



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION III  
2443 WARRENVILLE ROAD, SUITE 210  
LISLE, IL 60532-4352

~~OFFICIAL USE ONLY – SECURITY-RELATED INFORMATION~~

December 1, 2010

EA-10-177

Mr. Michael J. Pacilio  
Senior Vice President, Exelon Generation Company, LLC  
President and Chief Nuclear Officer (CNO), Exelon Nuclear  
4300 Winfield Road  
Warrenville IL 60555

SUBJECT: EXERCISE OF ENFORCEMENT DISCRETION – CLINTON POWER STATION  
NRC OFFICE OF INVESTIGATIONS REPORT NO. 3-2010-008

Dear Mr. Pacilio:

This refers to the investigation completed on August 13, 2010, by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI).

The results of that investigation and our conclusions are described in the enclosure to this letter. Based on our review, we identified a violation of NRC requirements. For the reasons described in the enclosure and after consultation with the Director, Office of Enforcement, I have been authorized in accordance with Section 3.5 of the Enforcement Policy to exercise enforcement discretion and not issue a violation for this issue.

You are not required to respond to this letter. However, should you choose to respond, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Mark Satorius, Regional Administrator, Region III, 2443 Warrenville Road, Suite 210, Lisle, IL 60532. Additionally, if you choose to respond, please mark it as "Security-Related Information – Withhold from Public Disclosure under 10 CFR 2.390," "Open by Addressee Only," within 30 days of the date of this letter. You may contact Steven Orth of my staff if you have any questions at telephone number (630) 829-4373.

**Enclosure contains Sensitive Unclassified  
Non-Safeguards Information. When separated  
from enclosure, this transmittal document is  
decontrolled.**

~~OFFICIAL USE ONLY – SECURITY-RELATED INFORMATION~~

~~OFFICIAL USE ONLY – SECURITY-RELATED INFORMATION~~

M. Pacilio

-2-

In accordance with Title 10 of the Code of Federal Regulations (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 NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). You should note that final NRC documents, including the final OI reports, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information pursuant to the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Request for Records. The instructions for making a request for information under the FOIA are accessible at <http://www.nrc.gov/reading-rm/foia/foia-request.html>. However, because of the Security-Related Information contained in the enclosure, and in accordance with 10 CFR 2.390, a copy of the enclosure will not be available for public inspection.

Sincerely,

*/RA by Cynthia D. Pederson Acting for/*

Mark A. Satorius  
Regional Administrator

Docket No. 50-461  
License No. NPF-62

Enclosure:  
NRC OI Investigation and NRC Conclusions (Non-Public)

cc w/encl: S. Coker, NSIR/DSO/DDSO/ST  
C. Johnson, NSIR  
J. Trapp, Region I  
M. Ernstes, RII  
M. Shannon, RIV  
C. Williamson, Clinton Station Security Manager  
J. Klinger, State Liaison Officer  
Illinois Emergency Management Agency

cc w/o encl: Distribution via ListServ

~~OFFICIAL USE ONLY – SECURITY-RELATED INFORMATION~~

**~~OFFICIAL USE ONLY – SECURITY-RELATED INFORMATION~~**

M. Pacilio

-2-

In accordance with Title 10 of the Code of Federal Regulations (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 NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). You should note that final NRC documents, including the final OI reports, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information pursuant to the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Request for Records. The instructions for making a request for information under the FOIA are accessible at <http://www.nrc.gov/reading-rm/foia/foia-request.html>. However, because of the Security-Related Information contained in the enclosure, and in accordance with 10 CFR 2.390, a copy of the enclosure will not be available for public inspection.

Sincerely,  
**/RA by Cynthia D. Pederson Acting for/**  
Mark A. Satorius  
Regional Administrator

Docket No. 50-461  
License No. NPF-62  
Enclosure:  
NRC OI Investigation and NRC Conclusions (Non-Public)

cc w/encl: S. Coker, NSIR/DSO/DDSO/ST  
C. Johnson, NSIR  
J. Trapp, Region I  
M. Ernstes, RII  
M. Shannon, RIV  
C. Williamson, Clinton Station Security Manager  
J. Klinger, State Liaison Officer  
Illinois Emergency Management Agency

cc w/o encl: Distribution via ListServ

\*See previous concurrence

DOCUMENT NAME: G:\ORAI\IICS\ENFORCEMENT\Enforcement Cases 2010\EA-10-177, 178 Clinton\EA-10-177 Final Clinton Discretion Ltr (Public).docx

Publicly Available  Non-Publicly Available  Sensitive  Non-Sensitive

OFFICE	RIII	RIII	RIII	OE	OGC
NAME	Pelke*	Skokowski*	Louden for Boland*	Furst for Zimmerman <sup>1</sup>	Boote <sup>2</sup>
DATE	11/16/10	11/10/10	11/16/10	11/09/10	11/09/10
OFFICE	RIII	RIII			
NAME	Orth	Pederson for Satorius			
DATE	11/30/10	12/01/10			

**OFFICIAL RECORD COPY**

1 OE concurrence received via e-mail from D. Furst on November 9, 2010.  
2 OGC "No Legal Objection" received per C. Boote via e-mail from D. Furst on November 9, 2010.

~~OFFICIAL USE ONLY – SECURITY-RELATED INFORMATION~~

Letter to Michael J. Pacilio from Mark A. Satorius dated December 1, 2010.

SUBJECT: EXERCISE OF ENFORCEMENT DISCRETION – CLINTON POWER STATION  
NRC OFFICE OF INVESTIGATIONS REPORT NO. 3-2010-008

DISTRIBUTION:

ADAMS (PARS)  
RidsSecyMailCenter  
OCADistribution  
Roy Zimmerman  
Andrew Campbell  
Eric Leeds  
Nick Hilton  
MaryAnn Ashley  
David Furst  
Catherine Scott  
Christine Boote  
Mark Satorius  
Cynthia Pederson  
Eliot Brenner  
Hubert Bell  
Cheryl McCrary  
Daniel Holody  
Caroline Evans  
William Jones  
Steven Orth  
Viktoria Mitlyng  
Allan Barker  
Harral Logaras  
James Lynch  
Patricia Lougheed  
Paul Pelke  
Magdalena Gryglak  
Jared Heck  
Allan Barker  
Daniel Merzke  
RidsNrrDorLpl3-2 Resource  
RidsNrrPMClinton Resource  
RidsNrrDirslrib Resource  
Carole Ariano  
Linda Linn  
DRSIII  
DRPIII  
Patricia Buckley  
Tammy Tomczak  
OEMAIL  
OEWEB

~~OFFICIAL USE ONLY – SECURITY-RELATED INFORMATION~~