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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION III  
799 ROOSEVELT ROAD  
GLEN ELLYN, ILLINOIS 60137

APR 21 1980

Docket No. 50-254

Commonwealth Edison Company  
ATTN: Mr. Cordell Reed  
Vice President  
Post Office Box 767  
Chicago, IL 60690

Gentlemen:

This is in reply to your letter of March 18, 1980 in response to our Notice of Violation dated February 22, 1980. As discussed below, we do not accept your position that the noncompliance did not occur. Please review your position and respond, as requested in our February 22, 1980, letter, to the following: (1) corrective action taken and the results achieved; (2) corrective action to be taken to avoid further noncompliance; and (3) the date when full compliance will be achieved.

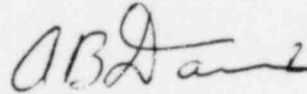
According to 49 CFR 173.392(c)(8) the outside of each outside package must be marked "Radioactive - LSA." 49 CFR 171.8 defines "Outside Package" as the assembly of one or more containers necessary to assure compliance with the requirements of 49 CFR 110-189. As stated in your letter of March 18, 1980, the HN-100 cask was used as shielding, presumably to meet the radiation level requirements of 49 CFR 173.393(j)(3) and (4). We therefore conclude that the HN-100 cask was a necessary "Outside Package" which required marking in accordance with 49 CFR 173.392(c)(8), as stated in our February 22, 1980, Notice of Violation.

This noncompliance was incorrectly classed as Severity Level III. This is a Severity Level IV noncompliance.

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We will gladly discuss any further questions you have concerning this matter.

Sincerely,



A. B. Davis, Chief  
Fuel Facility and  
Materials Safety Branch

cc w/ltr dtd 3/18/80:  
Mr. D. L. Peoples, Director  
of Nuclear Licensing  
Mr. N. Kalivianakis,  
Plant Superintendent  
Central Files  
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Assistant Attorney General