

February 29, 1996

EA 96-024

Mr. R. E. Querio  
Site Vice President  
LaSalle County Station  
Commonwealth Edison Company  
2601 North 21st Road  
Marseilles, IL

SUBJECT: EXERCISE OF ENFORCEMENT DISCRETION (OI REPORT NO. 3-95-033)

Dear Mr. Querio:

This refers to the Office of Investigations Report No. 3-95-033 (synopsis enclosed) regarding the deliberate misconduct of two non-licensed operators. Specifically, on July 24, 1995, one of the operators had inadvertently taken his security badge outside of the protected area and then tried to conceal this fact by requesting another nonlicensed operator to surreptitiously place the badge back inside the protected area in the exit collection box. The second operator did return the badge but shortly thereafter told her supervisor of this event. Your investigation showed that both individuals admitted their actions. In this instance, security badge control was required by Section 7.1.1.2 of the NRC approved LaSalle Station security plan.

It is incumbent upon each NRC licensee to protect the public health and safety by assuring that all requirements of the security plan are met and any potential violation of NRC requirements is identified and expeditiously corrected. The failure to properly control the security badge from being removed from the protected area and the subsequent deliberate attempt to conceal the event are willful acts which cannot be condoned and will not be tolerated.

The NRC recognizes that the safety significance of the violation in this instance was low because the badge could not be used unless reactivated by security personnel, thereby preventing unauthorized use. The NRC also recognizes that the violation was identified, investigated and promptly corrected by your staff. These actions indicate the importance you attach to security violations committed by members of the plant staff.

In accordance with Section VII.B.1 of the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600 (60 FR 34381), a Notice of Violation is not being issued for the following reasons: (1) the violation was identified by your staff and was promptly reported to the NRC; (2) an uncontrolled badge, absent any consideration of willfulness, would normally be classified as a Severity Level IV violation; (3) the violation could not reasonably be expected to have been prevented by your corrective action for a previous violation or previous licensee finding; (4) comprehensive corrective actions were taken, including a ten day

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February 29, 1996

suspension for the operator who took the badge out of the protected area and a five day suspension for the operator who returned the badge; (5) the actions involved the acts of two non-supervisory employees; and (6) the violation appeared to have occurred as a result of isolated actions by the two employees without the involvement of management, and did not appear to have been caused by a lack of management oversight. Nonetheless, any similar violation in the future may result in enforcement action.

In accordance with 10 CFR 2.790 of the Commission's regulations, a copy of this letter and enclosure will be placed in the NRC Public Document Room.

Sincerely,

/s/ J. A. Grobe

Geoffrey E. Grant, Director  
Division of Reactor Safety

Docket Nos. 50-373; 50-374

Enclosure: OI Report 3-95-033  
Synopsis

cc w/encl: J. C. Brons, Vice President,  
Nuclear Support  
J. S. Perry, Vice President,  
BWR Operations  
D. J. Ray, Station Manager  
J. Burns, Regulatory Assurance  
Supervisor  
D. Farrar, Nuclear Regulatory  
Services Manager  
Richard Hubbard  
Nathan Schloss, Economist,  
Office of the Attorney General  
State Liaison Officer  
Chairman, Illinois Commerce Commission

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(SEE PREVIOUS CONCURRENCE)

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DATE	02/19/96	02/21/96	02/21/96		02/21/96	02/29/96

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R. E. Querio

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suspension for the operator who took the badge out of the protected area and a five day suspension for the operator who returned the badge; (5) the actions involved the acts of two low-level employees; and (6) the violation appeared to have occurred as a result of isolated actions by the two employees without the involvement of management, and the violations did not appear to have been caused by a lack of management oversight. Nonetheless, any similar violation in the future may result in enforcement action.

In accordance with 10 CFR 2.790 of the Commission's regulations, a copy of this letter and enclosure will be placed in the NRC Public Document Room.

Sincerely,

Geoffrey E. Grant, Director  
Division of Reactor Safety

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DATE	02/17/96		02/17/96		02/17/96		02/ /96

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## SYNOPSIS

On August 29, 1995, an investigation was initiated to determine if a non-licensed auxiliary operator inadvertently took a security badge outside the protected area of LaSalle County Station and then asked another non-licensed auxiliary operator to surreptitiously bring the badge back inside the protected area. On July 25, 1995, the LaSalle County Plant Operations Superintendent reported the occurrence to the NRC Senior Resident Inspector.

Based upon a review of the investigative report provided by the licensee, it was determined that one employee had inadvertently taken a security badge outside the protected area upon exiting the plant. A second employee then surreptitiously returned the badge at the request of the employee to whom the badge was assigned.

Based upon the evidence contained in the licensee investigative report, it is concluded that the two employees deliberately violated the LaSalle County Plant Security Plan.