpretation of the relevant SI regulations. Accordingly, Edison stated in reference (c) it would be appropriate to defer any long-term corrective actions until Edison could have the benefit of this clarification which would be provided by the NRC staff's interpretation.

In Reference (d), the NRC staff provided an interpretation that Edison has reviewed to assess its potential impact on all six Edison Nuclear Stations. This review indicates, for the reasons discussed below, that further clarification of the basis for the NRC staff's interpretation is necessary before Edison can complete its formulation of an appropriate response to the Notices of Violation, for the Dresden and Braidwood Stations.

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WPS had stated that plant security was not compromised by failing to mark as Safeguard's Information (SI) documents which identified certain plant areas as vital areas. The basis for that position was that the information already was publicly available in other documents. Accordingly, WPS believed that the exception to the rule as stated in NUREG-0794 was applicable.

In Reference (d), the NRC staff did not accept this position. Without addressing the circumstance that the information in question was readily available to the public, the NRC staff interpreted the exception in NUREG-0794 to be limited to only generic lists and regulatory requirements. Plant specific information, including the identification of certain areas in the plant as vital, was still considered SI.

Edison believes this interpretation to be significant. As a result, to better determine the implication of this interpretation, Edison has determined that it needs additional time to assess the implication and determine what actions are being taken within the nuclear industry. Edison wishes to meet with NRC staff within the next two weeks to discuss the plans being made.

Edison also believes that the understanding of the NRC staff position would be enhanced by completing an ongoing review of the role that NUREG-0794 has to the regulatory regime established by Section 147 of the Atomic Energy Act of 1954 and 10 CFR 73.21. These efforts are ongoing and will be completed by July 6, 1990. At the completion of this review, Edison would again like to schedule a meeting with representatives of the NRC Region III and NRC staff's to discuss the results.

These actions will provide Edison with the necessary basis for determining the appropriate long-term response to the NOV issues for all six nuclear stations. In the interim, Edison believes that its procedures for protecting SI information continue to provide reasonable assurance of compliance with 10 CFR 73.21.

In a telephone call on May 31, 1990 between S. Hunsader of my staff and G. Pirtle of the NRC staff, an extension for submittal of this response was granted until June 1, 1990. Please address any questions regarding this response to this office.

Very truly yours,



T.J. Kovach  
Nuclear Licensing Manager

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cc: Resident Inspector-Braidwood  
Resident Inspector-Dresden  
NRC Document Control Desk