

DMB

~~SAFEGUARDS INFORMATION~~

JUN 06 1985

Docket No. 50-454  
License No. NPF-37  
EA 85-52

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. 50-454/85012 (DRSS))

This refers to the special safeguards inspection conducted on March 11, 1985 at the Byron Nuclear Power Station, Byron, Illinois. The results of this inspection were discussed on April 2, 1985 during an Enforcement Conference between Mr. L. O. Del George and others of your staff and Mr. James G. Keppler and others of the NRC Region III staff. Additional information concerning this violation was provided to the NRC Region III staff in a letter from the licensee dated April 22, 1985.

This inspection revealed that you did not adequately implement compensatory measures to control access into a vital area of the Byron facility. This failure to adequately implement compensatory measures directly led to the inadequacy of two of the three elements of access control for the affected vital area. This violation reflects a failure on your part to fully implement and maintain in effect the provisions of your NRC approved Physical Security Plan.

To emphasize the importance of maintaining adequate access control into vital areas of the Byron facility and the need to ensure that compensatory measures are adequate for security systems that would normally be in effect, I have been authorized, after consultation with the Director, Office of Inspection and Enforcement, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the amount of Twenty-five Thousand Dollars (\$25,000) 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 (1985) (Enforcement Policy), the violation described in the enclosed Notice has been categorized at a Severity Level III.

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- 2

JUN 06 1985

The severity of a violation is characterized at the level suited to the significance of the particular violation. In determining the significance of this violation, consideration was given to the factors relevant to the violation, including the points raised in your April 22, 1985 letter. The duration of the failure to maintain provisions of the NRC approved Physical Security Plan at Byron Station, together with the other factors involved, make characterization of the violation at Severity Level III appropriate in this case.

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, the base civil penalty is reduced by 50 percent because of your extensive and comprehensive corrective action which included the retraining of all firewatch and security personnel, revisions to firewatch and security personnel lesson plans, and a management reorganization which put the firewatch program under the direction of the Security Administrator's office.

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.

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

ES: D. Much IE: bpr  
JAXelrad RVollmer  
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## Enclosures:

1. Notice of Violation and Proposed Imposition of Civil Penalty
2. Inspection Report No. 50-454/85012(DRSS) (UNCLASSIFIED SAFEGUARDS INFORMATION)

IE: ES JTB RIII ELD  
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06/04/85

RIII  
Stapleton

RIII  
Davis

RIII  
Keppler

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3

JUN 06 1985

cc w/encls:

D. L. Farrar, Director of Nuclear Licensing  
V. I. Schlosser, Project Manager  
Gunner Sorenson, Site Project Superintendent  
R. E. Querio, Station Superintendent  
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