



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I**
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

June 20, 2013

EA-13-061

Mr. Michael J. Pacilio
Senior Vice President, Exelon Generation Company, LLC
President and Chief Nuclear Officer, Exelon Nuclear
4300 Winfield Rd.
Warrenville, IL 60555

**SUBJECT: NRC INVESTIGATION REPORT NO. 1-2012-056 AND NRC INSPECTION
REPORT NO. 05000278/2013-011**

Dear Mr. Pacilio:

This letter refers to the investigation by the U. S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) conducted at Exelon Nuclear's (Exelon's) Peach Bottom Atomic Power Station (PBAPS). The OI investigation, which was completed on March 14, 2013, was conducted to determine whether a PBAPS instrumentation and controls (I&C) technician deliberately failed to follow posted high radiation area (HRA) requirements when he crossed a boundary to manipulate a valve. The investigation was initiated after Exelon informed the NRC, on June 28, 2012, that the PBAPS I&C technician in question had potentially willfully failed to comply with a posted HRA boundary. This was contrary to Exelon procedures which requires, as indicated in the HRA radiation work permit (RWP), a HRA briefing prior to entering a HRA.

Based on the evidence gathered during the OI investigation, the NRC concluded that on June 27, 2012, the I&C technician deliberately failed to follow posted HRA requirements when he crossed a HRA boundary during a Unit 3 High Pressure Coolant Injection (HPCI) system test. Specifically, the I&C technician crossed a posted HRA boundary and entered the Unit 3 HPCI room without a HRA briefing or the proper RWP. This conclusion was based on the I&C technician's admission to OI that he had done the wrong thing when he crossed the HRA boundary without the correct RWP; his experience and training working in the RCA; and his acknowledgement that he had alternative options that he should have chosen before violating HRA boundary requirements.

The I&C technician's actions caused Exelon to violate the PBAPS Unit 3 operating license. Specifically, Technical Specification 5.4.1 requires that written procedures be established, implemented, and maintained covering the applicable procedures recommended in Regulatory Guide 1.33, Appendix A, dated November 1972. Regulatory Guide 1.33, Appendix A, Section G, dated November 1972, recommends procedures for control of radioactivity, including restrictions and activities in radiation areas (G.5.a), and RWPs (G.5.e). Exelon Procedure RP-AA-460, Revision 20, Section 4.3.2, requires, in part that a HRA briefing is required to enter a HRA.

Because the violation was caused by the deliberate action of the I&C technician, it was evaluated under the NRC's traditional enforcement process using the factors set forth in the NRC Enforcement Policy. After careful consideration of these factors, the NRC concluded that this violation should be classified at Severity Level (SL) IV. In reaching this decision, the NRC considered that the significance of the underlying violation was minor because, while the I&C technician crossed a posted HRA boundary, the radiological conditions at the time did not actually constitute a HRA area in accordance with the regulatory definition of a HRA. However, the NRC decided to increase the significance of this violation to SL IV since it was deliberate and the NRC's regulatory program is based, in part, on licensees and their contractors acting with integrity.

In accordance with Section 2.3.2 of the Enforcement Policy, and with the approval of the Director, Office of Enforcement, this issue has been characterized as a non-cited violation (NCV 05000278/2013011-01, Failure to Comply with a Posted High Radiation Area Boundary), because: (1) Exelon placed the issue in its CAP (CR No. 1382220); (2) Exelon identified the issue and immediately conducted an investigation; (3) the violation was not repetitive as a result of inadequate corrective action; and, (4) although the violation was willful, (a) Exelon identified the violation, notified the NRC, and took significant corrective and remedial actions; (b) the violation involved the acts of an individual who was not considered a licensee official with oversight of regulated activities as defined in the Enforcement Policy; and (c) the violation did not involve a lack of management oversight and was the result of the isolated action of the employee.

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 this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. If you contest this NCV or its significance, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN.: Document Control Desk, Washington, D.C. 20555-0001, with copies to the Regional Administrator, Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406; the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001; and the NRC Senior Resident Inspector at Peach Bottom.

In accordance with 10 CFR 2.390 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 available electronically for public inspection in the NRC Public Document Room and from the NRC's Agency-wide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

M. Pacilio

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Should you have any questions regarding this letter, please contact Mr. Mel Gray at (610) 337-5209.

Sincerely,

/RA/

Darrell J. Roberts, Director
Division of Reactor Projects
Region I

Docket Nos.: 50-278
License Nos.: DPR-56

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M. Pacilio

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