



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION III  
2443 WARRENVILLE RD. SUITE 210  
LISLE, IL 60532-4352

January 27, 2015

EA-14-164

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  
NRC EVENT FOLLOW-UP INSPECTION REPORT AND EXERCISE OF  
ENFORCEMENT DISCRETION 05000237/2014408; 05000249/2014408

Dear Mr. Hanson:

On December 16, 2014, the U.S. Nuclear Regulatory Commission (NRC) completed an Event Follow-Up Inspection at your Dresden Nuclear Power Station. The inspection was conducted to evaluate the circumstances surrounding Action Request (AR) 02395533, which described an unprotected opening or pathway to a vital or protected area. Your staff informed us of these concerns on October 15, 2014, at which time we assessed them based on the risk and deterministic criteria specified in Management Directive 8.3, "NRC Incident Investigation Program." Although the issue did not reach the threshold for the completion of a special inspection or greater, we concluded that the issue warranted prompt inspection. Therefore, an Event Follow-Up Inspection sample was initiated in accordance with Inspection Procedure 71153, "Follow-up of Events and Notices of Enforcement Discretion."

The determination that the event follow-up inspection would be conducted was made on October 17, 2014, and the onsite inspection commenced on December 15, 2014. The enclosed inspection report documents the inspection results, which were discussed with you, and other members of your staff at the exit meeting on December 16, 2014.

No NRC-identified or self-revealed findings were identified during this inspection. However, a licensee-identified violation, which was determined to be of very low security significance (Green), is listed in this report. The NRC is treating the violation as a Non-Cited Violation (NCV) consistent with Section 2.3.2 of the Enforcement Policy.

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B. Hanson

-2-

The inspector reviewed AR 01505017, which described a Petition for Rulemaking filed by the Nuclear Energy Institute (NEI) on January 25, 2013. The petition requested that the NRC amend its regulations to limit the scope of third-party review of licensee decisions denying or revoking an employee's unescorted access at their facility. The petition stated that a person who has been determined not to be trustworthy and reliable by a licensee and denied unescorted access to a nuclear power plant could have that determination overturned by a third party. On May 8, 2014, pursuant to an arbitrator's ruling, the licensee removed data linked to potentially disqualifying information regarding an individual who the licensee had previously denied unescorted access from the shared database. This issue constituted a violation of NRC requirements, in that the licensee was required to ensure that data linked to potentially disqualifying information about an individual who applied for unescorted access authorization was retained in the shared database. In addition, on July 18, 2014, the NEI requested that the NRC endorse Revision 4 to NEI 03-01, "Personnel Access Requirements for Nuclear Power Plants." Revision 4 to NEI 03-01 contained a process for reviewing denials of Unescorted Access, which would allow a third party to review the circumstances surrounding the denial but ensure that NRC access authorization requirements were being met.

Although NEI has requested to withdraw the Petition for Rulemaking, the NRC and the industry are still attempting to resolve the issue. The NRC concluded that the licensee made a good faith effort to resolve the issue prior to the arbitration and that it was not reasonable for the licensee to foresee and prevent the arbitrator's ruling. Therefore, no performance deficiency associated with the violation was identified. The NRC performed a risk evaluation of the issue and determined it to be of very low security significance. Based on these facts, I have been authorized, after consultation with the Director, Office of Enforcement, and the Regional Administrator, to exercise enforcement discretion and refrain from issuing enforcement for this violation.

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, "Public Inspections, Exemptions, Requests for Withholding," of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC's Public Document Room or from the Publicly Available Records (PARS) component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

However, the material enclosed herewith contains Security-Related Information in accordance with 10 CFR 2.390(d)(1) and its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the material in the enclosure will not be made available electronically for public inspection in the NRC Public Document Room or from the PARS component of NRC's ADAMS. If you choose to provide a response and Security-Related Information is necessary to provide an acceptable response, please mark your entire response "Security-Related Information—Withhold from public disclosure under 10 CFR 2.390" in accordance with 10 CFR 2.390(d)(1) and follow the instructions for withholding in 10 CFR 2.390(b)(1). In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

B. Hanson

-3-

Should you have any questions concerning this inspection, we will be pleased to discuss them with you.

Sincerely,

*/RA/*

Kenneth G. O'Brien, Director  
Division of Reactor Safety

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

Nonpublic Enclosure:  
IR 05000237/2014408; 05000249/2014408  
w/Attachment: Supplemental Information

cc w/encl: N. Simonian, NSIR/DSO/DDSO/ST  
E. Wharton, NSIR  
T. Dimitriadis, RI  
B. Desai, RII  
C. Pederson, RIII  
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M. Haire, RIV  
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J. Klinger, State Liaison Officer,  
Illinois Emergency Management Agency

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B. Hanson

-3-

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Letter to Mr. Bryan C. Hanson from Mr. Kenneth G. O'Brien dated January 27, 2015

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