

APPENDIX B

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTIES

Philadelphia Electric Company
Limerick Generating Station
Unit 1

Docket No. 50-352
License No. NPF-27
EA 85-42

On February 4-8 and 13, 1985, the NRC conducted an inspection of the physical protection program at Limerick. During the inspection, five violations of NRC requirements were identified. Collectively, the violations indicate inadequate performance by the contractor guard force, including inadequate supervisory response to degraded conditions, and they further demonstrate inadequate management oversight of the guard force by Philadelphia Electric Company (PECo).

In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1985), and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended ("Act"), 42 U.S.C. 2282, PL 96-295 and 10 CFR 2.205, the violations and the associated civil penalties are set forth below:

A.

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INFORMATION. IT IS NOT FOR PUBLIC
DISCLOSURE. IT IS INTENTIONALLY
LEFT BLANK.

B.

THIS PARAGRAPH CONTAINS 2.790(d)
INFORMATION AND IS NOT FOR
PUBLIC DISCLOSURE. IT IS
INTENTIONALLY LEFT BLANK.

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- C. Philadelphia Electric Company Limerick Generating Station Physical Security Plan, Chapter 12, dated October 1984 states, in part, "Records and reports required by 10 CFR 73.71(c) will be generated, maintained and forwarded to the NRC as mandated by the regulations."

10 CFR 73.71(c), Reporting of Physical Security Events states, in part, "Each licensee under either a specific or general license shall notify the NRC Operations Center via the Emergency Notification System as soon as possible, and in all cases within one hour, of any event which significantly threatens or lessens the effectiveness of a physical security system as established by regulations in this chapter, or by the licensee's approved physical security, contingency, and security personnel qualification and training plans, or by both."

Contrary to the above, on February 2, 1985, an event occurred which significantly lessened the effectiveness of the physical security plan, and as of February 4, 1985, the NRC Operations Center was not notified via the Emergency Notification System of the occurrence.

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thereby lessening the effectiveness of the physical security plan, and telephone notification was not made to the NRC Operations Center.

- D. Philadelphia Electric Company Limerick Generating Station Physical Security Plan, Chapter 1, dated August 1984, states, in part, "All commitments contained in... Safeguards Contingency Plan will be in place and fully implemented by the date of receipt of the Limerick Generating Station (LGS) Operating License."

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These violations have been categorized in the aggregate as a Severity Level III problem (Supplement III).

(Cumulative Civil Penalties - \$50,000 - assessed equally among the violations.)

Pursuant to the provisions of 10 CFR 2.201, Philadelphia Electric Company is hereby required to submit to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region I, 631 Park Avenue, King of Prussia, PA 19406, within 30 days of the date of this Notice, a written statement or explanation, including for each alleged violation: (1) admission or denial of the alleged violation; (2) the reasons for the violation, if admitted; (3) the corrective steps which have been taken and the results achieved; (4) the corrective steps which will be taken to avoid further violations; and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, the Director, Office of Inspection and Enforcement, may issue an Order to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

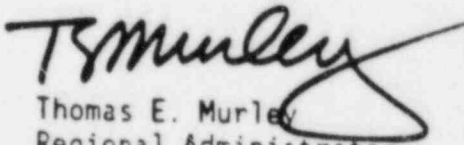
Within the same time as provided for the response required under 10 CFR 2.201, Philadelphia Electric Company may pay the civil penalties by letter to the Director, Office of Inspection and Enforcement, with a check, draft, or money order payable to the Treasurer of the United States in the amount of \$50,000 or may protest imposition of the civil penalties, in whole or in part, by a written answer addressed to the Director, Office of Inspection and Enforcement. Should Philadelphia Electric Company fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an Order imposing the civil penalties proposed above. Should Philadelphia Electric Company elect

to file an answer in accordance with 10 CFR 2.205 protesting the civil penalties. Such answer may: (1) deny the violations listed in this Notice in whole or in part; (2) demonstrate extenuating circumstances; (3) show error in this Notice; or (4) show other reasons why the penalties should not be imposed. In addition to protesting the civil penalties, in whole or in part, such answer may request mitigation of the proposed penalties.

In requesting mitigation of the proposed penalties, the five factors contained in Section V(B) of 10 CFR Part 2, Appendix C (1985) should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate statements or explanations by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. Philadelphia Electric Company's attention is directed to the other provisions of 10 CFR 2.205, regarding the procedures for imposing civil penalties.

Upon failure to pay any civil penalties due, which have been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalties unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION


Thomas E. Murley
Regional Administrator

Dated at King of Prussia, Pennsylvania
this 30th day of May 1985