



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION III  
2443 WARRENVILLE RD. SUITE 210  
LISLE, ILLINOIS 60532-4352

May 4, 2015

EA-13-068

Mr. Bryan C. Hanson  
Senior VP, Exelon Generation Company, LLC  
President and CNO, Exelon Nuclear  
4300 Winfield Road  
Warrenville, IL 60555

**SUBJECT: DRESDEN NUCLEAR POWER STATION – REQUEST FOR RELAXATION  
OF CONFIRMATORY ORDER**

Dear Mr. Hanson:

By letter dated January 26, 2015, the Exelon Generating Company (Exelon) requested that the U.S. Nuclear Regulatory Commission (NRC) relax Condition V.A.1 specified in the Confirmatory Order (Order) issued to Exelon and the Dresden Nuclear Power Station (Dresden) on October 28, 2013. The Confirmatory Order can be found in the NRC's Public Document Room or from the Publicly Available Records component of the NRC's Agencywide Documents Access and Management System (ADAMS) under Accession Number ML13298A144, and the January 26, 2015, Exelon letter can be found under Accession Number ML15030A079. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Condition V.A.1 of the Confirmatory Order requires Exelon to revise Exelon procedure SY-AA-103-513, "Behavioral Observation Program," by no later than January 26, 2014, (90 days from the issuance of the Confirmatory Letter): (1) to provide additional guidance on the types of offsite activities, if observed, or credible information that should be reported to reviewing officials, and (2) to ensure that procedural requirements to pass information forward without delay are clearly communicated. On September 30, 2014, Exelon submitted a letter stating, in part, that Condition V.A.1 had been completed. This letter can be found in ADAMS at Accession Number ML14273A482.

As a result of a National Labor Relations Board (NLRB) hearing and subsequent settlement, Exelon has requested relaxation of Item V.A.1 of the Confirmatory Order to allow for Exelon and the International Brotherhood of Electrical Workers, Local 15, to mutually bargain on the revision to procedure SY-AA-103-513. In order to meet this condition of the settlement Exelon requested that the Confirmatory Order be relaxed to allow Exelon to rescind Revision 10, the revision put into place to comply with the Confirmatory Order, and to develop and implement a replacement revision within 6 months.

The Confirmatory Order specifies that the Regional Administrator in Region III may relax any of the conditions of the Order upon a showing of good cause. During a telephone conference call held on March 23, 2015, between the NRC and Exelon, the NRC explained that, by itself, relaxation and revision of Condition V.A.1 does not meet the original intent of the Confirmatory Order. Specifically, the NRC noted that there were three requirements to Section V.A. of the Confirmatory Order: (1) revision of the procedure, (2) training on the revised procedure and

(3) review of the effectiveness of the revised procedure. Exelon's January 26, 2015, letter did not address the additional two requirements specified in the Confirmatory Order. While the settlement of the NLRB contention provides a basis for relaxing the Confirmatory Order, by failure to address training and effectiveness of the revision, the NRC could not conclude that there was good cause to relax Condition V.A.1.

On April 13, 2015, Exelon submitted an updated relaxation request that also addressed V.A.2 (training) and V.A.3 (effectiveness). This letter may be found in ADAMS under Accession Number ML15106A427. The supplemental letter defined new dates for the training in V.A.2 and for the effectiveness review in V.A.3. The supplemental request also contained additional details about the type of training; however, the NRC deemed this to be beyond the scope of the original Order. The NRC has reviewed this updated relaxation request and concluded that Exelon had provided sufficient basis for the NRC to grant the relaxation request.

Therefore, based upon the authority granted to me as Regional Administrator, after consultation with the Director of the Office of Enforcement, the requirements in V.A of Confirmatory Order EA-13-068 are hereby relaxed to read as follows:

- V.A.1 By November 30, 2015, revise Exelon procedure SY-AA-103-513, "Behavioral Observation Program": (1) to provide additional guidance on the types of offsite activities, if observed, or credible information that should be reported to reviewing officials, and (2) to ensure that procedural requirements to pass information forward without delay are clearly communicated.
- V.A.2 By January 15, 2016, Exelon shall provide training to Exelon staff on the revision described in V.A.1.
- V.A.3. By May 31, 2016, Exelon shall develop and conduct an effectiveness assessment of the revised procedure and training to determine if Exelon personnel remain aware of the need to report observed offsite aberrant behavior or credible information.

Exelon is not required to respond to this letter; however, if it chooses to provide a response, the response should not, to the extent possible, include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. In accordance with Title 10 of the *Code of Federal Regulations*, Section 2.390 of the NRC's

B. Hanson

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"Rules of Practice," a copy of this letter, and any response, will be made available electronically for public inspection in the NRC Public Document Room or from ADAMS.

Sincerely,

*/RA/*

Cynthia D. Pederson  
Regional Administrator

Docket Nos. 50-237; 50-249  
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B. Hanson

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Sincerely,

*/RA/*

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Regional Administrator

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\*See previous concurrences

ADAMS Accession Number ML15125A103

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<sup>1</sup> OE concurrence provided via e-mail from G. Gulla on April 29, 2015

<sup>2</sup> OGC “no legal objection” provided via e-mail from C. Hair on April 29, 2015

Letter to Mr. Bryan C. Hanson from Ms. Cynthia D. Pederson dated May 4, 2015

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