

~~SAFEGUARDS INFORMATION~~

MAR 05 1986

Docket No. 50-454
License No. NPF-37
EA No. 86-18

Commonwealth Edison Company
ATTN: Mr. James J. O'Connor
President
Post Office Box 767
Chicago, IL 60690

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY (NRC INSPECTION REPORT NO. 50-454/85054[DRSS])

This refers to the special safeguards inspection conducted during the period December 2-5, 1985 at the Byron Nuclear Power Station, Byron, Illinois. The results of the inspection were discussed on December 19, 1985 during an enforcement conference between Mr. C. Reed and others of your staff and Mr. A. Bert Davis and others of the NRC Region III staff.

The inspection revealed that you did not control access into a vital area of the Byron facility. This failure to control access led to two of the three elements of access control for the affected vital area being inadequate such that an individual could have gained unauthorized, undetected access. In addition, the violation continued for 26 days before identification by a member of the security force. Once identified, the incident was not reported to the NRC within the time limits required by 10 CFR 73.71(c). The violations represent a failure to fully implement and maintain in effect the provisions of your NRC approved Physical Security Plan.

The results of this inspection and prior poor performance in the area of security raise concerns regarding the effectiveness of the security program at the Byron Nuclear Power Station. These concerns on the part of NRC and licensee personnel led to further discussions subsequent to the December 19, 1985 enforcement conference. As a result of these continued discussions, on January 29, 1986, Commonwealth Edison Company submitted to the NRC a Performance Improvement Program (PIP). The NRC staff has concluded that the program, if properly implemented, should improve performance in the area of security.

To emphasize the importance of implementing an effective security program and maintaining adequate access control into vital areas of the Byron facility, I have been authorized, after consultation with the Director, Office of

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RETURN RECEIPT REQUESTED

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Commonwealth Edison Company

2

MAR 05 1986

Inspection and Enforcement, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the amount of Fifty Thousand Dollars (\$50,000) for the violation described in Section I of the enclosed Notice. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1985) (Enforcement Policy), the violation described in Section I of the enclosed Notice has been categorized at a Severity Level III.

The base value of a civil penalty for a Severity Level III violation is \$50,000. The NRC Enforcement Policy allows for reduction of a civil penalty under certain circumstances. In this case, your prompt and extensive corrective actions which included initiation of additional barrier inspections by the security force, retraining of security force members, revisions to the post orders, relocation of vital area barriers to better control access, as well as the re-stenciling and locking of floor plugs leading from protected to vital areas were considered. In addition, as discussed by members of your staff during the December 19, 1985 enforcement conference, you took strong disciplinary action, including the dismissal of two individuals and the suspension of three others, and initiated a PIP in the area of security. The NRC staff believes that these corrective actions are indicative of management's commitment toward improving overall performance in the area of security at the Byron facility.

However, the corrective actions taken are offset by your poor enforcement history in the general area of concern, the duration of the violation before identification by a security force member, and your late reporting of the event. Therefore, no mitigation or escalation of the base civil penalty is deemed appropriate in this case.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. You should place all Safeguards Information as defined in 10 CFR 73.21 only in enclosures, so that your letter may be placed in the Public Document Room.

In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

The material enclosed contains Safeguards Information as defined by 10 CFR 73.21 and its disclosure to unauthorized individuals is prohibited by Section 147 of the Atomic Energy Act of 1954, as amended. Therefore, with the exception of the cover letter, this material will not be placed in the Public Document Room.

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Commonwealth Edison Company

3

Certified By J. E. Lasek
MAR 05 1986

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Sincerely,

Original signed by
James G. Keppler

James G. Keppler
Regional Administrator

Enclosures:

1. Notice of Violation and Proposed Imposition of Civil Penalty
 2. Inspection Report No. 50-454/85054(DRSS)
- (UNCLASSIFIED SAFEGUARDS INFORMATION)

cc w/enclosures:

- D. L. Farrar, Director of Nuclear Licensing
- V. I. Schlosser, Project Manager
- Gunner Sorensen, Site Project Superintendent
- R. E. Queria, Plant Manager

Distribution w/o Safeguards

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- Rivollmer, IE
- JAxelrad, IE
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- PRObinson, IE*
- JLieberman, ELD
- JSniezek, DED/ROGR
- Enforcement Coordinators*
RI, RII, RIII, RIV, RV
- RBurnett, NMSS
- Phyllis Dunton, Attorney General's Office, Environmental Control Division
- D. W. Cassel, Jr., Esq.
- Diane Chavez, DAARE/SAFE
- L. Olshan, NRR LPM
- H. S. Taylor, Quality Assurance Division

- IE/ES
- IE/EA
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RIII
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by phone S. Lieberman
IE: Esq
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JKeppler
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Rivollmer
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J Taylor
2/25/86

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A # 85/2240171
SAFEGUARDS INFORMATION
UNITED STATES

NUCLEAR REGULATORY COMMISSION

REGION III

**799 ROOSEVELT ROAD
GLEN KILLYN, ILLINOIS 60137**

DEC 19 1985

Docket No. 50-454

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

Gentlemen:

This refers to the special inspection conducted by Mr. J. L. Belanger and Ms. G. M. Christoffer of this office on December 2-5, 1985, of activities at Byron Nuclear Power Station, Unit 1 authorized by NRC Operating License No. NPF-37 and to the discussion of our findings with Mr. R. Querio and other members of your staff at the conclusion of the inspection.

The special inspection was conducted regarding Safeguards Event Report No. 85-015 reported by Mr. W. Kouba on November 30, 1985. The enclosed copy of our inspection report identifies the items examined during the inspection, and consisted of an examination of security force post orders and records, observations, and interviews with personnel.

During this inspection, certain of your activities appeared to be in noncompliance with NRC requirements. You will be notified by separate correspondence of our decision regarding enforcement actions based on the findings of this inspection. No written response is required until you are notified of the proposed enforcement action.

Areas examined during this inspection concern a subject matter which is exempt from disclosure according to Part 73, Title 10, Code of Federal Regulations, Section 73.21(c)(2). This information must be handled and protected in accordance with the provisions of 10 CFR 73.21. Consequently, our report of this inspection will not be placed in the NRC Public Document Room.

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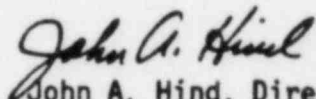
Commonwealth Edison Company

2

DEC 19 1985

We will gladly discuss any questions you have concerning this inspection.

Sincerely,


John A. Hind, Director
Division of Radiation Safety
and Safeguards

Enclosure: Inspection Report
No. 50-454/85054(DRSS)
(UNCLASSIFIED SAFEGUARDS INFORMATION)

cc w/enclosure:
D. L. Farrar, Director
of Nuclear Licensing
V. I. Schlosser, Project Manager
Gunner Sorensen, Site Project
Superintendent
R. E. Querio, Plant Manager
IE File
IE/DI/ORPB
IE/ES
NMSS/SGPL
NRR/DL/SSPB
ACRS

cc w/enclosure, w/o
UNCLASSIFIED SAFEGUARDS
INFORMATION:
DCS/RSB (RIDS)
Licensing Fee Management Branch
Resident Inspector, RIII Byron
Resident Inspector, RIII
Braidwood
Phyllis Dunton, Attorney
General's Office, Environmental
Control Division
D. W. Cassel, Jr., Esq.
Diane Chavez, DAARE/SAFE
Steve Lewis, ELD
L. Olshan, NRR LPM
H. S. Taylor, Quality Assurance
Division

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A # 85/2240/80

U. S. NUCLEAR REGULATORY COMMISSION
REGION III

Report No. 50-454/85054(DRSS)

Docket No. 50-454

License No. NPF-37

Licensee: Commonwealth Edison Company
Post Office Box 767
Chicago, IL 60690

Facility Name: Byron Nuclear Power Station, Unit 1

Inspection At: Byron Site, Byron, IL

Inspection Conducted: December 3, 1985 (Onsite)
December 2, 4-5, 1985 (Region III Office)

Date of Last Physical Security Inspection: October 25, 1985 (Onsite)
October 28-30, 1985 (Region III Office)

Type of Inspection: Announced, Special Physical Security Inspection

Inspectors: J. L. Belanger 12/19/85
J. L. Belanger Date
Physical Security Inspector

J. L. Belanger for 12/19/85
G. M. Christoffer Date
Physical Security Inspector

Reviewed By: J. R. Creed 12/19/85
J. R. Creed, Chief Date
Safeguards Section

Approved By: W. L. Axelson 12/19/85
W. L. Axelson, Chief Date
Nuclear Materials Safety
and Safeguards Branch

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