

February 28, 2003

EA-03-030

Mr. John L. Skolds, President  
and Chief Nuclear Officer  
Exelon Nuclear  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, IL 60555

SUBJECT: CLINTON POWER STATION  
NRC INSPECTION REPORT 50-461/03-02

Dear Mr. Skolds:

This refers to the inspection conducted on January 24, 2003, at the Clinton Power Station. The enclosed report documents the inspection findings which were discussed on January 24, 2003, with Mr. K. Polson and other members of your staff.

This inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observation of activities, and interviews with personnel.

Based on the results of this inspection, one apparent violation was identified and is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **What We Do, Enforcement**, then **Enforcement Policy**. On June 26, 2002, your staff provided information to the NRC regarding the medical status of two individuals applying for an NRC reactor operator's license. This information was incorrect and incomplete in that it did not include potentially disqualifying medical information available to your staff. As a result, on August 30, 2002, the NRC issued a reactor operator license that did not contain required medical restrictions to each individual. During an audit of licensed operator medical records on August 30, 2002, your staff identified that these two operators had medical conditions that warranted contacting the NRC. On September 24, 2002, additional medical information was submitted for the two individuals; however, no restriction to their licenses was requested. Based on the additional information provided, the NRC determined that restrictions to each license was necessary and the licenses were modified accordingly on October 17, 2002. The failure to provide accurate and complete information to the NRC regarding pre-existing medical conditions of two initial reactor operator license candidates is a significant regulatory issue. If the information had been complete and accurate at the time provided, the NRC would have taken a different regulatory position and would have not issued licenses without the required restrictions to the individuals.

The circumstances surrounding this apparent violation, the significance of the issue, and the need for lasting and effective corrective action were discussed with members of your staff at the inspection exit meeting on January 24, 2003. As a result, it may not be necessary to conduct a predecisional enforcement conference in order to enable the NRC to make an enforcement decision. In addition, since your facility has not been the subject of escalated enforcement actions within the last 2 years and based on our understanding of your corrective action, a civil penalty may not be warranted in accordance with Section VI.C.2 of the Enforcement Policy. The final decision will be based on your confirming on the license docket that the corrective actions previously described to the staff have been or are being taken.

Before the NRC makes its enforcement decision, we are providing you an opportunity to either: (1) respond to the apparent violations addressed in this inspection report within 30 days of the date of this letter; or (2) request a predecisional enforcement conference. If a conference is held, it will be open for public observation. The NRC will also issue a press release to announce the conference. Please contact Roger Lanksbury at (630) 829-9631 within 7 days of the date of this letter to notify the NRC of your intended response.

If you choose to provide a written response, it should be clearly marked as a "Response to An Apparent Violation in Inspection Report No 50-461/03-02; EA-03-030" and should include for each apparent violation: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent 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 response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a predecisional enforcement conference.

In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

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 provide one), will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

***/RA by RCaniano Acting For/***

Cynthia D. Pederson, Director  
Division of Reactor Safety

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

Enclosure: Inspection Report No. 50-461/03-02

cc w/encl: Site Vice President - Clinton Power Station  
Clinton Power Station Plant Manager  
Regulatory Assurance Manager - Clinton  
Chief Operating Officer  
Senior Vice President - Nuclear Services  
Senior Vice President - Mid-West Regional Operating Group  
Vice President - Mid-West Operations Support  
Vice President - Licensing and Regulatory Affairs  
Director Licensing - Mid-West Regional Operating Group  
Manager Licensing - Clinton and LaSalle  
Senior Counsel, Nuclear, Mid-West Regional Operating Group  
Document Control Desk - Licensing

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 provide one), will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

***/RA by RCaniano Acting For/***

Cynthia D. Pederson, Director  
Division of Reactor Safety

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

Enclosure: Inspection Report No. 50-461/03-02

cc w/encl: Site Vice President - Clinton Power Station  
Clinton Power Station Plant Manager  
Regulatory Assurance Manager - Clinton  
Chief Operating Officer  
Senior Vice President - Nuclear Services  
Senior Vice President - Mid-West Regional Operating Group  
Vice President - Mid-West Operations Support  
Vice President - Licensing and Regulatory Affairs  
Director Licensing - Mid-West Regional Operating Group  
Manager Licensing - Clinton and LaSalle  
Senior Counsel, Nuclear, Mid-West Regional Operating Group  
Document Control Desk - Licensing

DOCUMENT NAME: C:\ORPCheckout\FileNET\ML030630453.wpd

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	RIII	E	RIII	E	RIII	E	RIII	E	RIII	
NAME	RLanksbury for CPhillips:aa/sd		RLanksbury		AStone		BClayton		CPederson	
DATE	02/27/03		02/27/03		02/28/03		02/28/03		02/28/03	

**OFFICIAL RECORD COPY**

ADAMS Distribution:

F. Congel, OE

J. Dixon-Herrity, OE

D. Dambly, OGC

AJM

DFT

JBH1

RidsNrrDipmlipb

GEG

HBC

PLL

C. Ariano (hard copy)

DRPIII

DRSIII

PLB1

JRK1

CHW1

U.S. NUCLEAR REGULATORY COMMISSION

REGION III

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

Report No: 50-461/03-02

Licensee: AmerGen Energy Company, LLC

Facility: Clinton Power Station

Location: Route 54 West  
Clinton, IL 61727

Dates: January 24, 2003

Inspectors: C. J. Phillips, Senior Operations Engineer

Approved by: Cynthia Pederson, Director  
Division of Reactor Safety

## SUMMARY OF FINDINGS

IR 05000461-03-02; AmerGen Energy Company LLC; on 01/24/03; Clinton Power Station; Licensed Operator Requalification.

This report covers a 1-day period of baseline announced inspection, conducted by a regional specialist inspector. One apparent violation was identified during this inspection. The significance of most findings is indicated by their color (Green, White, Yellow, Red) using Inspection Manual Chapter (IMC) 0609, "Significance Determination Process" (SDP). Findings for which the SDP does not apply may be Green or be assigned a severity level after NRC management review. The NRC's program for overseeing the safe operation of commercial nuclear power reactors is described in NUREG 1649, "Reactor Oversight Process," Revision 3, dated July 2000.

### A. Inspector Identified Findings

#### **Cornerstone: Mitigation Systems**

TBD. Clinton Station management personnel informed NRC Region III by letter dated September 24, 2002, that two operators who had been examined for their operator licenses in August 2002 had long standing medical conditions that warranted reporting to the NRC for review. Both operators were issued a license by the NRC on August 30, 2002. The licensee originally sent NRC Form 396s for both operators to Region III on June 26, 2002, without including their medical records and did not recommend any license restrictions. One operator had a history of myocardial infarction and the other had a history of coronary heart disease. The medical conditions described above are considered potentially disqualifying in accordance with American Nuclear Standards Institute/American Nuclear Society (ANSI/ANS) 3.4, 1983, and should have been reported to the NRC with a request for issuance of a license with a "no solo" restriction. When the licensee informed the NRC on September 24, 2002, of the medical conditions of the two operators there still was no request for an amended "no solo" license for either operator.

Because the issue affected the NRC's ability to perform its regulatory function, it was evaluated with the traditional enforcement process. The finding was determined to be of low safety significance because the operators had not acted in a solo capacity prior to having their license's amended. However, the regulatory significance was important because the incorrect information was provided under sworn statement to the NRC and impacted a licensing decision for the two individuals. The issue was preliminarily determined to be an apparent violation of 10 CFR 50.9 (Section 1R11).

### B. Licensee Identified Findings

No findings of significance were identified.

## REPORT DETAILS

### Summary of Plant Status

During this inspection period the plant operated at or near 100 percent power

### **1. REACTOR SAFETY**

#### **Cornerstones: Initiating Events, Mitigating Systems, Barrier Integrity**

#### 1R11 Licensed Operator Requalification (71111.11Q)

##### a. Inspection Scope

The inspector evaluated the facility and individual operator licensees' conformance with the requirements of 10 CFR Part 55. Specifically, the inspector reviewed 7 licensed operators' medical records maintained by the facility and assessed compliance with the medical standards delineated in ANSI/ANS-3.4, "American National Standard Medical Certification and Monitoring of Personnel Requiring Operator Licenses for Nuclear Power Plants," and with 10 CFR 55.21 and 10 CFR 55.25. In addition, the inspector interviewed two reactor operators, three registered nurses assigned to Clinton Station, Braidwood Station, and Dresden Station, and a contract licensed nurse practitioner responsible for performing medical examinations at Clinton Station.

##### b. Findings

The inspector identified that licensee management provided inaccurate and incomplete information to the NRC regarding the medical conditions of two initial reactor operator license candidates. The issue was considered to be of very low safety significance but was considered to have important regulatory significance because the information was provided to the NRC under sworn statement and resulted in a licensing action that would not have been taken had correct information been provided to the NRC. This issue was preliminarily determined to be an apparent violation of 10 CFR 50.9.

Region III operator licensing examiners completed the administration of an initial license examination at Clinton Power Station in August of 2002. The 2 operators in question passed their examination and were issued licenses on August 30, 2002. Prior to the exam, the licensee sent to Region III an NRC Form 396, "Certification of Medical Examination by Facility Licensee," for each applicant for a license in accordance with 10 CFR 55.21. The NRC Form 396 certified, when signed by a senior licensee official, that the applicant had been examined by a doctor and met the medical standards in ANS/ANSI 3.4. The licensee originally sent the NRC Form 396s for both operators to Region III on June 26, 2002. The Form 396s were sent without including the applicants' medical records and did not recommend any license restrictions. On August 30, 2002, the licensee conducted an audit of licensed operator medical records and identified that the 2 operators in question had medical conditions that warranted contacting the NRC in accordance with 10 CFR 55.25. Clinton Station management personnel informed the



Region III licensing assistant by letter dated September 24, 2002, of the fact that the two operators had medical conditions that existed prior to their doctor's examinations on April 9, 2002. This notification consisted of new NRC Form 396s with attached medical records. The new NRC Form 396s did not recommend any restrictions to the licenses. One operator had a history of myocardial infarction and the other had a history of coronary heart disease. The medical conditions described above are considered potentially disqualifying in accordance with ANSI/ANS 3.4, 1983, and should have been reported to the NRC requesting issuance of a license with a "no solo" restriction prior to the issuance of operator licenses. The Region III licensing assistant forwarded the operator's medical information to the NRC's medical officer. The NRC's medical officer determined that both operators required a "no solo" restriction to their licenses. Both operator's licenses have since been amended to include a "no solo" restriction as of October 17, 2002, as well as a requirement to update the NRC regarding their medical condition in 6 months from the date of the NRC medical review.

Because violations of 10 CFR 50.9 are considered to be violations that potentially impede or impact the regulatory process, they are dispositioned using the traditional enforcement process instead of the Significance Determination Process (SDP). Using Inspection Manual Chapter (IMC) 0612, Appendix B, "Issue Dispositioning Screening," the inspectors determined that the finding was more than minor because the information was provided to the NRC under signed under oath by the Site Vice President and erroneously impacted an NRC licensing decision. Two individuals that had pre-existing medical conditions, that at a minimum required a "no solo" restriction on their licenses, were issued licenses without restriction. The inspector determined that the individuals never acted alone in a licensed capacity from the time they received their license until their licenses were modified to include the "no solo" restriction. However, the NRC depends upon the licensee to ensure the medical examinations are performed correctly and that the regulatory requirements and the rigors of the operators duties are carefully explained to the medical personnel that perform these examinations. An operator that cannot perform licensed duties due a medical condition that might be exacerbated by the stress resulting from a reactor accident scenario would be a significant distraction to the rest of the crew.

The licensee's root-cause review of this problem was documented under Action Tracking Item Number 127786. The review indicated a company-wide flaw with the training of the doctors and nurses contracted to perform the medical evaluations. The licensee found that the doctors had been trained that the site nurse or licensed nurse practitioner would inform the doctors if there were any requirements for a regulatory restriction based on the results of the physical exam. The nurses were not trained that they were responsible for pointing out the regulatory restrictions to the doctors and did not question the doctor's decisions when no regulatory restrictions were recommended.

Part 50.9 of 10 CFR states, in part, that information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects. Part 55.23 of 10 CFR requires that an authorized representative of the facility licensee shall certify the medical fitness of an applicant by completing and signing

a Form NRC-396. Form NRC-396, when signed by an authorized representative of the facility licensee, certifies that a physician conducted a medical examination of the applicant as required in 10 CFR 55.21, and the guidance contained in ANSI/ANS 3.4-1983 was followed in conducting the examination and making the determination of medical qualification. ANSI/ANS 3.4-1983, Section 5.3.2(1), provides, in part, that myocardial infarction and coronary insufficiency are conditions that preclude solo operation of a nuclear power plant. Contrary to this, on June 26, 2002, a senior licensee representative submitted to the NRC Form NRC-396's for two individuals applying for reactor operator licenses from the NRC that were incomplete and inaccurate in all material respects. Specifically, the Form NRC-396's certified that each applicant met the medical requirements of ANSI/ANS 3.4-1983 and that neither applicant would require any restrictions to his license. In fact, each applicant had a pre-existing medical condition, coronary artery disease and an inferior infarct, respectively, which did not meet the minimum standards of ANSI/ANS 3.4-1983, Section 5.3.2(1) and required that their individual licenses be amended to include restrictions for "no-solo" operation.

The apparent violation (AV 50-461/03-02-01) was determined to be of very low safety significance but was of significant regulatory concern because an incorrect licensing action was taken based on the information that was provided by the licensee.

The licensee took the following corrective actions which were considered to be prompt, from the time the licensee was put on notice by the NRC that a problem existed with the complete and accurate reporting of the medical conditions, and comprehensive considering the results of the licensee's root cause investigation report.

- The medical personnel were retrained on the regulatory requirements at all the licensee sites.
- The contracts between the medical personnel and the utility will be altered to specifically require a review against the ANSI standard.
- The administrative procedure governing the medical reporting process will be changed to ensure the NRC is notified when a reportable medical condition is identified.
- The medical records at all Exelon sites were audited to attempt to identify any additional problems with medical conditions that were not reported.

#### 40A6 Meeting(s)

##### Exit Meetings

The inspectors presented the inspection results to Mr. K. Polson and other members of licensee management at the conclusion of the inspection on January 24, 2003. The licensee acknowledged the findings that were presented. The inspectors asked the licensee whether any materials examined during the inspection should be considered proprietary. No proprietary information was identified.

## KEY POINTS OF CONTACT

### Licensee

M. Baetz, Operations Support/Services Manager  
C. Dieckmann, Integrated Project Manager  
L. Dressler, Clinton Site Nurse  
R. Frantz, Regulatory Assurance Representative  
J. Madden, Nuclear Oversight Manager  
K. Meredith, Dresden Site Nurse  
K. Polson, Plant Manager  
D. Schavey, Operations Director  
S. Smalley, Braidwood Site Nurse  
S. Sublett, Human Resources - Root Cause Team Leader  
J. Williams, Site Engineering Director

### Nuclear Regulatory Commission

R. Lanksbury, Chief, Operator Licensing Branch  
P. Loudon, Senior Resident Inspector

## LIST OF ITEMS OPENED, CLOSED, AND DISCUSSED

### Opened

AV 50/461/03-02-01                      Failure to Provide Complete and Accurate Information to the NRC  
Which Impacted A Licensing Decision. (Section 1R 11).

### Closed

None.

### Discussed

None.

## LIST OF DOCUMENTS REVIEWED

### 1R11 Licensed Operator Requalifications

Licensed Operator Medical Records; Numerous

Action Tracking Item Number 127786; Root Cause Report: Inadequate Documentation for Initial License Training Individual Medical Status

CR 127786; Inadequate Documentation for Initial License Training Individual Medical Status

OP-AA-105-101; Administrative Process For NRC License and Medical Requirements; Revision 2

## LIST OF ACRONYMS USED

ADAMS	Agency Document Administrative Management System
ANSI/ANS	American Nuclear Standards Institute/American Nuclear Society
CFR	Code of Federal Regulations
CR	Condition Report
DRS	Division of Reactor Safety
IMC	Inspection Manual Chapter
NRC	Nuclear Regulatory Commission
SDP	Significance Determination Process