

ENCLOSURE 3
NOTICE OF VIOLATION

Exelon Generation Company, LLC
James A. FitzPatrick Nuclear Power Plant

Docket No. 50-333
License No. DPR-59 EA-20-138

During an NRC review in response to a contested violation conducted from June 3, 2021, through September 3, 2021, violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

Title 10 CFR Part 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," states, in part, that activities affecting quality shall be prescribed by documented instructions, procedures, or drawings, of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings.

Title 10 CFR Part 50, Appendix B, Criterion XV, "Nonconforming Materials, Parts, or Components," states, in part, that measures shall be established to control materials, parts, or components which do not conform to requirements in order to prevent their inadvertent use or installation. These measures shall include, as appropriate, procedures for identification, documentation, segregation, disposition, and notification to affected organizations.

Exelon Procedure SM-AA-102, Warehouse Operations, Revision 23, prescribes activities affecting quality and measures to control nonconforming components. Procedure SM-AA-102, Attachment 1, step 1.10.6, states "Items that are on hold at one site can be released to another site while on hold only if an action item is created at the receiving site to track resolution of the item before the transfer occurs, and the item is added to the receiving site's hold tag log. A hold tag shall be attached to the item upon receipt of the transfer at the receiving site."

FitzPatrick Technical Specification (TS 3.5.1) requires, in part, that the HPCI system be operable in Modes 1, 2 and 3 with reactor steam dome pressure >150 psig. If the HPCI system is determined to be inoperable, it shall be returned to an operable status within 14 days. If not restored to an operable status, the unit shall be shut down and in Mode 3 within 12 hours.

Contrary to the above, from December 16, 2017, to April 10, 2020, activities affecting quality were not accomplished in accordance with procedures for controlling a nonconforming component and a nonconforming component was not controlled in accordance with documented procedures. Specifically, Exelon failed to initiate an action item at FitzPatrick to track resolution of a nonconforming Pressure Control Valve (PCV) before its transfer occurred, did not add it to the receiving site's hold tag log, and did not attach a hold tag upon receipt. As a result, on December 16, 2017, Exelon did not identify that the PCV's diaphragm required replacement and installed the nonconforming PCV in the High Pressure Coolant Injection (HPCI) system. Consequently, the HPCI system was rendered inoperable prior to April 10, 2020, for a period longer than its TS allowed outage time, and the unit was not shut down and placed in Mode 3 within 12 hours in accordance with requirements.

These violations are categorized collectively as a problem and are associated with a White Significance Determination Process finding.

No response to this Notice of Violation is required since the NRC previously received adequate responses as documented in a letter dated February 26, 2021 (ML21057A190). If you wish to provide additional information for the NRC to consider, you should notify the Region I Regional Administrator verbally within 10 days of receipt of this Notice of Violation, followed by a written response submitted within 30 days of the date of the notification 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. This reply should be clearly marked as a "Reply to a Notice of Violation; EA-20-138". If you do not notify the Region I Regional Administrator within 10 days of receipt, this Notice of Violation will be considered final.

Your response, if made, 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, the licensee may be required to post this Notice within two working days of receipt.

Dated this 3rd day of September 2021.