

Exelon Generation Company, LLC
Byron Station
4450 North German Church Road
Byron, IL 61010-9794

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EA-03-038
10 CFR 50.4

September 8, 2009

LTR: BYRON 2009-0098
File: 1.10.0101

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001

Byron Station, Units 1 and 2
Facility Operating License Nos. NPF-37 and NPF-66
NRC Docket Nos. STN-50-454 and STN 50-455

Subject: Affirmation of 10 CFR 26, Subpart I, Implementation Prior to October 1, 2009

- References:
- 1) Letter from U.S. NRC (S. J. Collins) to Holders of Licenses for Operating Power Reactors as Listed in Enclosure 2, "Issuance of Order for Compensatory Measures Related to Fitness-to-Duty Enhancements Applicable to Nuclear Facility Security Force Personnel [EA-03-038]," dated April 29, 2003
 - 2) Letter from U.S. NRC (E. J. Leeds) to Holders of Licenses for Operating Power Reactors as Listed in Enclosure 1, "Relaxation of Order for Compensatory Measures Related to Fitness-for-Duty Enhancements Applicable to Nuclear Facility Security Force Personnel," dated June 8, 2009

In Security Order EA-03-038 (Reference 1), the NRC identified security measures to address issues that may arise from fatigue of nuclear facility security force personnel that were determined to be effective immediately. These security measures were implemented at Byron Station in accordance with EA-03-038.

In Reference 2, the NRC acknowledged that the amendment of 10 CFR 26 strengthened the effectiveness of fitness-for-duty programs and established clear and enforceable requirements for the management of worker fatigue, including security personnel. The rule became effective on April 30, 2008. The NRC further recognized that Order EA-03-038 would need to be relaxed prior to 10 CFR 26, Subpart I, implementation due to conflicting terminology and work hour calculation methodology.

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Due to a scheduled fall refueling outage, Byron Station implemented 10 CFR 26, Subpart I, Tuesday, September 8, 2009.

Should you have any questions concerning this letter, please contact Mr. David Gudger at (815) 406-2800. I declare under penalty of perjury that the foregoing is true and correct. Executed on the 8th day of September 2009.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel J. Enright". The signature is written in a cursive style with a large, stylized initial "D".

Daniel J. Enright
Site Vice President
Byron Station
Exelon Generation Company, LLC