

NOTICE OF VIOLATION

Commonwealth Edison Company
Byron Station, Units 1 and 2

Docket Nos. 50-454; 50-455
License Nos. NPF-37; NPF-66

During an NRC inspection conducted between September 9 and October 16, 1997, two violations of NRC requirements were identified. In accordance with NUREG-1600, "General Statement of Policy and Procedure for NRC Enforcement Actions," the violations are listed below:

1. 10 CFR 19.11(a)(2) states that each licensee shall post current copies of the license, license conditions, or documents incorporated into a license by reference, and amendments thereto.

10 CFR 19.11(b) states that when posting of the current license is not practical, the licensee may post a notice which describes the document and states where it may be examined.

The Byron station posting indicates that the current Unit 1 and Unit 2 licenses can be located in central files.

Contrary to the above, as of September 26, 1997, neither the Unit 1 nor Unit 2 licenses in central files were current. Specifically the following eight technical specification amendments were not incorporated.

- a. Amendment 84, issued June 26, 1996, to be implemented within 30 days
- b. Amendment 86, issued April 2, 1997, to be implemented within 45 days
- c. Amendment 87, issued April 15, 1997, to be implemented within 30 days
- d. Amendment 88, issued April 16, 1997, to be implemented within 30 days
- e. Amendment 89, issued May 6, 1997, to be implemented within 30 days
- f. Amendment 90 (Unit 1), issued August 13, 1997, to be implemented within 30 days
- g. Amendment 90 (Unit 2), issued July 10, 1997, to be implemented within 30 days
- h. Amendment 91 (Unit 2), issued August 13, 1997, to be implemented within 30 days

This is a Severity Level IV violation (Supplement I).

2. License Condition G to Facility Operating Licenses No. NPF-37 and NPF-66 requires that the licensee maintain in effect and fully implement all provisions of the Commission-approved Physical Security Plan, including Amendments made pursuant to the authority of 10 CFR 50.54(p).

Section 7.1.2 of the Byron Station security plan states escorts are provided for all visitors to the protected and/or vital areas.

Contrary to the above, on August 15, 1997, an NRC inspector found a contractor employee (welder) who was a visitor within the protected area who was not being escorted. The visitor was left unescorted within the protected area for about 30 minutes (50-454/97020-03(DRS); 50-455/97020-03(DRS)).

This is a Severity Level IV violation (Supplement III).

Regarding violation number 1, pursuant to the provisions of 10 CFR 2.201, Commonwealth Edison 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 III, 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 the 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. If an adequate reply is not received within the time specified in the Notice, an order may be issued 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. Where good cause is shown, consideration will be given to extending the response time.

Regarding violation number 2, the NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already addressed in Section S8 of the attached Inspection Report. However, you are required to respond to the provisions of 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "reply to a Notice of Violation," and continue as with violation number 1 above.

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. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at Lisle, Illinois
this 4th day of December 1997