

February 3, 2010

MEMO FOR THE RECORD

**Exelon letter to David Lew
Dated January 27, 2010**

Subject: Revised Reply to Notice of Violation EA-09-183

10CFR2.201

January 27, 2010

Mr. David Lew, Director
Division of Reactor Projects
U. S. Nuclear Regulatory Commission
Region I
475 Allendale Road
King of Prussia, PA 19406

Limerick Generating Station, Units 1 and 2
Facility Operating License Nos. NPF-39 and NPF-85
NRC Docket Nos. 50-352 and 50-353

Subject: Revised Reply to Notice of Violation; EA-09-183

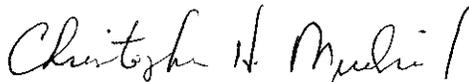
Reference: a) NRC Letter" Limerick Generating Station- NRC Office of Investigations
Report No. 1-2009-0129" Inspection Report 2009-007 dated Dec. 16,
2009
b) Exelon Limerick Letter "Reply to Notice of Violation; EA-09-183" dated
1/15/10

Dear Sir:

Based on a discussion between Mr. P. Krohn (NRC) and Mr. J. Hunter (Limerick) it was determined that the attachment to reference b) did not need to be withheld from public disclosure per 10CFR2.390(a)(6) since the identities of those involved are not contained in the response.

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

Sincerely,



Christopher H. Mudrick
Vice President-LGS
Exelon Generating Company, LLC

Attachment: Reply to Notice of Violation; EA-09-183

cc: S. Collins, Administrator, Region I, USNRC
NRC Document Control Desk, Wash, DC
E. DiPaolo, NRC Sr. Resident Inspector-LGS

bcc: C. Mudrick - GML 5-1
E. Callan - GML 5-1
R. Kreider - GML 3-1
J. Hunter - SSB 2-4
J. Toro - SSB 4-2
P. Cowan - KSA
J. Grimes - KSA

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ATTACHMENT
Reply to Notice of Violation; EA-09-183

A. Between January and July 2007 and in February 2008, Limerick failed to implement a procedure required by Tech Spec 6.8 when worker tagout tags were used by personnel at Limerick 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 tag-out tags.

B. Further the lead maintenance technician failed to provide information that was complete and accurate in all material respects when documenting worker tagouts on Worker Tagout Clearance Forms. Specifically, the lead maintenance technician deliberately 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.

I. The Reason for the Apparent Violations

A. The reason the lead maintenance technician with contractor oversight responsibilities used unqualified workers to open breakers and hang tags was as follows:

The lead maintenance technician was focused on getting the job done quickly (opening breakers and hanging tags), and used the contractor resources available (although not Exelon qualified workers) since they were familiar with the equipment and the process based on their experience. When qualified personnel were not readily available, he rationalized that the work was not of an operational nature, and that the individual had the needed knowledge and skills to complete the tasks.

B. The reason the lead maintenance technician had falsified the tagout documentation was to facilitate getting the tasks done. He believed that by writing in the initials of another qualified maintenance mechanic that the paperwork would pass a minor level of scrutiny and that the record would not be kept.

In summary, this issue was an individual performance issue.

II The Corrective Steps Taken/Results Achieved

Immediate Actions

1(A&B) Action

Workers involved in this issue were interviewed, and a timeline of the activities was developed.

Results

The issue and sequence of events were defined, and those involved were identified. All worker tagout forms for the particular maintenance group involved were reviewed from January 2007 to February 2008, During this review thirty-two (32) tagout records related to work affecting plant components were found to be falsified.

2(A&B) Action

Clearance and tagging qualifications were removed for the lead maintenance technician. The lead maintenance technician was directed by his first line supervisor to have no responsibilities for contractor oversight. Also, the lead maintenance technician was assigned duties outside the power block (facilities work).

Results

There were no other instances identified where use of unqualified individuals or falsification of records occurred within the particular maintenance group when performing work affecting the plant.

3(A&B) Action

Limerick management reviewed the summary details with the lead maintenance technician noting that these offenses, based on the employee conduct handbook, warranted termination. Exelon processes were implemented to approve termination, and the lead maintenance technician was given the opportunity to resign.

Results

The lead maintenance technician chose to retire. There were no other instances identified where use of unqualified individuals or falsification of records occurred within the particular maintenance group when performing work affecting the plant.

4(A&B) Action

The supervisor for the particular maintenance group with oversight responsibility for contractors was required to review on a weekly basis the worker tag-out logs from 3/8/08 through 8/1/08. Also, the worker tagout log was kept at the supervisor's desk.

Results

It was verified that no unqualified workers within the particular maintenance group performed tagging work, and records were correct

5(A) Action

Additional Exelon workers and a contractor were qualified to perform clearance and tagging work.

Results

More workers were available to perform clearance and tagging activities in the group.

Specific Actions

1(A&B) Action:

An internal investigation was conducted by the site.

Results

Facts of the issue were assembled and additional actions including extent of condition was determined. The issue was isolated to a single individual (lead maintenance technician).

2(A&B) Action:

An audit of the worker tagout log for work performed on plant equipment from 2/26/08 through 10/22/08 by the particular maintenance group with oversight responsibility for contractors was completed on October 23, 2008.

Results:

This audit found two forms (form 165 and form 159) with missing signoffs. No falsification or qualification issues were found.

3(A&B) Action:

Provide a briefing to the particular maintenance group involved concerning the standard for use of the worker tagout log.

Results:

The briefing was conducted and documented.

4(A&B) Action

Provide special Safety Conscious Work Environment training to the involved maintenance group by Legal and Human Resources

Results

Sessions were held. No issues were identified.

III. Corrective Actions to Avoid Further Violations

1. The number of worker tagout qualified individuals is maintained at a level to ensure routine tasks for the affected maintenance group are supported.
2. Ethics training is taken annually to reinforce proper behaviors.
3. The Clearance and Tagging procedure (OP-MA-109-101) contains requirements related to use of worker tagging and maintenance of clearance and tagging records.
4. Continuing training on the clearance and tagging procedure is provided annually to reinforce worker responsibilities and qualification requirements.

IV. Date of Full Compliance

Full compliance was achieved on Dec. 31, 2008.