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July 3, 2003

RHLTR: #03-0044

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, DC 20555-0001

Dresden Nuclear Power Station, Units 2 and 3
Facility Operating License Nos. DPR-19 and DPR-25
Docket Nos. 50-237 and 50-249

Subject: Response to An Apparent Violation in Inspection Report No. 50-237/249/02-15; EA-03-102

References:
(1) Letter from C. D. Pederson (NRC) to J. L. Skolds (Exelon Generation Company, LLC), "Dresden Nuclear Power Station USNRC Inspection Report 50-237/02-15 (DRS); 50-249/02-15(DRS)," dated November 1, 2002

(2) Letter from C. D. Pederson (NRC) to J. L. Skolds (Exelon Generation Company, LLC), "Dresden Nuclear Power Station USNRC Inspection Report 50-237/02-15 (DRS); 50-249/02-15(DRS); Office of Investigation Report 3-2002-027," dated June 3, 2003

In the referenced letters, the NRC determined that an apparent violation had occurred based on an inspection conducted between August 26, 2002, and October 4, 2002, at Dresden Nuclear Power Station. One primary focus of the inspection was the circumstances surrounding our failure to provide accurate and complete information to the NRC regarding the status of the completion of the requalification program for an individual applying for a reactor operator license renewal.

Exelon Generation Company, LLC agrees with the NRC conclusion that we provided inaccurate information to the NRC in an operator license renewal request and has taken action to correct the identified violation and avoid recurrence.

The attachment to this letter contains our response to the apparent violation.

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If you have any questions regarding this response, please contact Mr. Jeff Hansen, Regulatory Assurance Manager, at (815) 416-2800.

Respectfully,

R. J. Hovey
Site Vice President
Dresden Nuclear Power Station

Attachment: Response to Apparent Violation EA-03-102

cc: Regional Administrator— NRC Region III
NRC Senior Resident Inspector — Dresden Nuclear Power Station
Director, Division of Reactor Safety — NRC Region III

RESPONSE TO APPARENT VIOLATION
EA-03-102

Exelon Generation Company, LLC (EGC)
Dresden Nuclear Power Station (DNPS)

Docket Nos. 50-237 and 50-249
License Nos. DPR-19 and DPR-25

During an NRC Inspection conducted between August 26, 2002, and October 4, 2002, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) NUREG-1600, the violation is listed below:

> Title 10 of the Code of Federal Regulations (CFR) Part 55.9 states, "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."
>
> Contrary to the above, on March 5, 2002, your staff provided information regarding the requalification status of one individual applying for an NRC reactor operator's license renewal. This information was incorrect and incomplete in that it stated that the individual had met the NRC license operator requalification examination requirements when, in fact, the individual did not. As a result, on March 12, 2002, the NRC renewed a reactor operator license that would not have been renewed had the correct status of the operator requalification program for the individual been known.

The Reason For The Apparent Violation.

On March 5, 2002, Exelon submitted a request for an operator license renewal for an individual in accordance with 10 CFR 55.57(a), "Renewal of licenses." NRC Form 398, "Personal Qualification Statement – Licensee," was attached to the renewal application. Section 16.b of NRC Form 398 requires the date and result of the most recent facility requalification examination. The examination date listed was November 30, 2001.

On July 1, 2002, during a self-assessment by training personnel of the Licensed Operator Requalification Training (LORT) Program, it was discovered that the station had not met the requirements of 10 CFR 55.59, "Requalification," for the license requalification training program. The subsequent investigation revealed that the written examinations developed and administered during 2001 did not meet the regulatory requirements for a requalification examination. As a result, the last biennial written examination that met regulatory requirements was administered in the first quarter of 2000.

A root cause analysis was performed to determine the cause of failure to meet requalification requirements. Four root causes were identified. First, organizational weaknesses existed within the DNPS Training Department and in the oversight of operations training activities. These weaknesses included vertical and horizontal communications, working relationships, performance management, and utilization of personnel resources. These weaknesses also included insufficient focus and intrusiveness in Training Advisory Committees (TACs), Curriculum Review Committees (CRCs), Senior Training Council (STC) meetings and Training Department self-assessments. Second, the LORT Lead Instructor acted without authority in determining not to prepare the 2001 written examination in accordance with the requirements of 10 CFR 55.59. Third, the Operations Training Manager (OTM) failed to take corrective actions and notify supervision when he became aware that the exam did not meet regulatory requirements. Finally, there were knowledge weaknesses of NRC requalification examination requirements that allowed the biennial examination frequency to be exceeded.

As a part of the extent of condition, a review of operator license renewal applications was performed. Three renewal applications had been submitted between March and July 2002 that contained inaccurate information due to the 2001 examination not meeting regulatory requirements. In March 2002, the NRC issued a new license for one of the three individuals. Upon discovery of the condition in July 2002, notification was made to Region III personnel informing them of the inaccurate information and requesting that they not act upon the two renewal applications submitted in June 2002.

The Corrective Actions Steps That Have Been Taken And The Results Achieved.

Personnel involved were disciplined. An expedited requalification examination schedule was developed and implemented to ensure that all licensed operators were appropriately tested. Following examination, the three renewal applications discussed above were corrected and resubmitted for NRC approval.

Training Department personnel were briefed on the results of the investigation. Specific points addressed were the failure to properly implement performance management activities and the importance of properly completing this activity.

Licensed Operators were trained on the requalification requirements for maintaining an NRC License. Additionally, licensees were made aware of their individual responsibility of maintaining cognizance of requalification dates.

The DNPS Training Director developed an internal OPEX for distribution to the DNPS senior managers on the investigation findings regarding the rigor and performance of the STC, TAC, and CRC Meetings.

Training procedures were revised to ensure that the definitions of biennial and comprehensive written examinations use the same terminology to describe exam frequency as is used in NUREG 1021.

Procedurally controlled orientation guides have been developed for the Training Director, Operations Training Manager, the LORT Lead Instructor, the Operations Director, and the Shift Operations Superintendent, which reflect the regulatory requirements of Licensed Operator requalification.

A procedurally controlled requirement has been implemented requiring an annual review of Licensed Operator Requalification requirements with the concurrence of operations and training management.

These actions were taken in accordance with Condition Report 113996 and implemented through the station's corrective action program.

The Corrective Actions That Will Be Taken To Avoid Further Violations.

No additional corrective actions required.

The Date When Full Compliance Will Be Achieved.

Full compliance has been achieved.