

August 22, 2001

EA-01-147

Mr. Oliver D. Kingsley, President
and Chief Nuclear Officer
Exelon Nuclear
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING AND
RELATED NOTICE OF VIOLATION (NRC INSPECTION
REPORT 50-461/01-09(DRS))

Dear Mr. Kingsley:

The purpose of this letter is to provide you with the final results of our significance determination of the preliminary White finding identified at the Clinton Power Station and documented in the subject inspection report. The inspection finding was assessed using the significance determination process and was preliminarily characterized as White, (i.e., an issue with low-to-moderate increased importance to safety, which may require additional NRC inspections). The preliminary White finding involved the failure to correct self-identified deficiencies disclosed through emergency preparedness drills of control room communicators in 1999 and 2000.

In a letter dated July 26, 2001, your staff provided the NRC with a written response to the subject inspection report, which provided your assessment of the preliminary White finding. You stated that you did not contest the finding and that you agreed with the NRC's preliminary risk assessment. After considering the information developed during the inspection and the additional information that you provided in your letter dated July 26, 2001, the NRC has concluded that the inspection finding is appropriately characterized as White. Should you change the conclusions expressed in your July 26, 2001 letter, you have 10 business days from the date of this letter to appeal the staff's determination of the significance of the White finding. Such appeals will be considered to have merit only if they meet the criteria given in NRC Inspection Manual 0609, Supplement 2.

The NRC has also determined that the failure to correct self-identified deficiencies disclosed through control room communicator drills in 1999 and 2000 is a violation of 10 CFR 50.47(b)(14), as cited in the enclosed Notice of Violation (Notice). The circumstances surrounding the violation are described in detail in the subject inspection report. In accordance with the NRC Enforcement Policy, NUREG-1600, the Notice of Violation is considered escalated enforcement action because it is associated with a White finding.

The NRC has concluded that information regarding the reason for the violation and the corrective actions taken and planned to correct the violation and to prevent recurrence is already adequately addressed on the docket in the subject inspection report and in your letter dated July 26, 2001. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

Because plant performance for the emergency preparedness cornerstone has been determined to be in the regulatory response column of the NRC Action Matrix, we used the pertinent NRC Inspection Manual 0305 guidance to determine the most appropriate NRC response for this issue. Normally, a White finding would warrant an NRC supplemental inspection of the issue to assess the adequacy of your evaluation and corrective actions. Since the NRC obtained this information during our supplemental inspection associated with the White performance indicator for Drill and Exercise Performance (Inspection Report 50-461/01-09(DRS)), the NRC does not plan to conduct any additional supplemental inspections concerning this issue. As a result of your acceptable performance in assessing the control room communicator drills observed during that inspection, the White finding will only be considered in assessing plant performance for a total of four quarters in accordance with the guidance in NRC Manual Chapter 0305, "Operating Reactor Assessment Program."

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 respond, will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Sincerely,

/RA by James L. Caldwell for/

J. E. Dyer
Regional Administrator

Docket No. 50-461
License No. NPF-62

Enclosure: Notice of Violation

See Attached Distribution

cc w/encl: J. Heffley, Vice President
W. Bohlke, Senior Vice President
Nuclear Services
J. Cotton, Senior Vice President -
Operations Support
M. Pacilio, Plant Manager
R. Krich, Director - Licensing
J. Skolds, Chief Operating Officer
C. Crane, Senior Vice President -
Mid-West Regional Operating Group
J. Benjamin, Vice President - Licensing
And Regulatory Affairs
H. Stanley, Operations Vice President
R. Helfrich, Senior Counsel, Nuclear
Mid-West Regional Operating Group
W. Illiff, Regulatory Assurance Manager (Acting)
Document Control Desk-Licensing
Illinois Department of Nuclear Safety

The NRC has concluded that information regarding the reason for the violation and the corrective actions taken and planned to correct the violation and to prevent recurrence is already adequately addressed on the docket in the subject inspection report and in your letter dated July 26, 2001. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

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Sincerely,

/RA by James L. Caldwell for/
J. E. Dyer
Regional Administrator

Docket No. 50-461
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Enclosure: Notice of Violation

See Attached Distribution

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cc w/encl: J. Heffley, Vice President
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Nuclear Services
J. Cotton, Senior Vice President -
Operations Support
M. Pacilio, Plant Manager
R. Krich, Director - Licensing
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C. Crane, Senior Vice President -
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NOTICE OF VIOLATION

Exelon Generation Company, LLC
Clinton Power Station

Docket No. 50-461
License No. NPF-62
EA-01-147

During an NRC inspection conducted on May 15, 2001, through June 8, 2001, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 50.47(b)(14) requires, in part, that periodic drills will be conducted to develop and maintain key skills and that deficiencies identified as a result of drills will be corrected.

10 CFR 50.54(q) requires, in part, that a licensee authorized to possess and operate a nuclear power reactor must follow and maintain in effect emergency plans which meet the standards in 10 CFR 50.47(b) and the requirements of Appendix E to Part 50.

The Clinton Emergency Plan implements the requirements of 10 CFR 50.54(q). Section 5.4.5 of the Clinton Emergency Plan, Revision 12, states that drills shall be conducted as instructional tools aimed at testing, developing, and maintaining specific skills and proficiencies.

The Clinton Emergency Plan Implementing Procedures implement the emergency plan. Implementing Procedure EC-07, Revision 0, "Emergency Plan Notification," requires, in part, that the State be notified within 15 minutes of a declaration and that the NARS [Nuclear Accident Reporting System] form be completed.

JPMs (Job Performance Measures); EM86821 (Notifications); NLO-EP-0; NLO-EP-02; EP-NARS-01; and EP-NARS-02 implement Section 5.4.5 of the emergency plan to test, develop, and maintain the staffs notification skills and proficiencies in executing Implementing Procedure EC-07.

Contrary to the above, from November 1999 through February 2001, the licensee failed to correct deficiencies identified during annual drills of (i.e., JPMs) of its control room communicators in November and December of 1999 and in August of 2000. Specifically, the licensee's drill records indicated that 11 of 44 individuals failed a notification JPM in November/December of 1999 and 10 of 36 individuals failed in August of 2000. Three individuals failed the notification JPM in both 1999 and 2000. Although the licensee discussed the failures with the individuals, the licensee failed to correct the drill deficiencies until February 2001, when the licensee identified the potential performance problem during its re-evaluation of the associated NRC performance indicator (with the included drill data).

This violation is associated with a White Significance Determination Process finding.

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, and the date when full compliance was achieved is already adequately addressed on the docket in NRC Inspection Report 50-461/01-09(DRS) and in your letter dated July 26, 2001. However, you are required

to submit a written statement or explanation pursuant to 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 send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 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 this Notice of Violation (Notice).

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room). 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.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 22nd day of August 2001