

September 12, 2005

Mr. Christopher M. Crane, President  
and Chief Executive Officer  
Exelon Generation Company, LLC  
and AmerGen Energy Company, LLC  
4300 Winfield Road  
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SUBJECT: REQUEST FOR EXEMPTION FROM SECTION 74.19(c) OF TITLE 10 OF THE CODE OF FEDERAL REGULATIONS, RE: BRAIDWOOD STATION, UNITS 1 AND 2; BYRON STATION, UNITS 1 AND 2; CLINTON POWER STATION, UNIT 1; DRESDEN NUCLEAR POWER STATION, UNITS 1, 2 AND 3; LASALLE COUNTY STATION, UNITS 1 AND 2; LIMERICK GENERATING STATION, UNITS 1 AND 2; OYSTER CREEK NUCLEAR GENERATING STATION; PEACH BOTTOM ATOMIC POWER STATION, UNITS 1, 2 AND 3; QUAD CITIES NUCLEAR POWER STATION, UNITS 1 AND 2; THREE MILE ISLAND STATION, UNITS 1 AND 2; AND ZION NUCLEAR POWER STATION, UNITS 1 AND 2 (TAC NOS. MC5607 THROUGH MC5628)

Dear Mr. Crane:

This acknowledges receipt of your letter dated August 15, 2005 (ADAMS Accession No. ML052420471), which withdrew a request dated August 16, 2004 (ADAMS Accession No. ML042430388), regarding a permanent exemption from the frequency requirements of Section 74.19(c) of Title 10 of the *Code of Federal Regulations* (10 CFR), for the Exelon/AmerGen facilities. This regulation requires each licensee to conduct a physical inventory of all special nuclear material (SNM) in its possession under license at intervals not to exceed 12 months. The proposed exemption requested an extension of no more than 31 days beyond the 12 months between two consecutive physical inventories. The August 16, 2004, letter stated that the exemption request would provide Exelon/AmerGen sites some flexibility in the event that equipment problems occurred, and to accommodate conflicts with other plant evolutions.

As discussed in a June 7, 2005, telephone call with your staff, the NRC staff has assessed your proposal and concluded that it does not reflect the current concerns in the post September 11, 2001, environment, which is not conducive to granting such an exemption on the basis of convenience and flexibility. The proposed exemption did not clearly demonstrate that the extension would provide the same level of safeguards and security.

The NRC staff has expressed its concerns associated with the control and accounting of SNM in various generic communications. Among these are NRC Bulletin 2005-001, "Material Control and Accounting at Reactors and Wet Spent Fuel Storage Facilities," dated February 11, 2005 [exempt from public disclosure in accordance with 10 CFR 2.390]; and Information Notice 2004-12, "Spent Fuel Rod Accountability," dated June 25, 2004 (ADAMS Accession No. ML041530106). In addition, the staff has conducted inspections at many facilities in accordance with NRC Temporary Instruction 2515/154, "Spent Fuel Material Control and Accounting at Nuclear Power Plants."

The NRC staff notes that alternatives to this proposed exemption request include submittal of a one-time exemption with supporting justification, conduct of an additional physical inventory, and request for rulemaking to 10 CFR 74.19(c).

This letter documents the closure of the above TAC numbers. Please contact me at 301-415-1496 if you have comments or questions regarding this matter.

Sincerely,

**/RA/**

Kahtan N. Jabbour, Senior Project Manager, Section 2  
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Office of Nuclear Reactor Regulation

Docket Nos.: STN 50-456 and STN 50-457; 50-454 and 50-455; 50-461; 50-10, 50-237, and 50-249; 50-373 and 50-374; 50-352 and 50-353; 50-219; 50-171, 50-277, and 50-278; 50-254 and 50-265; 50-289 and 50-320; and 50-295 and 50-304.

cc: See next page

The NRC staff notes that alternatives to this proposed exemption request include submittal of a one-time exemption with supporting justification, conduct of an additional physical inventory, and request for rulemaking to 10 CFR 74.19(c).

This letter documents the closure of the above TAC numbers. Please contact me at 301-415-1496 if you have comments or questions regarding this matter.

Sincerely,

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Docket Nos.: STN 50-456 and STN 50-457; 50-454 and 50-455; 50-461; 50-10, 50-237, and 50-249; 50-373 and 50-374; 50-352 and 50-353; 50-219; 50-171, 50-277, and 50-278; 50-254 and 50-265; 50-289 and 50-320; and 50-295 and 50-304.

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Accession Number: ML052520235

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