



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

March 14, 1994

Dockets No. 50-373; 50-374
Licenses No. NPF-11; NPF-18
EA 93-283

Commonwealth Edison Company
ATTN: Mr. Michael J. Wallace
Vice President,
Chief Nuclear Officer
Executive Towers West
1400 Opus Place, Suite 300
Downers Grove, Illinois 60515

SUBJECT: NOTICE OF VIOLATION
(INSPECTION REPORT 50-373/93033; 50-374/93033)

Dear Mr. Wallace:

This refers to the January 26, 1994, letter from the Commonwealth Edison Company requesting the NRC reconsider the severity level for a recently issued Severity Level III violation. The violation was issued for failure at the LaSalle County Station to fully evaluate information obtained from the fitness for duty program prior to authorizing unescorted access to an individual who had not successfully completed pre-access fitness for duty testing.

In this instance, a clerical employee entered the date a fitness for duty test was performed rather than the date the test results were received. This clerical error was compounded when the Assistant Station Security Supervisor failed to discharge his responsibilities with the fitness for duty program by not checking that all actions, including the fitness of the employee, were successfully completed and all supporting data were present prior to granting the individual unescorted access to the LaSalle County Station. While this one example appeared to be an isolated instance, the fact remains that your system for granting unescorted access to a nuclear power plant failed to identify that a person who had tested positive for cocaine was given unescorted access to the LaSalle County Nuclear Station and he actually entered the protected area of the plant. This is a significant breakdown in the basic elements of the fitness for duty program and the violation was appropriately categorized at Severity Level III. If the person had not been granted unescorted access, we would have considered a lesser violation.

The January 26, 1994, letter also argues that the categorization of the violation "is inconsistent with Commission policies regarding the non-punitive nature of the Enforcement Policy, the

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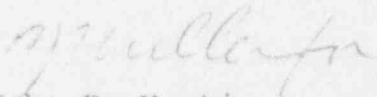
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encouragement of licensee self-evaluation and program enhancement, and the severity of the FFD violations." We disagree with you. Exercise of discretion in cases where licensees identify their own problems through competent self-assessment activities is an important feature of our enforcement policy. In this case you did not identify the violation; it was self-disclosing. Furthermore, licensee evaluation, corrective action and root cause determinations are factors that are considered in the mitigation or escalation of enforcement actions, not in the categorization of the violation itself. We considered those factors by fully mitigating the civil penalty.

We have reviewed the corrective actions described in the January 26, 1994, letter and have no further questions at this time. Those corrective actions will be examined during future inspections.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter be placed in the NRC Public Document Room.

Sincerely,


John B. Martin
Regional Administrator

W. Murphy, Site Vice President
L. DelGeorge, Vice President
Nuclear Oversight and
Regulatory Services
J. Schmeltz, Acting Station Manager
J. Lockwood, Regulatory Assurance
Supervisor
D. Farrar, Nuclear Regulatory
Services Manager
Resident Inspectors LaSalle,
Dresden and Quad Cities

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