

July 2, 2001

EA-01-153

Mr. Oliver D. Kingsley, President
and Chief Nuclear Officer
Exelon Nuclear
Exelon Generation Company, LLC
1400 Opus Place, Suite 500
Downers Grove, IL 60515

SUBJECT: NOTICE OF VIOLATION
(OFFICE OF INVESTIGATIONS REPORT NO. 3-2000-049)

Dear Mr. Kingsley:

This refers to the investigation conducted by the NRC Office of Investigations (OI) at the Clinton Power Station from November 20, 2000 to May 22, 2001, regarding an allegation of deliberate falsification of post modification test procedure records. Specifically, a signature on the cover sheets of two separate post modification tests, for a safety related pump, was falsified by a test engineer on October 20, 2000.

Based upon the information developed by OI, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation. Specifically, the NRC concluded that an employee deliberately falsified two test package cover sheets on October 20, 2000, by forging another employee's signature without his prior concurrence, in violation of Clinton established plant protocol and procedure.

In determining the enforcement action for this violation, the NRC considered a number of factors. First, there was little safety significance to the issue as the post-modification tests were adequate and the individual whose signature was falsified indicated that he would have authorized acceptance of the tests, had he been contacted. Second, although the violation was deliberate, the violation involved the isolated actions of a low-level individual without management involvement. Third, you discovered this violation during routine reviews of test documentation; informed the NRC of it, and promptly began an investigation into the issue. The investigation included re-reviewing the tests to verify equipment operability, revoking the access authorization for the individual, and looking for other occurrences where the individual might have falsified records. During the course of the investigation, the individual voluntarily resigned. Based on a review of the totality of the circumstances in this case, and after consultation with the Director, Office of Enforcement, the violation has been categorized as Severity Level IV, in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, May 1, 2000, (Enforcement Policy).

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. As part of your response, we request that you describe what actions you have taken that communicate the seriousness of the violation to other employees to create a deterrent effect within your organization. The NRC will use your response, in part, to determine whether future enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and 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).

Sincerely,

/RA/

John A. Grobe, Director
Division of Reactor Safety

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

Enclosure: Notice of Violation

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

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NOTICE OF VIOLATION

AmerGen Energy Company, LLC
Clinton Power Station

Docket No. 50-461
License No. NPF-62
EA-01-153

During an NRC investigation completed on May 22, 2001, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, May 1, 2000, the violation is listed below:

10 CFR 50.9, requires, in part, that information required by the Commission's regulations to be maintained by the licensee shall be complete and accurate in all material respects.

10 CFR Part 50, Appendix B, Criterion XVII, Quality Assurance Records requires, in part, that sufficient records shall be maintained to furnish evidence of activities affecting quality, including the results of tests.

Contrary to the above, information required by the Commission's regulations to be maintained by the licensee was not complete and accurate in all material respects. Specifically, on October 20, 2000, for activities affecting quality, specifically for the tests to verify that a modification installing a new and different water leg pump, No. 1E21C002, in the low pressure core spray and residual heat removal systems:

(1) the signature in the "Performed by" signature block of procedure 1302.02F006 (Test No. RH-00-10-02), which performed the post-modification test to verify that the pump maintained sufficient pressure within the systems, was not made by the person whose name is indicated, and

(2) the signature in the "Reviewed by" signature block of procedure 1302.02F006 (Test No. RH-00-10-01), which performed the post-modification test to measure the pump's minimum flow and to verify pump's performance was consistent with its pump curve, was not made by the person whose name is included.

This information is material to the NRC, since it is used by the NRC to verify that the safety systems were correctly modified and to have confidence that the tests were adequately performed and documented in accordance with NRC requirements. This violation is classified as a Severity Level IV (Supplement 7).

Pursuant to the provisions of 10 CFR 2.201, AmerGen Energy Company, LLC, is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, 801 Warrenville Road, Lisle, Illinois 60532, and a copy to the NRC Resident Inspector at the Clinton Power Station, within 30 days of the date of the letter transmitting this 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 or severity level, (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 reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to 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.

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, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because 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), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. 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 2nd day of July, 2001