

Exelon Nuclear
Peach Bottom Atomic Power Station
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10 CFR 2.201

August 8, 2009

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

Peach Bottom Atomic Power Station – Facility Operating License Nos. DPR-44
and DPR-56, NRC Docket Nos. 50-277 and 50-278

Subject: Reply to a Notice of Violation: EA-09-029

Reference: Letter from David C. Lew (NRC Region 1 Director, Division of Reactor Projects) to Charles G. Pardee (Senior Vice President, Exelon Generation Company LLC), Notice of Violation (Peach Bottom Atomic Power Station – NRC Investigation Report No.1-2008-040 and NRC Inspection Report Nos. 05000277/2009009 & 05000278/2009009).

Gentlemen:

The referenced letter dated July 9, 2009 transmitted a Notice of Violation related to the deliberate misconduct of a licensed plant reactor operator who willfully violated the operations watchstanding procedure by reading a novel on a Main Control Room computer. In accordance with 10 CFR 2.201, "Notice of Violation," and receipt of the referenced letter, we submit the attached response.

If you have any questions or desire additional information, please do not hesitate to contact us.

Respectfully,


William F. Maguire
Site Vice President
Peach Bottom Atomic Power Station

cc: Samuel J. Collins, Administrator, Region I, USNRC
Fred Bower, USNRC Senior Resident Inspector, PBAPS

CCN 09 -57

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REPLY TO NOTICE OF VIOLATION EA-09-029

Restatement of Violation

Technical Specification 5.4.1.a requires that written procedures shall be established, implemented, and maintained covering the applicable procedures recommended in Regulatory Guide 1.33, Appendix A, dated November 1972. Regulatory Guide 1.33, requires in part, procedures that specify authorities and responsibilities for safe operation. Exelon Procedure, OP-AA-103-102, Revision 6, "Watchstanding Practices," is one of the procedures which meets this requirement. Specifically, Steps 4.1.2 and 4.1.3 specify that non-job-related reading materials (including novels) are not permitted in the Operations Department areas and that the use of computers must be limited to company related work.

Contrary to the above, on July 16, 2007, a licensed plant reactor operator (PRO) brought non-job-related material (a novel) into the main control room, an Operations department area, and used a control room computer to read the novel for approximately 10 minutes.

Reasons For The Violation

A Licensed Plant Reactor Operator (PRO) deliberately brought non-technical/non-job-related material (a novel on a portable flash drive) into the main control room, an Operations department area, and used a control room computer to read the novel. Exelon Procedure, OP-AA-103-102, Revision 6, "Watchstanding Practices," Steps 4.1.2 and 4.1.3 specify that non-job-related reading materials (including novels) are not permitted in the Operations Department areas and that the use of computers must be limited to company related work. The PRO willfully and deliberately rationalized and self-justified this activity based on his perceived ability to respond to any plant issue that may have arisen. This was a deliberate action based on the Operator's perceived risk without adhering to existing procedure and watchstanding standards.

Corrective Steps That Have Been Taken And The Results Achieved

On July 16, 2007, an operator in the main control room was identified reviewing non-technical reading material on the PRO's computer. The operator was immediately coached and the improper activity and computer use was terminated at that time. Shift supervision evaluated the operator's attentiveness and effectiveness and determined that the operator remained attentive and effective to duties during the inappropriate action.

Operations Sr. Management determined that this issue involved personnel performance and would be best addressed using the Fundamental Management System (FMS)¹ and disciplinary process with support of the Human Resources (HR) Department. The issue was documented in the Employee Concerns Program (ECP) files after it was raised by another employee who questioned whether discipline for similar events had been meted out consistently. Exelon did not generate an Issue Report into the Corrective Action Program (CAP) at that time because it was Exelon's long-standing practice at PBAPS to address human performance deficiencies through FMS and disciplinary processes rather than through the CAP.

This event was identified in ECP files by the NRC during an inspection of safety conscious work environment (SCWE) issues and surveys on March 24 - 28, 2008. The inspector questioned the extent of the issue, the actions to address the issue and whether this event should have been documented in CAP. The inspector reviewed the actions previously taken and noted above and concluded the issue was not an ongoing problem. The item was characterized as an Unresolved Item 05000277/2008405-01, Extent of Condition and Corrective Action Program Usage for Operator Watch Standing Issue and was documented in Peach Bottom Atomic Power Station Safety Conscious Work Environment Inspection Report Nos. 05000277/2008405 and 278/2008405.

The inappropriate non-technical reading incident was subsequently documented in CAP issue report (IR) 760525 on April 8, 2008. "Operator Watchstanding Practices Not Followed". An assignment from that report was to determine if the guidance for IR generation could be

¹ FMS is defined in Exelon guideline HR-AA-2008, "Managing Personnel Information in the Fundamental Management System (FMS)," as a "mainframe web enabled database used for recording behavior-based observations in reference to established departmental standards...." FMS is not used to determine employees' raises, bonuses, or opportunities for advancement. Rather, it is a performance improvement tool that requires management to coach its subordinates/employees.

enhanced with respect to the threshold for entering personnel performance issues into CAP, rather than solely into FMS. Exelon determined that the CAP is designed to identify and fix problems to improve station performance in the areas of equipment, processes/programs and human performance. Current expectations and examples of issues that should be entered into CAP are procedurally defined. If problems are discovered as a result of human performance errors, then the issue should be entered into CAP for appropriate investigation and resolution. Some human performance errors should be entered into CAP and FMS for documentation, investigation and trending. Human performance issues, such as HR-related issues, are not normally entered into CAP, but would be entered into FMS. Occasionally, issues such as this are entered into CAP by the originator and the issue(s) are reviewed and addressed on an individual bases. In June 2008, this issue was reviewed with the station senior leadership team and the benefit of using CAP to document issues and provide generic and broad learning without compromising the confidentiality of human disciplinary actions was emphasized. The station has implemented a new process entitled Safety Culture Monitoring. One of the components of this process is the Site Employee Issues Advisory Committee (SEIAC), which periodically reviews issues and ensures proper use of CAP while maintaining employee confidentiality when discipline may be involved.

In addition to the corrective actions immediately taken when this incident was identified and documented in IR 760525, IR 760534, "Ops Computer Use Limitations Need to be Clarified" and IR 761156, "Improvements to OP-AA-103-102 "Watchstanding Practices" were initiated to document extent of condition follow-up activities and corrective actions taken for this issue. This included requiring the Operations Shift Managers to meet with their operating teams to review and reinforce the standards described in OP-AA-103-102 "Watch Standing Practices". Operations Management also developed an action plan that includes talking points to further communicate and reinforce requirements and expectations of OP-AA-103- 102 "Watch Standing Practices" to Operations personnel. Operations Management expectations were discussed in Licensed Operator Requalification Training Cycle 08-01. A memo from the Operations Director concerning Watch-Standing Practices was forwarded to Operations personnel on April 11, 2008, which emphasized the responsibility to remain attentive at all times and to maintain an awareness of plant status and trends as well as the appropriate and inappropriate use of computers in watch standing stations.

Exelon revised procedure OP-AA-103-102, "Watch Standing Practices," to clarify which areas are prohibited for personal computer use, and under what circumstances computers may be used for personal business. The proper use of computers at watch standing stations in the Main Control Room and Radwaste Control Room was clarified and the availability of internet sites was limited. A Peach Bottom Watch-Standing Read & Sign for internet access was developed and assignments were completed by the Operations Shift Managers, who verified that the read & signs were complete for their crews.

Corrective Steps That Will Be Taken To Avoid Further Violations

Corrective actions to address this issue have been completed as previously described. No additional corrective steps are planned at this time. This event and proper watchstanding requirements and expectations have been shared with Operations personnel at Peach Bottom

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and other Exelon sites, limitations to internet computer sites at Peach Bottom and other Exelon sites has been implemented, and OP-AA-103-102 has been revised to contain specific guidance for computer use within the Main Control room and Radwaste Control rooms as well as other restricted materials. For newly licensed personnel, these procedure requirements are reviewed as part of the Initial Licensed Training (ILT) program.

There have been no additional incidents of watchstanding inattentiveness since this event. Operations personnel continue to exhibit proper watchstanding standards and procedural awareness of this issue.

Date When Full Compliance Will Be Achieved

Full compliance was achieved on July 16, 2007 when non-job-related material was removed from the main control room computer.