



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION I
475 ALLENDALE RD, SUITE 102
KING OF PRUSSIA, PA 19406-1415

November 28, 2022

EA-22-071

David P. Rhoades
Senior Vice President
Constellation Energy Generation, LLC
President and Chief Nuclear Officer (CNO)
Constellation Nuclear
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: PEACH BOTTOM ATOMIC POWER STATION, UNIT 2 – FINAL SIGNIFICANCE DETERMINATION OF A WHITE FINDING WITH ASSESSMENT FOLLOW-UP AND NOTICE OF VIOLATION; INSPECTION REPORT 05000277/2022090

Dear David Rhoades:

This letter provides you the final significance determination of the preliminary White finding and associated apparent violation discussed in U. S. Nuclear Regulatory Commission (NRC) Inspection Report 05000277/2022003 and 05000278/2022003 issued on October 27, 2022 (ML22299A208)¹. The finding involved a failure to accomplish an activity affecting quality at Peach Bottom Atomic Power Station (Peach Bottom) using a procedure appropriate to the circumstances. As a result of using the procedure that was not appropriate to the circumstances, an operator took an action that caused a Unit 2 reactor scram, primary containment isolation system Group I isolation, safety-relief valve actuation, and loss of the normal heat sink which required emergency core cooling systems to maintain level and pressure.

In a letter dated November 8, 2022 (ML22312A364), David Henry, Site Vice President of Peach Bottom, confirmed that Constellation Energy Generation, LLC (Constellation) did not contest the characterization of the risk significance of this finding and that you declined your opportunity to discuss this issue in a Regulatory Conference or to provide a written response. Therefore, after considering the information developed during the inspection, the NRC has concluded that the finding is appropriately characterized as White, a finding of low to moderate safety significance.

The NRC has also determined that the failure to use a procedure appropriate to the circumstances is a violation of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," as cited in the enclosed notice of violation (Notice). The circumstances surrounding the violation were described in detail

¹ Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly-available using the accession number in ADAMS.

in the subject inspection report. In accordance with the NRC Enforcement Policy, the Notice is considered an escalated enforcement action because it is associated with a White finding.

The NRC has concluded that the information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in NRC Inspection Report 05000277/2022003 and 05000278/2022003. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified White finding. Such appeals will be considered to have merit only if they meet the criteria given in NRC Inspection Manual Chapter 0609, Attachment 2.

As a result of this White finding in the Initiating Events Cornerstone, the NRC has assessed Peach Bottom Unit 2 to be in the Regulatory Response column of the NRC's Reactor Oversight Process Action Matrix described in Inspection Manual Chapter 0305, "Operating Reactor Assessment Program," retroactive to the third calendar quarter of 2022. The NRC plans to conduct a supplemental inspection for this finding in accordance with Inspection Procedure 95001, "Supplemental Inspection Response to Action Matrix Column 2 (Regulatory Response) Inputs," following Constellation's notification of readiness for this inspection. This inspection is conducted to provide assurance that the root causes and contributing causes of any performance issues are understood, the extent of condition is identified, and the corrective actions are sufficient to prevent recurrence.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, 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 document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. 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.

Sincerely,

David C. Lew
Regional Administrator

Docket No. 05000277
License No. DPR-44

Enclosure:
Notice of Violation

cc w/encl: Distribution via LISTSERV

SUBJECT: PEACH BOTTOM ATOMIC POWER STATION, UNIT 2 – FINAL SIGNIFICANCE DETERMINATION OF A WHITE FINDING WITH ASSESSMENT FOLLOW-UP AND NOTICE OF VIOLATION; INSPECTION REPORT 05000277/2022090 DATED NOVEMBER 28, 2022

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NOTICE OF VIOLATION

Constellation Energy Generation, LLC
Peach Bottom Atomic Power Station, Unit 2

Docket No. 05000277
License No. DPR-44
EA-22-071

During an NRC inspection conducted from July 1, 2022, through September 30, 2022, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

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

Contrary to the above, on May 16, 2022, Constellation did not accomplish an activity affecting quality in accordance with the prescribed procedure appropriate to the circumstances. Specifically, the pre-planned procedure, a "Partial" of SO 60F.1.A-2, "Reactor Protection System MG Set and Power Distribution System Startup from Dead Bus Condition," was prescribed to respond to an anticipated transient involving the loss of the Unit 2 'A' RPS power source when the 'B' RPS power source was supplied via the alternate feed, but this prescribed procedure was not implemented when required, and the use of a "clean" procedure SO 60F.1.A-2, marked-up in the moment, was not appropriate to the circumstances.

This violation is associated with a White SDP finding.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket in Inspection Report 05000277/2022003 and 05000278/2022003. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," include the EA number, 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 I, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this notice of violation (Notice).

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

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>. Therefore, to the extent possible, the response 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, you may be required to post this Notice within two working days of receipt.

Dated this 28th day of November, 2022.