Exelon Generation Company, LLC
Braidwood Station
35100 South Route 53, Suite 84
Braceville, IL 60407-9619

www.exeloncorp.com

Exelon Nuclear

March 30, 2011
BW110030

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001

Braidwood Station, Units 1 and 2
Facility Operating License Nos. NPF-72 and NPF-77
NRC Docket Nos. STN 50-456 and STN 50-457

Subject: Reply to a Notice of Violation; EA-10-220

Reference: Letter from Hironori Peterson (U.S. NRC) to Michael J. Pacilio (Exelon Generation Company, LLC), "Braidwood Station, Units 1 and 2 Follow-up Inspection of Emergency Action Level and Emergency Plan Change Inspection Report 05000456/2010503(DRS); 05000457/2010503(DRS) and Notice of Violation" dated February 28, 2011

In the referenced letter, based on the results of an inspection completed on February 10, 2011, the NRC concluded that Braidwood Station was in violation of the requirements of 10 CFR 50.54(q) in that it made a change to the Emergency Plan which decreased the effectiveness without prior approval. The NRC requested Exelon Generation Company, LLC (EGC) to respond to the Notice of Violation within 30 days of the date of the referenced letter (i.e. March 30, 2011).

The attachment to this letter contains our response to the Notice of Violation.

EGC does not contest the violation.

If you have any questions regarding this reply, please contact Mr. Chris VanDenburgh, Regulatory Assurance Manager, at (815) 417-2800.

Respectfully,

Daniel J. Enright
Site Vice President
Braidwood Station

Attachment: Reply to Notice of Violation
cc: Regional Administrator - NRC Region III
cc: NRC Senior Resident Inspector - Braidwood Station

Attachment
Reply to Notice of Violation

In a letter from Hironori Peterson (U.S. NRC) to Michael J. Pacilio (Exelon Generation Company, LLC), dated February 28, 2011, the NRC issued a Notice of Violation. The violation of NRC requirements was identified during an NRC inspection completed on February 10, 2011. The violation is listed below:

> Title 10 CFR 50.54(q) requires, in part, "A licensee authorized to possess and operate a nuclear power reactor shall follow and maintain in effect emergency plans which meet the standards in §50.47(b) and the requirements in Appendix E of this part. The licensee may make changes to these plans without Commission approval only if the changes do not decrease the effectiveness of the plans and the plans, as changed, continue to meet the standards of §50.47(b) and the requirements of Appendix E." Title 10 CFR 50.47(b)(4) requires, in part, "A standard emergency classification and action level scheme, the bases of which include facility system and effluent parameters, is in use by the nuclear facility licensee, and State and local response plans call for reliance on information provided by facility licensees for determinations of minimum initial offsite response measures."
>
> Contrary to the above, as of March 28, 2008, the licensee made a change to its emergency plan which decreased the effectiveness of the plan and caused the emergency plan to no longer meet the standards of 50.47(b) and Appendix E to this part without Commission approval. Specifically, the licensee modified the Emergency Action Level (EAL) Basis in EAL HU6, Revision 21, to delay the 15-minute classification time by the dispatching of personnel, reporting the notification of a fire from the field, and extinguishing the fire. As a result, this change indefinitely extends the start of the 15-minute emergency classification clock beyond a credible notification that a fire is occurring or indication of a valid fire detection system alarm. This change decreased the effectiveness of the emergency plan by reducing the capability to perform a risk significant planning function in a timely manner.
>
> This is a Security Level IV Violation (Section 6.6).
>
> This violation is associated with a Green SDP finding.

Response:

Reason for the violation

A change was made to the basis for EGC's fire EAL HU6 under 10 CFR 50.54(q) to provide guidance to support the definition of VALID in regards to validation of fire alarms as prescribed in NEI-99-01, "Methodology for Development of Emergency Action Levels," Revision 4. It was identified that the change to the basis conflicted with the NRC-approved threshold basis and the changed basis could add an indefinite amount of time prior to classifying and declaring an emergency.

Corrective steps that have been taken and the results achieved

Training material for the fire EAL HU6 revision to remove the added basis information was developed. EGC has conducted training and evaluation on the revision. The EAL basis for the fire EAL HU6 was revised to remove the information that could have led to an increase in classification time and will be implemented on April 8, 2011. The EAL basis revision and the training conducted will align the appropriate time period for classification of the fire EAL, HU6, with the NRC-approved threshold basis.

Corrective steps that will be taken

The EGC 10 CFR 50.54(q) process and procedures have been revised. The revision consisted of providing a more in-depth explanation of the terms "timeliness and capabilities" and how they are applied in evaluating potential changes. The procedure revision provided a clear relationship between Planning Standards, Planning Functions, and Program Elements to allow proper evaluation of standards and their affects on proposed changes.

Date when full compliance will be achieved

Full compliance will be achieved through implementation of Revision 27 of the Braidwood Annex (EP-AA-1001) on April 8, 2011.