

PROPOSED

APPENDIX B

NOTICE OF PROPOSED IMPOSITION OF CIVIL PENALTIES

Boston Edison  
Boston, Massachusetts  
License No. DPR-35

Docket No. 50-293

This office has considered the enforcement options available to the NRC including administrative actions in the form of written notices of violation, civil monetary penalties, and orders pertaining to the modification, suspension or revocation of a license. Based on these considerations, we propose to impose civil penalties pursuant to Section 234 of the Atomic Energy Act of 1954, as amended, (42USC2282), and to 10 CFR 2.205 in the cumulative amount of Five Thousand Dollars (\$5,000) for the specific item of noncompliance set forth in Appendix A to the cover letter. In proposing to impose civil penalties pursuant to this section of the Act and in fixing the proposed amount of the penalties, the factors identified in the Statements of Consideration published in the Federal Register with the rule-making action which adopted 10 CFR 2.205 (36 FR 16894) August 26, 1971, and the "Criteria for Determining Enforcement Action," which was sent to NRC licensees on December 31, 1974, have been taken into account.

Boston Edison Company may, within twenty (20) days of the receipt of this notice pay the civil penalties in the cumulative amount of Five Thousand Dollars (\$5,000) or may protest the imposition of the civil penalties in whole or in part by a written answer. Should Boston Edison Company fail to answer within the time specified, this office will issue an order imposing the civil penalties in the amount proposed above. Should Boston Edison Company elect to file an answer protesting the civil penalties, such an answer may (a) deny the items of noncompliance listed in the Notice of Violation in whole or in part, (b) demonstrate extenuating circumstances, (c) show error in the Notice of Violation, (d) show other reasons why the penalties should not be imposed. In addition, to protesting the civil penalties in whole or in part, such answer may request remission or mitigation of the penalties.

Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 2.201, but may incorporate by specific reference (e.g., giving page and paragraph numbers) to avoid repetition.

Boston Edison Company's attention is directed to the other provisions of 10 CFR 2.205 regarding, in particular, failure to answer and ensuing orders; answer, consideration by this office, and ensuing orders; requests for hearings, hearings and ensuing orders; compromise; and collection.

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Upon failure to pay any civil penalty due which has been subsequently determined in accordance with the applicable provision of 10 CFR 2.205, the matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234.c of the Atomic Energy Act of 1954, as amended (42 USC2282).



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

OFFICE OF PUBLIC AFFAIRS, REGION I  
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5000

FOR IMMEDIATE RELEASE  
October 29, 1979

NRC STAFF CITES BOSTON EDISON COMPANY FOR ALLEGED FAILURE TO COMPLY WITH REQUIREMENTS FOR THE PHYSICAL PROTECTION OF ITS PILGRIM PLANT; PROPOSES \$5,000 FINE

The Nuclear Regulatory Commission's Office of Inspection and Enforcement has cited the Boston Edison Company for alleged failure to comply with NRC requirements for the physical protection of its Pilgrim Station Unit 1 near Plymouth, Massachusetts, during an incident that occurred there on July 11, 1979.

The company at that time reported to the NRC that day that a 15-year-old boy had been found asleep in the sleeper berth of a truck tractor that had been driven through the site's protected area and into a vital area in the plant's Reactor Building. The staff also alleged that plant guards failed to adequately search the vehicle before allowing it into the protected area and vital area and therefore failed to find the sleeping boy.

Although there had been no actual threat to the safety of the plant or its employees, Mr. Victor Stello, Jr., Director of the Office of Inspection and Enforcement, wrote the company that the unauthorized presence of an individual in the vital area of the plant demonstrated "a significant weakness in the implementation of your physical security program."

The Boston Edison Company has 20 days to either pay the proposed fine or to request in writing that part or all of it be withdrawn, giving its reasons for such a request. The company also must within 20 days describe in writing what it has done or will do to prevent a recurrence of such non-compliance with NRC requirements.

The Commonwealth of Massachusetts has been informed of this proposed enforcement action.

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