

ENCLOSURE

NOTICE OF VIOLATION

PECO Nuclear
Limerick & Peach Bottom

Docket Nos. 50-352; 50-353;
50-277; 50-278
License Nos. NPF-39; NPF-85;
DPR-44; DPR-56
EA 96-144; 96-243

During two NRC inspections conducted between March 5 and May 6, 1996, and between October 3 and November 27, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

10 CFR 73.21(a) requires, in part, that each licensee who is authorized to operate a nuclear power reactor shall ensure that Safeguards Information is protected against unauthorized disclosure.

10 CFR 73.21(b) requires, in part, the specific types of information, documents and reports that shall be protected are as follows: (i) the composite physical security plan for the nuclear facility or site, and (ii) site specific drawings, diagrams, sketches or maps that substantially represent the final design features of the physical protection system.

10 CFR 73.21(d) requires, in part, that while in use, matters containing Safeguards Information shall be under the control of an authorized individual, and while unattended, Safeguards Information shall be stored in a locked security container.

- a. Contrary to the above, from March 19, 1996 to April 11, 1996, an electronic copy of the Limerick Physical Security Plan, which contains Safeguards Information, was located on the PECO Nuclear Local Area Network (LAN), and the document was not under the control of an authorized individual and was available to personnel who were not authorized access to Safeguards Information.
- b. Contrary to the above, from approximately 1988 through 1996, approximately 150 items (including aperture cards, film cartridges, and hard copies of drawing change information), which contained design features of the physical protection system that contained Safeguards Information (concerning both the Limerick and Peach Bottom sites), were stored in an uncontrolled manner at various PECO sites, including, but not limited to, its Chesterbrook offices, its Plymouth Meeting Building, and its Philadelphia main office, and at the time, the items were not under the control of an authorized individual and was available to personnel who were not authorized access to Safeguards Information. (01013)

This is a Severity Level III problem (Supplement III).

Pursuant to provisions of 10 CFR 2.201, PECO Nuclear is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the 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 may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other actions as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated at King of Prussia, Pennsylvania
this 3rd day of February 1997