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SEP 16 1988

Docket No. 50-457  
License No. NPF-77  
EA 88-174

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

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL  
PENALTY (NRC INSPECTION REPORTS NO. 50-456/88020(DRSS);  
NO. 50-457/88020(DRSS))

This refers to the inspection conducted on June 20, 1988 of activities at the Braidwood Nuclear Power Station, Unit 2, authorized by NRC Operating License No. NPF-77. The inspection related to events on June 15, 1988 when the NRC Resident Inspector identified two instances of inattentiveness on the part of security officers, as described in the subject Inspection Report sent to you by letter dated July 1, 1988. An enforcement conference was held on July 18, 1988 in the Region III Office in which the violation, its root cause, and your corrective actions were discussed.

On June 16, 1988 two separate examples of security officers' inattentiveness were identified. The officers were posted as compensatory measures for an unlocked, unalarmed vital area door. When the resident inspector walked in the vicinity of the two officers, both of whom were noted with eyes closed, his presence was neither acknowledged nor challenged by them. We believe that access to the vital area could have been achieved while the officers were inattentive.

At the July 18, 1988 enforcement conference, it was your staff's position that the performance of the officers was not acceptable to CECO, but concluded that the officers were sufficiently attentive to control access for purposes of meeting regulatory requirements and, therefore, a violation had not occurred. The two officers in question were posted to control access to a vital area, were observed at close range by NRC inspectors who waited to be acknowledged, and failed to respond to the presence of the inspectors for an unacceptably long period of time. In one case, the inspector actually walked past the guard and approached and stood by the vital area door without challenge, the guard clearly failing to meet the requirements of positive access control. In view of these facts, it is difficult to understand and accept your staff's position. Subsequently, we understand that position has been revised to acknowledge that a violation had occurred.

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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Commonwealth Edison Company

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To emphasize the importance of posting effective compensatory measures and the need to ensure that security officers' performance does not impact on the adequacy of those measures, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Regional Operations, 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 the enclosed Notice. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR, Part 2, Appendix C (1988) (Enforcement Policy), the violation described in the enclosed Notice has been categorized at a Severity Level III. The escalation and mitigation factors in the Enforcement Policy were considered, and no adjustment has been deemed appropriate.

As a result of the Enforcement Conference, we have additional concerns. The position taken by your staff was not supported by the facts. We were surprised that this position was supported by corporate management at the meeting and concerned that it may provide the wrong message to plant personnel, specifically regarding the importance of maintaining effective compensatory measures and the appropriate standards for communicating with the Commission.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. 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 and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Areas discussed in this Notice concern subject matter which is exempt from disclosure according to 10 CFR 73.21(c)(2). Consequently, the enclosure to this letter will not be placed in the NRC Public Document Room. Your response to the violations identified in the enclosed Notice should be submitted in accordance with 10 CFR 2.790(d) and 10 CFR 73.21.

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, Pub. L., No. 96-511.

Sincerely,

*for Carl Paperiello*  
A. Bert Davis  
Regional Administrator

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Enclosure: Notice of Violation  
and Proposed Imposition of Civil Penalty  
(UNCLASSIFIED SAFEGUARDS INFORMATION)

See Attached Distribution

RIIF <i>[initials]</i>	RIII	OGC	OE	RIII	RIII	RIII
Stapleton/rr	Chandler	Lieberman	Taylor	Noel	Paperiello	Davis
09/15/88	09/1/88	09/1/88	09/1/88	09/1/88	09/1/88	09/17/88

*per fax dtd 9/15/88*

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Commonwealth Edison Company

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