

May 6, 2015

Chairman Stephen G. Burns
Commissioner Kristine L. Svinicki
Commissioner William C. Ostendorff
Commissioner Jeff Baran

In the Matter of
EXELON GENERATION COMPANY, LLC
(Dresden Nuclear Power Station Confirmatory Order Modifying License)
Docket Nos. 50-237-EA and 50-249-EA

Dear Chairman and Commissioners,

This letter is to inform the Commission that, on May 4, 2015, the NRC staff issued a letter to Exelon Generation Company, LLC (Exelon) approving Exelon's request to relax certain provisions of the staff's Confirmatory Order EA-13-068, issued on October 28, 2013. Local Union No. 15, International Brotherhood of Electrical Workers, AFL-CIO (Local 15) filed an intervention petition on December 12, 2013 challenging the Confirmatory Order in the above captioned proceeding. The Atomic Safety and Licensing Board denied Local 15's intervention petition on April 17, 2014 (LBP-14-04), and Local 15's appeal of that decision is currently pending before the Commission.

Exelon filed a relaxation request on January 26, 2015 (as supplemented on April 13, 2015) pursuant to a settlement agreement between Exelon and the National Labor Relations Board (NLRB) regarding Local 15's unfair labor practice charge. Exelon requested relaxation of Item V.A.1 of the Confirmatory Order to allow for Exelon and Local 15 to mutually bargain on the revision to procedure SY-AA-103-513, "Behavioral Observation Program." Because Exelon had already updated its Behavioral Observation Program pursuant to the Confirmatory Order, the staff's approval of Exelon's relaxation request permits the procedure to revert to its previous revision until Exelon and Local 15 can bargain on a new revision that complies with the Confirmatory Order. In addition, Exelon requested relaxation of Items V.A.2 and V.A.3 to provide additional time for Exelon to provide training for employees regarding the revised Behavioral Observation Program and conduct an effectiveness assessment of the revised procedure and employee training.

The Regional Administrator of NRC Region III found that Exelon had demonstrated good cause for relaxation of the Confirmatory Order. Accordingly, the staff approved Exelon's request and extended the dates for compliance of the Confirmatory Order's requirements from April 2015 (the last remaining deadline in the Confirmatory Order) until May 2016. The Staff's approval letter is enclosed to this letter and can also be found in the Agencywide Documents Access and Management System (ADAMS) at Accession Number ML15125A103. Exelon's relaxation request (including a copy of the NLRB settlement agreement) and its supplement to that request can be found at ML15030A079 and ML15106A427, respectively.

/Signed (electronically) by/

Christopher C. Hair
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Washington, DC 20555-0001
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Christopher.Hair@nrc.gov

Enclosure: EA-13-068; Dresden Nuclear Power Station – Request for Relaxation of
Confirmatory Order

cc: Attached Service List



**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
License Nos. DPR-19; DPR-25

cc: Distribution via ListServ®

B. Hanson

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Sincerely,

/RA/

Cynthia D. Pederson
Regional Administrator

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

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See next page

*See previous concurrences

ADAMS Accession Number ML15125A103

OFFICE	RIII	RIII	RIII	RIII	D:OE	D:OGC	RIII	RIII
NAME	Lougheed*	Orth*	O'Brien*	Heck*	Hilton ¹ Gulla	Scott ² Hair	Skokowski	Pederson
DATE	04/14/15	04/15/15	04/21/15	04/21/15	04/29/15	04/29/15	05/04/15	05/04/15

OFFICIAL RECORD COPY

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

² 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

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

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)	
)	
EXELON GENERATION COMPANY, LLC)	Docket Nos. 50-237-EA and 50-249-EA
)	
(Dresden Nuclear Power Station)	ASLBP No. 14-930-01-EA-BD01
Confirmatory Order Modifying License))	

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I hereby certify that copies of the foregoing "NRC STAFF'S NOTIFICATION LETTER TO THE COMMISSION" in the above-captioned proceeding have been served via the Electronic Information Exchange (EIE) this 6th day of May, 2015.

/Signed (electronically) by/

Christopher C. Hair
Counsel for the NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(301) 415-2174
Christopher.Hair@nrc.gov

Date of Signature: May 6, 2015