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April 30, 2003

RHLTR: #03-0025

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, DC 20555-0001

Dresden Nuclear Power Station, Units 2 and 3
Facility Operating License Nos. DPR-19 and DPR-25
Docket Nos. 50-237 and 50-249

Subject: Response to a Notice of Violation
NRC Office of Investigation Report No. 3-2001-021

Reference: Letter from C. D. Pederson (NRC) to J. L. Skolds (Exelon Generation Company, LLC), "Notice of Violation NRC Office of Investigation Report No. 3-2001-021," dated April 3, 2003

In the referenced letter, the NRC determined that a violation had occurred based on an investigation conducted by the NRC Office of Investigation (OI) at Dresden Nuclear Power Station. The OI investigation examined a concern that a maintenance supervisor falsified a security equipment surveillance record and that the supervisor discriminated against an employee for documenting a record falsification issue in a Condition Report.

In summary, the NRC concluded that the supervisor knowingly closed a record that indicated that all surveillance items were closed when in fact, three security turnstiles were not inspected and one security door did not pass inspection. The NRC assessed the safety significance as low, as the three turnstiles functioned as required in a subsequent inspection; the failed security door did not reduce the security integrity of the barrier; and the improperly closed record was identified and properly closed the following day. The NRC did not validate the discrimination allegation.

Accordingly, the violation was categorized, in accordance with NUREG-1600, "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy) at Severity Level IV.

Exelon agrees with the overall NRC conclusion that the supervisor incorrectly closed a record, creating an inaccurate or incomplete statement, and has taken actions to correct the identified violation and avoid recurrence.

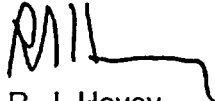
The attachment to this letter contains our response to the Notice of Violation.

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If you have any questions or comments regarding this response, please contact Mr. J. Hansen, Regulatory Assurance Manager, at (815) 416-2800.

Respectfully,

A handwritten signature in black ink, appearing to read 'R. J. Hovey', with a horizontal line extending to the right.

R. J. Hovey
Site Vice President
Dresden Nuclear Power Station

Attachment: Response to A Notice of Violation

cc: Regional Administrator— NRC Region III
NRC Senior Resident Inspector — Dresden Nuclear Power Station
Director, Division of Reactor Safety — NRC Region III

REPLY TO A NOTICE OF VIOLATION
EA-02-075

Exelon Generation Company, LLC (EGC)
Dresden Nuclear Power Station

Docket Nos. 50-237 and 50-249
License Nos. DPR-19 and DPR-25

During an NRC Investigation conducted between June 4, 2001 and March 13, 2002, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) NUREG-1600, the violation is listed below:

10 CFR 50.9(a) provides, in part, that information provided to the Commission by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the licensee shall be complete and accurate in all material respects.

Amendments 42 and 38 to Licenses No. DPR-19 and DPR-25 for the Dresden Nuclear Power Station, Units 2 and 3, require that the licensee maintain in effect and fully implement all provisions of the Commission approved physical security plan.

Chapter 13 and Section 13.3 of the Commission approved physical security plan for the Dresden Nuclear Power Station require, in part, that appropriate station management assure that all physical barriers and other related-security equipment is tested, inspected, and maintained to provide maximum system operability and effectiveness.

Sections 7.3.2. and 7.3.3, respectively, of the Commission approved physical security plan for the Dresden Nuclear Power Station, identify turnstiles and security doors as security-related equipment.

Revision 6 of Unit 2/3 Dresden Maintenance Surveillance (DMS) 0080-02 "Security Door and Turnstiles Surveillance," implements the NRC approved physical security plan and provides, in part, for the inspection of security doors and turnstiles mechanical parts.

Contrary to the above, on May 8, 2001, station management failed to assure that all security physical barriers were tested, inspected, and maintained to provide maximum system operability and effectiveness. Specifically, a maintenance supervisor deliberately closed-out a security-related maintenance work record (Work Request No. 990258215-01) for the quarterly surveillance of security doors and turnstiles, with the knowledge that one door had failed inspection and that three turnstiles had not been inspected. Further, the supervisor dated and printed on the record the name of the person responsible for completing the work before all the work was finished, signed his name verifying that the work had been completed, and signed the maintenance record attesting that all doors had passed inspection when one door that had been inspected had not passed inspection. This information is material to the NRC because it demonstrated compliance with the NRC approved Dresden Security Plan requirements to conduct tests, inspections, and maintenance of all physical barriers to assure their maximum system operability and effectiveness.

The reason for the violation.

EGC agrees that the individual in question incorrectly closed out the computer records for the surveillance of one security door and three turnstiles. However, the individual maintains that this was mistakenly done while attempting to update the progress of the surveillance and not a deliberate act. The individual then dated and printed on the record the name of the person responsible for completing the work before all the work was finished, signed his name verifying that the work had been completed, and signed the maintenance record attesting that all doors had passed inspection when one door that had been inspected had not passed inspection. The individual maintains that this was done when his error in closing the computer record was discovered, in order to ensure that the printed record matched the computer entry. The individual directed that the turnstiles and door be inspected the following day. These items were completed and the work package was properly closed the following day.

The NRC concluded that the individual acted deliberately in falsifying records. EGC has not found evidence to validate that conclusion. Regardless of the individual's reason for closing the records, EGC agrees that the records were closed improperly. A review of the individual's work history did not identify this as a repeat occurrence. Furthermore, our review of our corrective action database did not find other examples of deliberate falsification of work orders.

The corrective steps that have been taken and the results achieved.

The individual has been disciplined for his performance in this event and has been counseled on the requirement to ensure that records are complete and accurate in accordance with 10 CFR 50.9 and the possible consequences if this requirement is not met. The individual clearly understands the seriousness of any incomplete or inaccurate information.

The corrective steps that will be taken to avoid further violations.

As this was an isolated case, no additional corrective steps are necessary.

The date when full compliance will be achieved.

Full compliance has been achieved.