

July 17, 2002

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

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION (NOED) FOR DRESDEN STATION  
LICENSED OPERATORS

Dear Mr. Skolds:

By letter dated July 8, 2002, Exelon Generation Company, LLC (Exelon) informed the NRC that certain conditions of the Dresden Nuclear Power Station operator licenses were not being met. Specifically, Title 10 of the *Code of Federal Regulations* (10 CFR), Part 55, Section 55.53(h), requires the operators to complete a requalification program as described by 10 CFR 55.59. Title 10 CFR 55.59(a)(1) and (a)(2) require the operators to successfully complete a requalification program not to exceed 24 months in duration, and to pass a comprehensive requalification written examination as part of that requalification program. As discussed in the Exelon letter, 54 of the station's 64 licensed operators had not completed a comprehensive requalification written examination since January/February of 2000, and thus exceeded the maximum allowed 24-month written examination periodicity.

The Exelon letter documented information previously discussed with the NRC in a telephone conference on July 3, 2002. The NRC participants included staff from Region III and the Office of Nuclear Reactor Regulation. At the time of the telephone conference, Dresden Station Units 2 and 3 were operating in Mode 1.

Exelon, on behalf of the 54 licensed operators, requested enforcement discretion to allow the operators to continue to operate the Dresden Nuclear Power Station. Exelon indicated that a Dresden Training Department scheduling error resulted in the comprehensive written examination being scheduled at an interval greater than the required 24 months. Specifically, the Dresden Training Department previously administered a comprehensive written examination pursuant to 10 CFR 55.59 to the station's operators during the period of January through February 2000. The next written examination to meet the requirement of 10 CFR 55.59 should have occurred during January 2002. However, through a scheduling error, the examination was deferred until July 2002. Because of the delay, the 24-month time limit was exceeded and the operators did not complete a comprehensive written examination in accordance with the conditions of their individual licenses imposed by 10 CFR 55.53(h).

During the July 3, 2002 telephone call, Exelon requested that a Notice of Enforcement Discretion (NOED) be issued pursuant to Section VII.C of the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The enforcement discretion was requested on behalf of the 54 licensed operators to allow them to continue to operate the station while completing the required comprehensive requalification written examinations to restore compliance with 10 CFR 55.53(h) and 10 CFR 55.59(a)(1) and (a)(2). Exelon requested that the NRC suspend the enforcement of the requirements of 10 CFR 55.53(h) until July 17, 2002, for current on-shift control room licensed operators and August 2, 2002, for all other licensed operators. NRC Region III verbally granted enforcement discretion at 6:20 p.m. on July 3, 2002, to suspend the enforcement of the requirements of 10 CFR 55.53(h) until the specified dates, in order to allow the station's 54 licensed operators sufficient time to complete the written examination requirement.

Subsequent to the July 8, 2002 letter from Exelon requesting enforcement discretion, your staff provided information to the NRC staff that indicated that 7 of the 54 operators did not require enforcement discretion because they had satisfactorily completed a comprehensive written requalification examination prior to July 3, 2002, when the request for enforcement discretion was made. Consequently, on July 10, 2002, the NRC issued the requested NOEDs to 47 operators. The NRC also issued letters to the other seven operators informing them that issuance of a NOED was not necessary. A list of the seven licensed operators that were not issued a NOED is enclosed.

In a separate letter dated July 2, 2002, Exelon requested the NRC extend the 24-month interval required by 10 CFR 55.59(c) to an interval of approximately 30 months. This extension would allow the Dresden Station Training Department to be in regulatory compliance while completing the requirement to administer a comprehensive written examination. To accomplish this within the prescribed time extension, we understand that the station's training department plans to complete examinations for all licensed operators and senior operators on shift by July 17, 2002, and for all other remaining licensed personnel by August 2, 2002, before they are scheduled to resume licensed activities. The NRC Office of Nuclear Reactor Regulation (NRR) will respond to this request for an exemption from the requirements of 10 CFR 55.59 by separate correspondence.

You should be aware that enforcement action may be taken for violations that occurred during the period of time between closure of the station's 24-month training program (January 2002) and the time when NRC granted the NOED.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

**/RA by Steven A. Reynolds Acting for/**

Geoffrey E. Grant, Director  
Division of Reactor Projects

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

Enclosure: List of Licensed Operators  
Not Issued NOED

cc: Site Vice President - Dresden Nuclear Power Station  
Dresden Nuclear Power Station Plant Manager  
Regulatory Assurance Manager - Dresden  
Chief Operating Officer  
Senior Vice President - Nuclear Services  
Senior Vice President - Mid-West Regional  
Operating Group  
Vice President - Mid-West Operations Support  
Vice President - Licensing and Regulatory Affairs  
Director Licensing - Mid-West Regional  
Operating Group  
Manager Licensing - Dresden and Quad Cities  
Senior Counsel, Nuclear, Mid-West Regional  
Operating Group  
Document Control Desk - Licensing  
M. Aguilar, Assistant Attorney General  
Illinois Department of Nuclear Safety  
State Liaison Officer  
Chairman, Illinois Commerce Commission  
F. Cerovac, Training Manager

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 Dresden Nuclear Power Station Plant Manager  
 Regulatory Assurance Manager - Dresden  
 Chief Operating Officer  
 Senior Vice President - Nuclear Services  
 Senior Vice President - Mid-West Regional  
 Operating Group  
 Vice President - Mid-West Operations Support  
 Vice President - Licensing and Regulatory Affairs  
 Director Licensing - Mid-West Regional  
 Operating Group  
 Manager Licensing - Dresden and Quad Cities  
 Senior Counsel, Nuclear, Mid-West Regional  
 Operating Group  
 Document Control Desk - Licensing  
 M. Aguilar, Assistant Attorney General  
 Illinois Department of Nuclear Safety  
 State Liaison Officer  
 Chairman, Illinois Commerce Commission  
 F. Cerovac, Training Manager

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Enclosure

LIST OF LICENSED OPERATORS NOT ISSUED NOED

Thomas S. Cisco  
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Steven E. Mattson  
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