



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

November 25, 2019

IA-19-036

Mr. Daniel J. Comisky
[HOME ADDRESS DELETED]
[UNDER 10 CFR 2.390(a)]

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Comisky:

This letter refers to the U.S. Nuclear Regulatory Commission (NRC) Licensed Operator Requalification Program Inspection conducted during the week of August 19, 2019, regarding your activities at Exelon Generation Corporation's Braidwood Station. Based on the results of the inspection, the NRC concluded that you failed to meet a condition of your senior operator license, and failed to maintain a license in active status while performing the functions of a senior operator.

Based on the information developed during the inspection, the NRC determined that a violation of NRC requirements occurred as a result of your actions. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation is cited in the enclosed Notice of Violation (Enclosure). The violation involved your failure to follow licensed operator requirements in Title 10 of the *Code of Federal Regulations* (CFR), Part 55.53(e), which requires, in part, that if a licensee has not been actively performing the functions of an operator or senior operator, the licensee may not resume activities authorized by a license issued under this part except as permitted by paragraph (f) of this section. To maintain active status, the licensee shall perform the functions of an operator or senior operator on a minimum of seven 8-hour or five 12-hour shifts per calendar quarter. Your operator license stated, in part, that the license is subject to the provisions of 10 CFR 55.53.

You returned your license to an active status by completing the required actions of 10 CFR 55.53(f) during the fourth quarter of 2018 on December 20, 2018. However, during the first quarter of 2019, you failed to perform the functions of a senior operator on a minimum of seven 8-hour or five 12-hour shifts and thus maintain your license in an active status. Subsequently, during the second and third quarters of 2019, you performed the functions of a senior operator during twelve complete 12-hour shifts, without your senior operator license being in an active status.

This issue is similar to the violation example 6.4.c.1(c) in the NRC Enforcement Policy, dated May 28, 2019, for a Severity Level III violation because it involved noncompliance with a condition stated on an individual's license. However, since the amount of time that lapsed between consecutive watches was never more than a calendar quarter, the length of time used

to complete 5 consecutive watches was within the intent of the requirement, and the fact that there were no adverse impacts to nuclear safety, the NRC has determined that this issue will be dispositioned as a Severity Level IV cited violation.

Once the issue was identified by the NRC, the facility licensee (Braidwood Station) took actions to: (1) remove your active Senior Reactor Operator status in the facility's qualification system; (2) perform an extent of condition review of all licensed operator qualifications, including a full review of all license reactivations; (3) complete a stand down with all Operations crews, Operations Training, and Department Training Coordinators to communicate the issue; (4) issue a standing order for each licensed operator to verify their qualifications and restrictions every shift prior to standing watch; (5) revise the Cycle 19-6 Licensed Operator Requalification Training schedule to include revised license maintenance training; (6) enhance and revise the fleet procedure OP-AA-105-102, NRC Active License Maintenance; (7) implement required periodic training for Department Training Coordinators; and (8) issue a Nuclear Event Report for this incident.

The NRC concluded that information regarding the reason for the violation, and the corrective actions to address the violation are already addressed on the docket in this letter. Additionally, the facility licensee has submitted a request to terminate your license. The request, along with the NRC notification letter to expire your license, effective as of August 22, 2019, have been placed on the docket. Therefore, you are not required to respond to this letter unless the description in this letter does not accurately reflect the corrective actions or your position. In that case, if you choose to provide additional information, you should follow the instructions specified in the Notice. If you decide to provide additional information, it should be sent to the NRC within 30 days of the date of this letter. In addition, after 45 days from the date of this letter, a copy of this letter and Enclosure will be made available to the public, unless you provide a sufficient bases to withdraw the violation.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide one, will be made 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>, unless you provide a sufficient basis to withdraw the violation within the 30 days specified above for responding to this Notice of Violation. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

If you have any questions concerning this matter, please contact Mr. Robert Orlikowski of my staff at 630-829-9834.

Sincerely,

/RA David Curtis Acting for/

Kenneth G. O'Brien, Director
Division of Reactor Safety

Docket No. 55-32381
License No. SOP-31504-3

Enclosure:
Notice of Violation

Letter to Daniel J. Comisky from Kenneth G. O'Brien dated November 25, 2019.

SUBJECT: NOTICE OF VIOLATION

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OFFICE	RIII		RIII		RIII		
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DATE	11/25/19		11/25/19		11/25/19		

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Mr. Daniel J. Comisky
[HOME ADDRESS DELETED]
[UNDER 10 CFR 2.390(a)]

Docket No. 55-32381
License No. SOP-31504-3
IA-19-036

During a Nuclear Regulatory Commission (NRC) inspection completed on August 23, 2019, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10, Section 55.53 of the *Code of Federal Regulations* (10 CFR 55.53(e)) requires, in part, that if a licensee has not been actively performing the functions of an operator or senior operator, the licensee may not resume activities authorized by a license issued under this part except as permitted by paragraph (f) of this section. To maintain active status, the licensee shall perform the functions of an operator or senior operator on a minimum of seven 8-hour or five 12-hour shifts per calendar quarter.

Operator License No. SOP-31504-3 states, the license is subject to the provisions of Title 10, Section 55.53 of the *Code of Federal Regulations* (10 CFR 55.53), with the same force and effect as if fully set forth herein.

Contrary to the above, as of April 1, 2019, you did not perform the functions of an operator or senior operator on a sufficient number of 8-hour or 12-hour shifts to maintain your license in an active status, having only stood two 12-hour shifts during the first quarter of 2019. Subsequently, you performed the functions of a senior operator on twelve occasions in the second and third quarters of 2019, prior to completing the requirements of 10 CFR 55.53(f) to restore the active status of your license, and thereby failed to comply with a condition of your license.

This is a Severity Level IV violation. (Section 6.4)

The NRC has concluded that information regarding the violation, including the previously submitted facility licensee's request, and the NRC notification letter to expire your license effective August 22, 2019, is adequately addressed on the docket in the NRC letter transmitting this Notice of Violation. Therefore, you are not required to respond to this letter unless you are required to submit a written statement or explanation pursuant to Title 10 of the *Code of Federal Regulations*, Part 2.201 because the description therein does not accurately reflect the corrective actions or your position. In that case, clearly mark your response as a "Reply to a Notice of Violation; IA-19-036," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 0001, with a copy to the Regional Administrator, Region III, Suite 210, 2443 Warrenville Road, Lisle, Illinois 60532 within 30 days of the date of the letter transmitting this Notice.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your disputing the violation, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

NOTICE OF VIOLATION

If you choose to respond, your response 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>, unless you provide a sufficient basis to withdraw the violation within the 30 days specified above for a response to this Notice. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Dated this 25th day of November, 2019.