



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PA 19406-1415

December 16, 2009

EA-09-183

Mr. Charles G. Pardee  
Senior Vice President, Exelon Generating Company LLC  
President and Chief Nuclear Officer, Exelon Nuclear  
4300 Winfield Rd.  
Warrenville, IL 60555

**SUBJECT:** NOTICE OF VIOLATION (Limerick Generating Station – NRC Investigation Report No. 1-2009-012) and NRC Inspection Report 05000352 & 05000353/2009007

Dear Mr. Pardee:

This letter refers to an investigation completed by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) on June 26, 2009, at the Exelon Generating Company, LLC (Exelon), Limerick Generating Station (LGS) located in Sanatoga, PA. The purpose of the investigation was to determine if a lead maintenance technician (LMT) willfully allowed unqualified contractors to perform clearance and tagging (C&T) work at LGS between January and July 2007 and in February 2008, and then falsified the related records. Based on evidence developed during the OI investigation, the NRC concludes that the LMT had, in fact, deliberately violated requirements set forth in Technical Specification 6.8, "Procedures and Programs," and 10 CFR 50.9, "Completeness and Accuracy of Information." The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding the violations are described in detail in this letter and the Notice.

The NRC determined that the LMT deliberately permitted unqualified contractors to open breakers and hang clearance tags, contrary to the requirements of Exelon procedures contained in the LGS Technical Specifications. Additionally, the NRC determined that the LMT deliberately falsified C&T records contrary to NRC requirements. Specifically, the LMT placed the initials of two qualified LGS maintenance technicians on Worker Tagout Clearance Forms even though they did not perform the work or act as an independent verifier.

Since this finding involved deliberate misconduct by a Limerick employee, it was characterized using the NRC Traditional Enforcement process. Comparing these issues to the examples in Inspection Manual Chapter (IMC) 0612, Appendix E, "Examples of Minor Issues," these violations are similar to example 6(d) in that contractors were performing tasks that they were not fully qualified to perform. In this example, the issues are minor because the non-qualified personnel committed no errors or only minor errors in the performance of the task. Given that there were no plant events or personnel safety events related to the violations, there was minimal safety impact due to the LMT's actions. Although these violations would normally be minor, since the LMT's actions were determined to be deliberate by the NRC, the Severity Level (SL) of the violations have been increased to SL IV, in accordance with Section 2.10.f, of the

NRC Enforcement Manual. Further, because these issues were deliberate and identified by the NRC, the violations are being cited.

Pursuant to the provisions of 10 CFR 2.201, Exelon 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 I, and a copy to the NRC Resident Inspector at Limerick, within 30 days of the date of the letter transmitting this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation; EA-09-183" 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.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The NRC also includes significant enforcement actions on its Web site at [www.nrc.gov](http://www.nrc.gov); select **What We Do, Enforcement**, then **Significant Enforcement Actions**.

Should you have any questions concerning this letter, please contact Mr. Paul Krohn, Chief, Projects Branch 4, Division of Reactor Projects in Region I at (610) 337-5120.

Sincerely,

*/RA/*

David C. Lew, Director  
Division of Reactor Projects  
Region I

Docket Nos.: 05000352, 05000353  
License Nos.: NPF-39, NPF-85

Enclosures: 1) Notice of Violation  
2) Factual Summary of OI Investigation

cc w/enclose: Distribution via ListServ

NRC Enforcement Manual. Further, because these issues were deliberate and identified by the NRC, the violations are being cited.

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Sincerely,  
/RA/  
David C. Lew, Director  
Division of Reactor Projects  
Region I

Distribution:  
See Attached

**SUNSI Review Complete: PGK (Reviewer's Initials)**

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## NOTICE OF VIOLATION

Exelon Generation Company, LLC  
Limerick Generating Station

Docket No. 50-352, 50-353  
License No. NPF-39, NPF-85  
EA-09-183

As a result of an NRC Office of Investigations (OI) investigation completed on June 26, 2009, violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Limerick Generating Station Technical Specifications 6.8, "Procedures and Programs," requires, in part, that written procedures shall be established, implemented, and maintained covering the applicable procedures recommended in Appendix A of Regulatory Guide 1.33, Revision 2, February 1978. Regulatory Guide 1.33, Revision 2, Appendix A, February 1978, recommends administrative activities, including equipment control (i.e. locking and tagging), be covered by written procedures.

Exelon Procedure OP-MA-109-101, "Clearance and Tagging," Revision 6, Section 13, "Worker Tagout Process," Step 13.1.3 states, "Personnel using worker tagout tags shall be qualified in the clearance and tagging process."

Contrary to the above, between January and July 2007 and in February 2008, the licensee failed to implement a procedure required by Technical Specification 6.8 when worker tagout tags were used by personnel at Limerick Generating Station who were not qualified in the clearance and tagging process. Specifically, a lead maintenance technician with oversight responsibilities for a contractor group deliberately permitted unqualified contractors to open breakers and hang worker tagout tags.

This is a Severity Level IV violation (Supplement I).

- B. Title 10 of the Code of Federal Regulations, Part 50.9, "Completeness and Accuracy of Information," requires, in part, that information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the licensee shall be complete and accurate in all material respects.

Exelon Procedure OP-MA-109-101, Step 13.2.5.2 states, "The Lead Worker or First Line Supervisor shall perform the Worker Tagout per the Worker Tagout Clearance Form." Step 13.2.7.5 states that when the work is complete, the Lead Worker or First Line Supervisor shall "Complete the Worker Tagout Clearance Form and return it to the work group Supervisor to be retained/recorded in the work package."

Contrary to the above, between January and July 2007 and in February 2008, a lead maintenance technician, when documenting worker tagouts on Worker Tagout Clearance Forms, created information maintained by the licensee that was not complete and accurate in all material respects. Specifically, the lead maintenance technician falsified Worker Tagout Clearance Forms by forging the initials of qualified maintenance technicians, indicating that they had conducted the clearance and tagging activities when, in fact, the activities had been performed by unqualified contractors.

This is a Severity Level IV violation (Supplement I).

Pursuant to the provisions of 10 CFR 2.201, Exelon 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 I, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, 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; EA-09-183" 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.

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Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, 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. 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 2.390(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 16th day of December 2009.

Factual Summary of NRC Region I (RI) Summary of Office of Investigations (OI) Case No. 1-2009-012: Limerick Generating Station – Intentional Procedure Violation Involving Reactor Crane Tagout and Clearance Work

The investigation was initiated at Exelon Generating Company's Limerick Generating Station (LGS) on November 20, 2008, to determine, in part, if a Lead Maintenance Technician deliberately allowed unqualified contractors to perform clearance and tagging work and falsified related clearance and tagging records. OI completed the subject report on June 26, 2009.

During the OI investigation, LGS management identified that that it had also been made aware of the issue, and that the LMT had admitted to: (1) directing unqualified contractors to perform clearance and tagging work; and, (2) falsifying the related records by forging the initials of qualified personnel, indicating that they had performed the work. LGS management identified to OI that, as a result of its own investigation of the matter, it provided the LMT the opportunity to retire and, consequently, he no longer worked at LGS.

During OI's interview of the LMT, he similarly admitted to falsifying clearance and tagging records by placing the initials of LGS personnel who were qualified to conduct clearance and tagging work on worker tagout logs, even though they had not performed the work. The LMT also admitted to directing unqualified contractors to perform these clearance and tagging activities. The LMT indicated to OI that he had falsified approximately 10-20 tagout logs in this manner. He stated that he had falsified records and directed unqualified contractors to perform C&T work due to time pressure and a lack of availability of qualified workers.