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EXELON INSTITUTES CORRECTIVE ACTIONS AT PEACH BOTTOM PLANT, OTHER FACILITIES UNDER SETTLEMENT AGREEMENT WITH NRC

Exelon Generating Co., LLC, is implementing a series of corrective actions designed to deter deliberate misconduct by employees at its Peach Bottom nuclear power plant and other plants it owns and operates under an agreement reached with the Nuclear Regulatory Commission.

The settlement was achieved under the NRC's Alternate Dispute Resolution (ADR) process after two violations of agency regulations were identified during separate investigations conducted at Peach Bottom by the Region I Field Office of the NRC's Office of Investigations. The investigations were performed to determine if two former Peach Bottom employees deliberately violated NRC requirements by reporting inaccurate information in one instance and failing to inform Exelon of information required to be reported in the other.

In a letter dated June 5, the NRC staff provided Exelon with the results of the investigations and noted that, based on the evidence developed during the reviews, the staff had identified two violations of NRC regulations resulting from the deliberate acts of the former Peach Bottom workers.

The first investigation, which was initiated on Feb. 12, 2008, found that a former Peach Bottom maintenance supervisor deliberately provided incomplete and inaccurate information in a personal history questionnaire submitted to the company for unescorted access authorization at the plant, which is located in Delta (York County), Pa. The individual subsequently gained access to the site. Specifically, the former supervisor provided incorrect information regarding the character of his military service, his history of misconduct in the military and the nature of his discharge from the military.

The second investigation, begun on May 5, 2008, determined that a former Peach Bottom licensed Reactor Operator deliberately failed to report an arrest and criminal charges in accordance with site security program procedures for unescorted access authorization and the plant's behavioral observation program. Specifically, the Reactor Operator was arrested and

charged with driving under the influence on Oct. 13, 2007 but did not report the incident to Exelon until April 28, 2008.

In the June 5, 2009 letter, the NRC offered Exelon a choice of a Predecisional Enforcement Conference or ADR to discuss the apparent violations. The company opted for ADR, and an ADR session regarding the cases was held in the NRC Region I Office on Sept. 3, 2009. Based on those discussions, a settlement agreement was reached. Terms of the settlement agreement are as follows:

- Exelon does not take issue with the NRC preliminary conclusion that the two violations occurred and that the actions by the former maintenance supervisor and former Reactor Operator were deliberate. The NRC and the company agreed to disagree on the classification of one of the apparent violations.
- The NRC acknowledges that Exelon has taken multiple corrective actions in response to the violations in an effort to preclude the occurrence of similar violations in the future. These actions include: training and evaluations at Peach Bottom with respect to deliberate misconduct; a revision of the company's nuclear fleet procedures/process for validating military backgrounds; and fleet-wide safety culture training and workshops.
- Exelon agreed to take additional actions to address the apparent violations, ensure the corrective actions already taken are effective and ensure the lessons learned are extended to the company's nuclear plant fleet and the industry. These actions include: developing an assessment to verify the effectiveness of actions associated with deliberate misconduct training; repeating the deliberate misconduct awareness training for new and current plant employees in 2010; and providing a lessons learned-type article for potential inclusion in industry newsletters.
- Exelon agreed to complete the actions applicable only to Peach Bottom by June 30, 2010, and the remaining actions by Sept. 30, 2010. The company also agreed to send a letter to the NRC within 30 days of the completion of these actions informing the agency they are done.
- The NRC agreed not to issue a Notice of Violation or civil penalty for the two violations in light of the corrective actions taken and planned by Exelon.

Separately, the NRC has issued an order to the former Peach Bottom maintenance supervisor who submitted the incomplete and inaccurate personal history questionnaire banning him from NRC-licensed activities for three years.

In addition, the agency has reached a separate settlement agreement under the ADR process with the former Peach Bottom licensed Reactor Operator who failed to report a DUI arrest. In the agreement, documented in a Confirmatory Order also issued by the NRC, the Reactor Operator committed to share his experience with others in the nuclear industry in an effort to prevent a recurrence of that type of violation. The NRC, in recognition of this action, has agreed to not take additional enforcement action against this individual.

Often, the ADR process is more effective than traditional enforcement in developing broad, long-term corrective actions, thus producing a greater benefit for employee and public safety than a one-time fine or other enforcement action.

Copies of the enforcement actions will be posted on the NRC web site at:
<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions> .

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