



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

April 27, 2016

EA-16-094

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

SUBJECT: BYRON STATION, UNITS 1 AND 2 – TEMPORARY INSTRUCTION 2800/041, "10 CFR PART 37, PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL AT FACILITIES WITH A 10 CFR PART 73, PHYSICAL PROTECTION PROGRAM"; INSPECTION REPORT AND EXERCISE OF ENFORCEMENT DISCRETION 05000454/2016406; 05000455/2016406

Dear Mr. Hanson:

On March 25, 2016, the U.S. Nuclear Regulatory Commission (NRC) completed an inspection at your Byron Station, Units 1 and 2, using Temporary Instruction 2800/041, "Title 10 of the *Code of Federal Regulations* (10 CFR) Part 37, Physical Protection of Category 1 and Category 2, Quantities of Radioactive Material at Facilities with a 10 CFR Part 73, Physical Protection Program." The enclosed inspection report documents the results of the inspection, which were discussed on March 25, 2016, with Mr. M. Kanavos and other members of your staff.

The inspection examined activities conducted under your license as they relate to the implementation of 10 CFR Part 37, your compliance with the Commission's rules and regulations, and with the conditions of your operating licenses. Within these areas, the inspection involved examination of selected procedures and representative records, observations of activities, and interviews with personnel.

One licensee-identified violation, which was determined to be of very-low significance (Severity Level IV), is documented in this report. This violation met the criteria specified in NRC Enforcement Guidance Memorandum 14-001, "Interim Guidance for Dispositioning 10 CFR Part 37, Violations with Respect to Large Components or Robust Structures Containing Category 1 or Category 2 Quantities of Material at Power Reactor Facilities Licensed under 10 CFR Parts 50 and 52." Therefore, I have been authorized, after consultation with the Director, Office of Enforcement, and the Regional Administrator, to exercise enforcement discretion for this violation and the NRC is not taking enforcement action for the noncompliance.

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

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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.

Should you have any questions regarding this inspection, we will be pleased to discuss the issues with you.

Sincerely,

/RA/

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

Docket Nos. 50-454; 50-455
License Nos. NPF-37; NPF-66

Nonpublic Enclosure:
IR 05000454/2016406; 05000455/2016406

cc: G. Armstrong, Byron Station
Security Manager
J. Klinger, State Liaison Officer,
Illinois Emergency Management
Agency

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Letter to Mr. Bryan C. Hanson from Mr. Kenneth G. O'Brien dated April 27, 2016

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