



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
801 WARRENVILLE ROAD  
LISLE, ILLINOIS 60532-4351

April 27, 1999

EA 99-100

Mr. Peter D. Kingsley  
President, Nuclear Generation Group  
Commonwealth Edison Company  
ATTN: Regulatory Services  
Executive Towers West III  
1400 Opus Place, Suite 500  
Downers Grove, IL 60515

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT NO. 3-98-017

Dear Mr. Kingsley:

This letter is in reference to information reported to the U.S. Nuclear Regulatory Commission (NRC) on February 24, 1998, by the Commonwealth Edison Company (ComEd) that a firearm had been detected during the routine search of a contractor employee attempting to enter ComEd's Zion Station. On February 24, 1998, ComEd representatives reported to the NRC that a hand gun was found in the hand-carried possession of the employee, an off-duty security officer, while the officer was undergoing the incoming search of individuals at the Zion Station. Upon detection of the firearm, the incoming security officer requested that the security officer who detected the weapon not notify a supervisor because it was possible that the individual's employment may be terminated because he had brought a firearm onto ComEd property. The firearm never entered the protected area of the Zion Station.

The NRC Office of Investigations (OI) conducted an investigation into the matter and concluded that the individuals involved deliberately failed to immediately notify a supervisor that a firearm had been detected. The deliberate failure to immediately report the detection of the firearm placed ComEd in apparent violation of the implementing procedures of the NRC-approved security plan for the Zion Station. Mr. James L. Belanger of my staff discussed this matter on April 23 1999, with the following members of the ComEd staff: Roy Lane, Corporate Security Director; Robert Starkey, Plan Manager; David Combs, Zion Station Security Manager; and Robert Godley, Regulatory Assurance Supervisor. A copy of the OI report synopsis is enclosed.

As a result of the OI investigation and an investigation by ComEd, it may not be necessary to conduct a predecisional enforcement conference in order to enable the NRC to make an enforcement decision. The NRC recognizes that ComEd identified the violations. The NRC also recognizes that prompt and effective corrective actions were taken to prevent recurrence of the violations. The corrective actions included, but are not limited to: (1) denying the individuals access to the Zion Station; (2) taking disciplinary action against the individuals; (3) providing the lessons learned to the staff of the Zion Station; and (4) notifying the other ComEd nuclear stations of the incident. Therefore, a civil penalty or an order may not be warranted. The final decision will be based on ComEd's confirmation on the license docket that the

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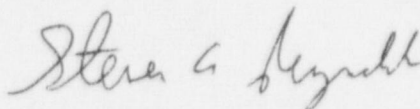
corrective actions previously described to the NRC staff have been or are being taken. A written response from ComEd is also required if the corrective actions described above do not accurately reflect the corrective actions or the ComEd position.

Before the NRC makes its enforcement decision, we are providing you an opportunity to either (1) respond to the apparent violations, discussed above, within 30 days of the date of this letter, or (2) request a predecisional enforcement conference. If a conference is held, it will be transcribed and closed for public observation because the deliberate actions of individuals will be discussed. Please contact Mr. James R. Creed, at telephone number (630) 829-9857 within seven days of the date of this letter to notify the NRC of your intended response.

Should you choose to respond in writing, your response should be clearly marked as a "Response to Apparent Violations in OI Investigation Report No. 3-98-017," and should include for each apparent violation: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken to avoid further violations; and (4) the date when full compliance will be achieved. Your response should be submitted under oath or affirmation and may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. The response should be addressed to the NRC Document Control Desk, Washington, D.C. 20555, with copies to the Director, Office of Enforcement, Washington, D.C. 20555, the Region III Regional Administrator and the Region III Enforcement Officer, U.S. Nuclear Regulatory Commission, 801 Warrenville Road, Lisle, Illinois 60532-4351. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a predecisional enforcement conference.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response (if you choose to provide one) will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

Sincerely,



*for* John A. Grobe, Director  
Division of Reactor Safety

Docket Nos. 50-295; 50-304  
License Nos. DPR-39; DPR-48

Enclosure: OI Report Synopsis

cc w/encl: D. Helwig, Senior Vice President  
H. Stanley, PWR Vice President  
C. Crane, BWR Vice President  
R. Krich, Vice President, Regulatory Services  
DCD - Licensing  
R. Starkey, Decommissioning Plant Manager  
R. Godley, Regulatory Assurance Supervisor  
M. Aguilar, Assistant Attorney General  
K. Nollenberger, County Administrator  
Mayor, City of Zion  
State Liaison Officer  
State Liaison Officer, Wisconsin  
Chairman, Illinois Commerce Commission



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## SYNOPSIS

This investigation was initiated by the U.S. Nuclear Regulatory Commission, Office of Investigations (OI), Region III, on April 6, 1998, to determine whether security guards at Zion Generating Station (ZGS), Zion, Illinois, deliberately violated site security procedures.

Based upon evidence developed during this investigation, OI:RIII did not substantiate the allegation that a security guard at ZGS deliberately violated security procedures by bringing a weapon into ZGS. It was, however, determined that the same security guard deliberately attempted to cover up the fact that the weapon was brought into ZGS. Furthermore, based on the evidence developed during this investigation, OI:RIII did substantiate that two other guards deliberately failed to report the incident as required.