

March 14, 2011

EA-11-014

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

SUBJECT: BYRON STATION, UNIT 2; FINAL SIGNIFICANCE DETERMINATION
OF WHITE FINDING, WITH ASSESSMENT FOLLOWUP AND NOTICE OF
VIOLATION; NRC INSPECTION REPORT NO. 05000455/2011012

Dear Mr. Pacilio:

This letter provides you the final significance determination of the preliminary White finding discussed in our previous communication dated February 11, 2011, which included the subject inspection report. The finding involved the failure to ensure that a flange connection on the upper lube oil cooler of the 2A diesel generator was correctly torqued, following maintenance. This led to the 2A diesel generator being required to be shut down when a significant oil leak developed during routine monthly surveillance testing on November 17, 2010.

In a telephone conversation with Mr. Eric Duncan, Chief, U.S. Nuclear Regulatory Commission (NRC) Region III, Reactor Projects Branch 3, on February 18, 2011, Mr. Brad Adams, Byron Plant Manager, indicated that Exelon did not contest the characterization of the risk significance of this finding and that you declined your opportunity to discuss this issue in a Regulatory Conference or to provide a written response. Exelon later followed this verbal notification with a letter dated February 23, 2011.

After considering the information developed during the inspection, the NRC has concluded that the finding is appropriately characterized as White, a finding of low to moderate risk significance. According to NRC Inspection Manual Chapter (IMC) 0609, and as acknowledged in the February 23, 2011, letter, appeal rights only apply to those licensees that have either attended a Regulatory Conference or submitted a written response to the preliminary determination letter.

The NRC has also determined that the failure to have appropriate acceptance criteria to ensure that the flange connection on the upper lube oil cooler of the 2A diesel generator was correctly torqued during maintenance is a violation of Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix B, Criterion V, "Instructions, Procedures and Drawings," as cited in the enclosed Notice of Violation (Notice). The circumstances surrounding the violation were described in detail in the subject inspection report. In accordance with the NRC Enforcement Policy, the Notice 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, the corrective actions taken and planned to be taken to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report No. 05000455/2011011. 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.

As a result of our review of Byron's performance, including this White finding, we have assessed you to be in the Regulatory Response column of the NRC's Action Matrix. Therefore, we plan to conduct a supplemental inspection using Inspection Procedure 95001, "Inspection for One or Two White Inputs in a Strategic Performance Area," when your staff has notified us of your readiness for this inspection. This inspection procedure is conducted to provide assurance that the root cause and contributing causes of risk significant performance issues are understood, the extent of condition and the extent of cause are identified, and the corrective actions are sufficient to prevent recurrence.

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 any, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management 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. The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>.

Sincerely,

/RA/

Mark A. Satorius
Regional Administrator

Docket No. 050-00455
License No. NPF-66

Enclosure:
Notice of Violation

cc w/encl: Distribution via ListServ

NOTICE OF VIOLATION

Exelon Generation Company, LLC
Byron Station Unit 2

Docket No. 050-00455
License No. NPF-66
EA-11-014

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted from January 1 to February 7, 2011, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the Code of Federal Regulations (10 CFR), Part 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," states, in part, that instructions, procedures, or drawings shall include appropriate quantitative or qualitative acceptance criteria for determining that important activities have been satisfactorily accomplished. Work Order 1206254, "Clean Tube Side of Lube Oil Coolers," dated January 10, 2010, was a quality document that the licensee used to perform maintenance on the safety-related 2A diesel generator upper lube oil cooler. Technical Specification 3.8.1.b limiting condition for operation requires two diesel generators to be operable and capable of supplying the onsite Class 1E alternating current electrical power distribution system during Modes 1 through 4. Action Statement 3.8.1.B.5 requires, in part, that if one diesel generator is inoperable, then it must be restored to operable within 14 days and 3.8.1.G requires, in part, that if the required action for 3.8.1.B.5 was not met, then the plant was to be in Mode 3 within 6 hours and Mode 5 within 36 hours.

Contrary to the above, Work Order 1206254 did not contain appropriate quantitative or qualitative acceptance criteria to ensure upper lube oil cooler operability prior to returning the 2A diesel generator to service on January 17, 2010. Specifically, work order package 1206254 did not contain a final torque verification to ensure that the 2A diesel generator upper lube oil cooler spool piece connections were torqued to the required values. As a result, the torqued spool piece flange connection to the upper lube oil cooler did not meet the minimum torque ranges specified in the work order, and, subsequently, during routine testing on November 17, 2010, the flange connection on the 2A diesel generator upper lube oil cooler failed. The 2A diesel generator was inoperable since January 17, 2010, and, because the licensee was not aware of the inoperability, the allowed outage time in Action Statement 3.8.1.B.5 of 14 days was exceeded and the conditions of 3.8.1.G were not followed.

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 be taken to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report No. 05000455/2011011. 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, EA-11-014," and send it to the

ENCLOSURE

U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator and the Enforcement Officer, Region III, 2443 Warrenville Road, Suite 210, Lisle, IL 60532, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

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

Dated this 14th day of March 2011

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to be taken to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report No. 05000455/2011011. 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.

As a result of our review of Byron’s performance, including this White finding, we have assessed you to be in the Regulatory Response column of the NRC’s Action Matrix. Therefore, we plan to conduct a supplemental inspection using Inspection Procedure, 95001, “Inspection for One or Two White Inputs in a Strategic Performance Area,” when your staff has notified us of your readiness for this inspection. This inspection procedure is conducted to provide assurance that the root cause and contributing causes of risk significant performance issues are understood, the extent of condition and the extent of cause are identified, and the corrective actions are sufficient to prevent recurrence.

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 any, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC’s Agencywide Documents Access and Management 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. The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>.

Sincerely,
/RA/

Mark A. Satorius
Regional Administrator

Docket No. 050-00455
License No. NPF-66

Enclosure:
Notice of Violation

cc w/encl: Distribution via ListServ

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DATE	03/9/11	03/9/11	03/14/11	03/07/11	03/14/11	03/14/11

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¹ OE concurrence received via e-mail from C. Hott on March 07, 2011.

Letter to Michael J. Pacilio from Mark A. Satorius, dated March 14, 2011

SUBJECT: BYRON STATION, UNIT 2; FINAL SIGNIFICANCE DETERMINATION
OF WHITE FINDING, WITH ASSESSMENT FOLLOWUP AND NOTICE OF
VIOLATION; NRC INSPECTION REPORT NO. 05000455/2011012

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