

Tuesday
8:15

ExelonSM

Exelon Generation
4300 Winfield Road
Warrenville, IL 60555

www.exeloncorp.com

3014153431

Nuclear

RS-05-022

March 4, 2005

Mr. F. J. Congel
Director, Office of Enforcement
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

EA-02-124

Subject: Review of Corrective Actions Related to Confirmatory Order

- References:
- (1) Letter from U. S. NRC to J. L. Skolds (Exelon Generation Company, LLC), "Confirmatory Order," dated October 3, 2002
 - (2) Letter from J. A. Benjamin (Exelon Generation Company, LLC) to U. S. NRC, "Report of Results Related to Confirmatory Order," dated April 28, 2003
 - (3) Letter from J. A. Benjamin (Exelon Generation Company, LLC) to U. S. NRC, "Supplement to Report of Results Related to Confirmatory Order," dated June 24, 2004
 - (4) Letter from U. S. NRC to C. M. Crane (Exelon Generation Company, LLC), "Review of Exelon Generation Company and AmerGen Energy Company Commitments to October 3, 2002, Confirmatory Order," dated September 30, 2004

Dear Mr. Congel:

In Reference 1, the NRC issued a Confirmatory Order to Exelon Generation Company, LLC (EGC) and AmerGen Energy Company, LLC (AmerGen) in order to confirm certain commitments made by EGC and AmerGen regarding compliance with 10 CFR 50.7, "Employee protection." In References 2 and 3, EGC and AmerGen provided reports of the results of our completed actions in accordance with the Confirmatory Order. In Reference 4, the NRC closed the Confirmatory Order and requested that EGC and AmerGen provide the results of an effectiveness review of corrective actions related to inconsistent application of revisions to hiring and promotion policies. This letter provides the result of that review.

In December 2004, Human Resources (HR) completed an effectiveness review of the implementation of revisions to the following HR policies:

- o HR-AA-2005, "Selection Board Process/Roles for Level 5 Positions" and HR-AA-2006, "Selection Board Process/Roles for Level 6 Positions"
- o HR-AA-16, "Review and Approval of Involuntary Terminations"
- o HR-AC-11, "Staffing and Recruitment"

Received 3/14/05

March 4, 2005
F. J. Congel
Page 2

HR personnel reviewed a sampling of completed documentation relating to personnel actions in the HR files from each of the EGC/AmerGen major facilities, including all ten nuclear generating stations and the corporate offices at Warrenville, IL and Kennett Square, PA. The documentation was reviewed to ensure completion of requirements placed in the policies listed above to caution participants that knowledge of protected activity must not inappropriately influence the personnel decisions to be made.

The results of this document review are as follows.

- o HR-AA-2005 and HR-AA-2006. All of the documents reviewed at all locations describing the results of completed selection boards indicated that the required cautions were completed.
- o HR-AA-16. All of the documents reviewed at all locations describing the results of involuntary terminations indicated that the required cautions were completed.
- o HR-AC-111. At all but two of the locations reviewed, all of the documents reviewed related to the staffing process (i.e., placement of internal candidates for posted positions) indicated that the required cautions were completed.

At two locations, Clinton Power Station (CPS) and Peach Bottom Atomic Power Station (PBAPS), completed documentation was not available for a total of eight positions - three at CPS and five at PBAPS. At CPS, the Exelon Career Opportunity System (ECOS) form designed to state the caution and document acknowledgement was not available at the site. However, CPS HR personnel confirmed that verbal notification of the required caution to hiring managers was a routine practice and further confirmed that for these three positions, verbal notification of the caution was completed as part of the selection process. At PBAPS, the ECOS form containing the caution was delivered to the hiring managers but was not signed by the hiring manager in these five instances due to lack of attention to detail. PBAPS HR personnel determined the hiring managers for these five positions were aware of the caution during the selection process.

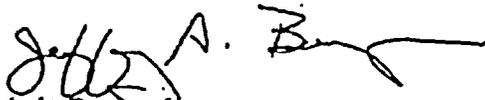
At both CPS and PBAPS, the documentation was subsequently completed. In addition, each of these sites took steps to ensure awareness of the requirement to complete documentation of the caution discussed in HR-AC-111.

In summary, the review found that the cautions regarding influence of protected activity on personnel decisions were being communicated during the processes described above. The review uncovered a small number of instances at two locations in which documentation of these communications was not complete. These locations have completed the documentation and taken steps to raise awareness of expectations for completeness of the documentation. Exelon Nuclear HR has planned some ongoing efforts in 2005 in this area, including the development of an orientation document to ensure that new HR personnel are aware of requirements and additional audits of the site documentation related to the processes described above.

March 4, 2005
F. J. Congel
Page 3

Should you have any question concerning this letter, please contact me at (630) 657-2809.

Respectfully,



J. A. Benjamin
Vice President
Licensing and Regulatory Affairs
Exelon Generation Company, LLC
AmerGen Energy Company, LLC

cc: K. L. Farrar, NRC Region I
B. A. Berson, NRC Region III
C. H. Weil, NRC Region III
J. E. Dyer, Director - Office of Nuclear Reactor Regulation
S. J. Collins, Regional Administrator, NRC Region I
J. L. Caldwell, Regional Administrator, NRC Region III
Assistant General Counsel for Materials, Litigation, and Enforcement