

February 17, 2006

Mr. Christopher M. Crane, President
and Chief Nuclear Officer
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: DRESDEN NUCLEAR POWER STATION, UNIT 2 - ISSUANCE OF
AMENDMENT RE: DELETION OF REPORTING REQUIREMENT IN
RENEWED FACILITY OPERATING LICENSE (TAC NO. MC6250)

Dear Mr. Crane:

The Nuclear Regulatory Commission (Commission) has issued the enclosed Amendment No. 210 to Renewed Facility Operating License No. DPR-19 for Dresden, Unit 2. The amendment is in response to your application dated February 25, 2005.

The amendment deletes the reporting requirement in the Renewed Facility Operating License related to reporting violations of other requirements in the operating license.

A copy of the Safety Evaluation is also enclosed. The Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

/RA/

Maitri Banerjee, Senior Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-237

Enclosures:

1. Amendment No. 210 to DPR-19
2. Safety Evaluation

cc w/encls: See next page

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EXELON GENERATION COMPANY, LLC

DOCKET NO. 50-237

DRESDEN NUCLEAR POWER STATION, UNIT 2

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 210
License No. DPR-19

1. The Nuclear Regulatory Commission (Commission) has found that:
 - A. The application for amendment by the Exelon Generation Company, LLC (licensee) dated February 25, 2005, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the Renewed Facility Operating License is amended by deletion of paragraph 2.G as indicated in the attachment to this license amendment.
3. This license amendment is effective as of the date of its issuance and shall be implemented within 60 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Mindy S. Landau, Acting Chief
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Facility Operating License Page 8

Date of Issuance: February 17, 2006

ATTACHMENT TO LICENSE AMENDMENT NO. 210

RENEWED FACILITY OPERATING LICENSE NO. DPR-19

DOCKET NO. 50-237

Replace the following page of the Renewed Facility Operating License with the attached page. The revised page is identified by amendment number and contains a marginal line indicating the area of change.

Remove Pages

8

Insert Pages

8

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 210 TO RENEWED FACILITY OPERATING
LICENSE NO. DPR-19
EXELON GENERATION COMPANY, LLC
DRESDEN NUCLEAR POWER STATION, UNIT 2
DOCKET NO. 50-237

1.0 INTRODUCTION

By letter to the Nuclear Regulatory Commission (NRC, Commission), dated February 25, 2005 (Agencywide Documents Access and Management System Accession Number ML050600047), Exelon Generation Company, LLC (the licensee) requested changes to the Renewed Facility Operating License for Dresden, Unit 2. The proposed amendment would delete Section 2.G of the Renewed Facility Operating License (RFOL) that requires reporting of violations of the requirements in Section 2.C of the license. A notice announcing the availability of this proposed change using the consolidated line item improvement process (CLIIP) was published in the *Federal Register* on November 4, 2005 (70 FR 67202). The licensee's application was used during the development of the CLIIP notices and is being evaluated using that process even though the application predates the notice of availability.

2.0 REGULATORY EVALUATION

The NRC staff finds that the licensee, in Section 5.2 of its submittal, identified the applicable regulatory requirements.

Conditions were included in the facility operating licenses (FOLs) issued to some nuclear power plants requiring the licensee to make reports to the NRC regarding violations of other sections of the operating license (typically Section 2.C). Such a license condition typically reads as follows:¹

Except as otherwise provided in this license and its appendices, the licensee shall report any violations of the requirements contained in Section 2.C of this license in the following manner: initial notification shall be made within 24 hours to the NRC Operations Center via the Emergency Notification System with written followup within 30 days in accordance with the procedures described in 10 CFR 50.73 (licensee event report system).

¹ Condition 2.G in the Renewed Facility Operating License for Dresden Unit 2 is similar to the standard language.

In addition to the information provided to support licensing decisions, the NRC obtains information about plant operation, licensee programs, and other matters using a combination of inspections and reporting requirements. Routine or scheduled reports that are required to be submitted to the NRC are defined in the related regulations, specific license condition, technical specification, or an NRC-approved program document. The reporting of emergencies, unplanned events or conditions, and other special cases may also be addressed within such documents by the inclusion of reporting thresholds and are also the focus of the reporting requirements in 10 CFR 50.72, "Immediate notification requirements for operating nuclear power reactors," and 10 CFR 50.73, "Licensee event report system." Changes to the reporting regulations in 10 CFR 50.72 and 50.73 became effective in January 2001 (see *Federal Register* notice on October 25, 2000, 65 FR 63769) and included extending the allowable reporting times for licensee event reports (LERs) from 30 days to 60 days.

3.0 TECHNICAL EVALUATION

The NRC staff has reviewed the licensee's regulatory and technical analyses in support of its proposed license amendments which are described in Sections 5.0 and 4.0, respectively, of the licensee's submittal. The detailed evaluation below will support the conclusion that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Section 2.G of the RFOL for Dresden, Unit 2, requires the licensee to report any violations of the specified requirements of Section 2.C of the RFOL and defines the method and allowable time periods for such reports. The reporting threshold for violations of some of the conditions included in Section 2.C of the RFOL duplicates those defined in 10 CFR 50.72 and 10 CFR 50.73. However, the requirements in the RFOL may have different deadlines than those defined in the regulations (following a rule change in 2001). This difference in reporting requirements has led to variations in reporting since many FOLs do not contain the subject conditions. For those licensees with a 30-day reporting requirement in the FOL, the condition has decreased the benefits of the rulemaking. For those cases where the current FOL requirement to report violations is also reportable in accordance with the regulations defined in 10 CFR 50.72 and 10 CFR 50.73, the NRC staff found that the regulations adequately address this issue and the elimination of the duplicate requirement in the FOL was acceptable.

Some of the conditions addressed in Section 2.C of the FOL may address the maintenance of particular programs, administrative requirements, or other matters where a violation of the requirement would not result in a report to the NRC in accordance with 10 CFR 50.72 or 10 CFR 50.73. In most cases, there are requirements for reports to the NRC related to these conditions in other regulations, the specific license condition or technical specification, or an NRC-approved program document. In other cases, there are reports to other agencies or news releases that would prompt a report to the NRC (in accordance with 10 CFR 50.72(b)(2)(xi)). The NRC staff also assessed violations of administrative requirements that could be reportable under the current License Condition, but that may not have a duplicate requirement in a regulation or other regulatory requirement. The NRC staff finds that the requirements to report such problems within 24 hours with written reports to follow using the LER process is not needed. The NRC staff is confident that the information related to such violations that is actually important to the NRC's regulatory functions would come to light in a time frame

comparable to the 60-day LER requirements. The information would become available to the appropriate NRC staff through the inspection program, updates to program documents, resultant licensing actions, public announcements, or some other reliable mechanism.

The NRC staff finds that the elimination of Section 2.G in the RFOL for Dresden, Unit 2 will not result in a loss of information to the NRC that would adversely affect either its goal to protect public health and safety or its ability to carry out its regulatory responsibilities.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Illinois State official was notified of the proposed issuance of the amendment. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes requirements with respect to record keeping, reporting, or administrative procedures. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding (70 FR 21456). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22©)(10). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the amendment.

6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: W. Reckley

Date: February 17, 2006

Dresden Nuclear Power Station Unit 2

cc:

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