

APPENDIX B

NOTICE OF PROPOSED IMPOSITION OF CIVIL PENALTIES

Commonwealth Edison Company

Docket Nos. 50-254
50-265
EA-80-36

This office proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 USC 2282), and to 10 CFR 2.205 in the cumulative amount of Four Thousand Dollars (\$4,000.00) for the specific item of noncompliance set forth in Appendix A to the cover letter. In proposing to impose a civil penalty pursuant to this section of the Act and in fixing the proposed amount of the penalty, the factors identified in the Statements of Consideration published in the Federal Register with the rule making action which adopted 10 CFR 2.205 (26 FR 16894) August 26, 1971 and the "Criteria for Determining Enforcement Actions," which was sent to NRC licensees on December 31, 1974, and as supplemented on December 3, 1979, have been taken into account.

Commonwealth Edison Company may, within twenty-five (25) days of the date of the notice pay the civil penalty in the cumulative amount of Four Thousand Dollars (\$4,000.00) or may protest the imposition of the civil penalty in whole or in part by a written answer. Should Commonwealth Edison Company fail to answer within the time specified, this office will issue an order imposing the civil penalty in the amount proposed above. Should Commonwealth Edison Company elect to file an answer protesting the civil penalty, such answer may (a) deny the item 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; or (d) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate by specific reference (e.g., giving page and paragraph numbers) to avoid repetition.

Commonwealth 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.

Upon failure to pay any civil penalty due which has been subsequently determined in accordance with the applicable provisions 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 234c of the Atomic Energy Act of 1954, as amended (42 USC 2282).

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SS/MS:

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JUN 20 1980

Docket Nos. 50-254, 50-265,
EA-80-36

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

Gentlemen:

An NRC inspection, conducted on January 31, 1980, at the waste burial site in Hanford, Washington, disclosed one waste shipment from the Quad-Cities Nuclear Station having external radiation levels which exceeded regulatory requirements. This matter was discussed with you during a meeting with Mr. J. G. Keppler, Director, NRC Region III Office (Glen Ellyn, Illinois), on February 27, 1980.

As you know, NRC has taken steps to increase the standard of compliance in the area of transportation of radioactive waste materials. The December 3, 1979 letter to all NRC licensees set forth the criteria for categorizing violations in this area and stated that severity level 1 or 2 noncompliance would normally result in civil penalties or more severe enforcement action.

The maximum radiation levels found on the external surface of the transport vehicle in the shipment in question have been categorized as a severity level 1 violation.

As the result of our inspection of this matter, and our concerns as discussed during the February 27 meeting, we propose to impose civil penalties for the item of noncompliance set forth in Appendix A to this letter, in the total amount of Four Thousand Dollars. Appendix B to this letter is a Notice of Proposed Imposition of Civil Penalties. You are required to respond to this letter, and in preparing your response you should follow the instructions in Appendices A and B.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosures will be placed in the Commission's Public Document Room.

Sincerely,

Victor Stello, Jr.
Director
Office of Inspection
and Enforcement

Enclosures:

- 1. Appendix A - Notice of Violation
- 2. Appendix B - Notice of Proposed Imposition of Civil Penalties

cc w/attachments:

- Mr. D. L. Peoples, Director of Nuclear Licensing
- Mr. N. Kalivianakis, Plant Superintendent
- Mr. N. Wandke, Plant Superintendent
- Mr. Dean Hansell, Office of Assistant Attorney General

WPU:SM	XOOS	FFMSI	FFMSI	ELD	XGOS	DD:IE	D:IE
6/17/80	TWBrockett	AGrella	JSniezek	JLieberman	DThompson	RCDeYoung	VStello
JOB N(2)	6/ /80	6/ /80	6/ /80	6/ /80	5/17/80	6/16/80	6/ /80

JUN 20 1980

Commonwealth Edison Company

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Federal Highway Administration
ATTN: C. L. Hargis
Motor Carrier Safety Investigation
18209 Dixie Highway
Homewood, IL 60430

Office of the Attorney General
ATTN: Hon. William J. Scott
Attorney General
500 S. Second
Springfield, IL 62701

Department of Public Health
ATTN: Maury Neuweg, Chief
Division of Radiological Health
535 West Jefferson Street
Springfield, IL 62761

Commerce Commission
ATTN: Michael V. Hasten, Chairman
527 E. Capitol Avenue
Springfield, IL 62706

Appendix A

NOTICE OF VIOLATION

Commonwealth Edison Company

Docket No. 50-254

Docket No. 50-265

EA-80-36

Based on the results of an NRC inspection conducted on January 31, 1980, it appears that one of your activities was not conducted in full compliance with NRC regulations as indicated below.

10 CFR 71.5 prohibits delivery of licensed material to a carrier for transport unless the licensee complies with applicable regulations of the Department of Transportation in 49 CFR Parts 170-189. 49 CFR 173.393(j)(2) requires that radiation levels not exceed 200 millirem per hour at any point on the external surface of the vehicle used to transport packages of radioactive material.

Contrary to the above, a shipment of licensed radioactive material was made by your Quad-Cities Station to Richland, Washington on January 22, 1980, in an exclusive use vehicle, in which the dose rate as measured at contact with the bottom of the trailer was 700 millirem per hour upon receipt of the shipment at Richland, Washington, on January 31, 1980.

This is a Severity I item of noncompliance.
(Civil Penalty - \$4,000)

This notice of violation is sent to Commonwealth Edison Company pursuant to the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. Commonwealth Edison Company is hereby required to submit to this office, within twenty-five days of the date of this notice, a written statement or explanation in reply, including for this item of noncompliance, (1) admission or denial of the alleged item of noncompliance; (2) the reasons for the item of noncompliance if admitted; (3) the corrective steps which have been taken and the results achieved; (4) corrective steps which will be taken to avoid further noncompliance; and (5) the date when full compliance will be achieved.

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