MEMO FOR FILE

June 30, 2010

NRC Office of Investigations Case No. I-2009-043, letter to Charles G. Pardee, dated June 23, 2010, from David C. Lew

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

June 23, 2010

RI-2009-A-0064

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

Subject: NRC Office of Investigations Case No. 1-2009-043

Dear Mr. Pardee:

The Region I Field Office, NRC Office of Investigations (OI), initiated an investigation (Case No. 1-2009-043) on July 2, 2009, to determine whether employees at the Limerick Generating Station intentionally failed to timely enter a condition adverse to quality into the Correction Action Program (CAP). Based on documentary and testimonial evidence developed by OI, the NRC did not substantiate that Limerick employees intentionally failed to timely enter a condition adverse to quality into the CAP.

OI determined that a new lock box used for storing Very High Radiation Area (VHRA) keys, which had a glass-front to allow the keys to be seen, had recently been installed. A Radiation Protection (RP) supervisor was informed by an RP technician that the key for the VHRA key lock box did not look like a unique key. Subsequently, an RP technician, with an RP supervisor observing, tested the lock box with a truck key and was able to open the lock box on June 10, 2009. Upon discovery, the lock box was guarded until the Corporate RP Manager made a decision to put a hard-wire security seal on the VHRA key lock box in place of the normal yellow plastic tamper seal. Some RP technicians felt that putting the security seal on the cabinet was an inadequate corrective action. Some RP technicians also felt that that the key had to be unique; per Exelon Nuclear Procedure, RP-AA-460-001, Revision 2, unique keys for VHRAs are required to be stored in a separate cabinet and there were special requirements for their control, even though there were no requirements to control the key to the lock box in the same manner as the VHRA keys. In addition, one of the RP technicians knew that the procedure did not specify a unique lock for the VHRA key lock box.

The Corporate RP Manager stated that according to NRC Regulatory Guide 8.38 (Control of Access to High and Very High Radiation Areas in Nuclear Power Plants), only the actual areas (i.e., the VHRAs) in the plant needed to have a unique key and that access to the lock box only needed to be administratively controlled. Nevertheless, the Corporate RP Manager eventually decided to put a padlock on the lock box. Although it was asserted that an RP supervisor asked a certain RP technician to not write a CR because INPO was on site, the RP technician in question denied that assertion. A CR was generated on the following day, June 11, 2009.

OI determined that those who had early knowledge of the issue, the Corporate RP Manager, the Site RP manager, and two RP supervisors, took immediate action when the issue of the VHRA key lock box was raised. Surveillance of the lock box was maintained until a security seal could be affixed, and complete and thorough reviews of RP-460-001, LSA-AA-120 (Issue Identification and Screening Process), and Regulatory Guide 8.38 were conducted to assure that the licensee

was in compliance and had administrative control of the VHRA key lock box. These individuals believed that they were in compliance with Exelon procedures and the NRC Regulatory Guide; therefore a CR was not needed to correct a deficiency or a condition adverse to quality. However, it was stated that the CR was generated to document the action that added a padlock to the lock box as a security enhancement, and that the decision to generate a CR had been made before receipt of the Request for Information (RFI) from the NRC regarding this issue.

While there was no determination of willfulness, the NRC did conclude that from the time of discovery until the padlock was placed on the VHRA key lock box, Exelon was in violation of 10CFR20.1602, "Control of Access to Very High Radiation Areas." Specifically, 10CFR20.1602 states in part, that the licensee shall institute additional measures to ensure that an individual is not able to gain unauthorized access or inadvertent access to areas where radiation levels could be encountered at 500 rads (5 grays) or more in 1 hour at 1 meter from the radiation source. A tamper-resistant seal does not ensure that access to the keys is limited to authorized personnel only, and access to the keys could allow entry into VHRAs during plant operations at power. Compliance was restored once a hasp and padlock were installed on the lock box.

This violation was evaluated for significance and was found to be minor due to the fact that none of the VHRAs were accessed and that there was no evidence to suggest anyone accessed the VHRA keys during the period that controls were not fully in place. The NRC previously informed Limerick Regulatory Affairs staff of this minor violation on March 1, 2010, and the issue has been captured in the Limerick CAP.

Please note that final NRC investigation documents, such as the OI report described above, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information appropriate under the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Requests for Records, a copy of which is enclosed for your information.

Also, in accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room). Should you have any questions regarding this letter, please contact Mr. Paul Krohn of my staff at (610) 337-5120.

Sincerely,

/RA/ Clifford for

David C. Lew, Director
Division of Reactor Projects

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