

July 12, 2002

Mr. John L. Skolds, President
Exelon Nuclear
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: DRESDEN NUCLEAR POWER STATION, UNITS 2 AND 3, EXEMPTION
FROM THE REQUIREMENTS OF 10 CFR PART 55, SECTION 55.59(c)
(TAC NOS. MB5515 AND MB5516)

Dear Mr. Skolds:

The Commission has approved the enclosed exemption from specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR), Part 55, Section 55.59(c), for the Dresden Nuclear Power Station, Units 2 and 3 (Dresden). This action is in response to an Exelon Generation Company, LLC letter, dated July 2, 2002, as supplemented by Exelon letter dated July 8, 2002, that requested an exemption for Dresden, from the 24-month licensed operator comprehensive requalification written examination schedule requirement of 10 CFR 55.59(c). This exemption extends the date for completing the licensed operator comprehensive requalification written examinations at Dresden to August 2, 2002 (i.e., extending the examination schedule to 30 months rather than the 24 months required by 10 CFR 55.59(c)).

On July 3, 2002, during a teleconference between representatives of Exelon and the NRC, Exelon requested that the NRC exercise enforcement discretion on behalf of 54 licensed operators at Dresden who had not completed the comprehensive requalification written examination. The NRC verbally agreed to exercise enforcement discretion during the teleconference with regard to the license condition specified in each operators license requiring completion of an operator requalification program in accordance with 10 CFR 55.59(a). As stated in the Enforcement Policy (NUREG-1600) "General Statement of Policy and Procedure for NRC Enforcement Actions," action may be taken, to the extent that violations were involved, for the root cause that led to the noncompliance for which the enforcement discretion and this exemption were necessary.

J. Skolds

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A copy of the exemption has been forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

Lawrence W. Rossbach, Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-237 and 50-249

Enclosure: Exemption

cc w/encl: See next page

J. Skolds

-2-

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Sincerely,

/RA/

Lawrence W. Rossbach, Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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cc w/encl: See next page

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L. Rossbach
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H. Nieh

OGC, O15B18
ACRS, T2E26
M. Ring, RIII
D. Trimble
L. Berry

*concurred by memo ML021860312 dated 7/5/2

**see previous concurrence

***via e-mail

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| DATE | 07/10/02 | 07/09/02 | 07/09/02 | 07/12/02 | |

OFFICIAL RECORD COPY

Dresden Nuclear Power Units 2 and 3

cc:

Site Vice President - Dresden Nuclear Power Station
Exelon Generation Company, LLC
6500 N. Dresden Road
Morris, IL 60450-9765

Dresden Nuclear Power Station Plant Manager
Exelon Generation Company, LLC
6500 N. Dresden Road
Morris, IL 60450-9765

Regulatory Assurance Manager - Dresden
Exelon Generation Company, LLC
6500 N. Dresden Road
Morris, IL 60450-9765

U.S. Nuclear Regulatory Commission
Dresden Resident Inspectors Office
6500 N. Dresden Road
Morris, IL 60450-9766

Chairman
Grundy County Board
Administration Building
1320 Union Street
Morris, IL 60450

Regional Administrator
U.S. NRC, Region III
801 Warrenville Road
Lisle, IL 60532-4351

Illinois Department of Nuclear Safety
Office of Nuclear Facility Safety
1035 Outer Park Drive
Springfield, IL 62704

Document Control Desk-Licensing
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Senior Vice President, Nuclear Services
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Vice President
Mid-West Regional Operating Group
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Senior Vice President
Mid-West Regional Operating Group
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Vice President - Licensing and Regulatory
Affairs
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Director - Licensing
Mid-West Regional Operating Group
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Senior Counsel, Nuclear
Mid-West Regional Operating Group
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Manager Licensing - Dresden and
Quad Cities
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

| | | | |
|--------------------------|---|-------------|--------|
| In the matter of |) | | |
| |) | | |
| EXELON GENERATION |) | Docket Nos. | 50-237 |
| COMPANY, LLC |) | | 50-249 |
| |) | | |
| (Dresden Nuclear Station |) | | |
| Units 2 and 3) |) | | |

EXEMPTION

I.

Exelon Generation Company, LLC, (Exelon) is the holder of Facility Operating License Nos. DPR-19 and DPR-25, which authorizes operation of the Dresden Nuclear Power Station, Units 2 and 3 (Dresden), at steady state core power levels not to exceed 2957 megawatts thermal per unit. Dresden's two boiling water reactors are located in Morris, Illinois. The licenses provide, among other things, that Dresden is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

II.

Pursuant to 10 CFR 55.59(c), a facility's licensed operator requalification program must be conducted for a continuous period not to exceed two years (24 months) and upon conclusion must be promptly followed, pursuant to a continuous schedule, by successive requalification programs. Each two-year requalification program must include a comprehensive written examination and annual operating tests.

III.

By letter dated July 2, 2002, as supplemented by letter dated July 8, 2002, Exelon requested a one-time exemption from the requirements of 10 CFR 55.59(c). Specifically, for Dresden, Exelon has requested a one-time extension to August 2, 2002, for

completing the comprehensive written examination for the February 2000 through January 2002 licensed operator requalification program. This requested exemption would allow an extension of approximately 6 months beyond the 24-month limit for completion of the written examinations as required by 10 CFR 55.59(c). Exelon's letters constitute a request for exemption under 10 CFR 55.11 which states: "The Commission may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property and are otherwise in the public interest." The exemption is being requested due to circumstances which led Dresden to inadvertently schedule the comprehensive requalification written examinations at an interval greater than the required 24 months.

IV.

The Commission has determined that, pursuant to 10 CFR 55.11, granting an exemption to Exelon from the requirements in 10 CFR 55.59(c), by allowing Dresden a one-time extension of the two-year requirement to conduct a comprehensive requalification written examination, is authorized by law and will not endanger life or property and is otherwise in the public interest. Although the 24-month requirement at Dresden for conducting a comprehensive written examination was exceeded, operator performance continues to be satisfactory, as demonstrated both in the plant and during other written examinations, operating tests, and periodic simulator evaluations. Granting this exemption will allow the makeup of the Dresden operating crews to remain unchanged, thereby maintaining effective crew teamwork, which will contribute to continued safe plant operations.

Accordingly, the Commission hereby grants Exelon an exemption on a one-time only basis from the two-year requirement of 10 CFR 55.59(c) for conducting a

comprehensive licensed operator requalification written examination at Dresden by granting an extension of the examination completion date to August 2, 2002. The NRC understands that, following the completion of that examination, the next comprehensive licensed operator requalification written examination at Dresden will be administered at the completion of the current 24-month requalification period (i.e., examination administered in January/February 2004), and will include a comprehensive sampling of licensed operator requalification training topics contained in the current (February 2002 - January 2004) 24-month requalification period.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (67 FR 46218)

This exemption is effective upon issuance. This exemption expires on August 2, 2002.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Bruce A. Boger, Director
Division of Inspection Program Management
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
this 12th day of July, 2002.