

February 17, 2006

Mr. Christopher M. Crane
President and Chief Nuclear Officer
Exelon Nuclear
Exelon Generation Company, LLC
200 Exelon Way, KSA 3-E
Kennett Square, PA 19348

SUBJECT: LIMERICK GENERATING STATION, UNITS 1 AND 2 - ISSUANCE OF
AMENDMENT RE: REVISION OF THE APPENDIX B, ENVIRONMENTAL
PROTECTION PLAN (NON-RADIOLOGICAL) (TAC NOS. MC5465 AND
MC5466)

Dear Mr. Crane:

The Nuclear Regulatory Commission (Commission) has issued the enclosed Amendment No.180 to Facility Operating License No. NPF-39, and Amendment No.142 to Facility Operating License No. NPF-85 for the Limerick Generating Station, Units 1 and 2, respectively, in response to your application dated December 17, 2004. The amendments revise Appendix B, Environmental Protection Plan (non-radiological) of the Limerick Facility Operating Licenses.

A copy of our safety evaluation is also enclosed. Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

/RA/

Richard V. Guzman, Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-352 and 50-353

Enclosures: 1. Amendment No.180 to
License No. NPF-39
2. Amendment No.142 to
License No. NPF-85
3. Safety Evaluation

cc w/encls: See next page

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EXELON GENERATION COMPANY, LLC

DOCKET NO. 50-352

LIMERICK GENERATING STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 180
License No. NPF-39

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Exelon Generation Company, LLC (the licensee) dated December 17, 2004, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to the Environmental Protection Plan contained in Appendix B, as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-39 is hereby amended to read as follows:

Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 180 are hereby incorporated into this license. Exelon Generation Company, LLC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Darrell J. Roberts, Chief
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Environmental Protection Plan

Date of Issuance: February 17, 2006

ATTACHMENT TO LICENSE AMENDMENT NO. 180

FACILITY OPERATING LICENSE NO. NPF-39

DOCKET NO. 50-352

Replace the following pages of the Appendix B, Environmental Protection Plan, with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove

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EXELON GENERATION COMPANY, LLC

DOCKET NO. 50-353

LIMERICK GENERATING STATION, UNIT NO. 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 142
License No. NPF-85

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Exelon Generation Company, LLC (the licensee) dated December 17, 2004, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to the Environmental Protection Plan contained in Appendix B, as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-85 is hereby amended to read as follows:

Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 142 are hereby incorporated into this license. Exelon Generation Company, LLC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. The license amendment is effective as of its date of issuance and shall be implemented within 60 days.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Darrell J. Roberts, Chief
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Environmental Protection Plan

Date of Issuance: February 17, 2006

ATTACHMENT TO LICENSE AMENDMENT NO. 142

FACILITY OPERATING LICENSE NO. NPF-85

DOCKET NO. 50-353

Replace the following pages of the Appendix B, Environmental Protection Plan, with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove

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SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NOS. 180 AND 142 TO FACILITY OPERATING
LICENSE NOS. NPF-39 AND NPF-85
EXELON GENERATION COMPANY, LLC
LIMERICK GENERATING STATION, UNITS 1 AND 2
DOCKET NOS. 50-352 AND 50-353

1.0 INTRODUCTION

By application dated December 17, 2004, Exelon Generation Company, LLC (EGC) and AmerGen Energy Company, LLC (AmerGen), the licensees, requested changes to Appendix B, Environmental Protection Plan (EPP), for Braidwood Station, Units 1 and 2; Byron Station, Units 1 and 2; Clinton Power Station, Unit 1; 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 2 and 3; and Quad Cities Nuclear Power Station, Units 1 and 2. This amendment addresses the licensees' proposed changes for Limerick Generating Station, Units 1 and 2 (Limerick). Other amendments will be or were issued to address the proposed changes for the other operating units.

The proposed changes revise the EPP for Limerick, Units 1 and 2, by clarifying a number of items without changing the purpose, by removing the requirement for an annual report, by updating terminology, by deleting obsolete program information, and by standardizing wording in the EPP.

2.0 REGULATORY EVALUATION

The EPP was established during initial plant operation to monitor environmental issues such as potential erosion along the transmission lines and the cooling tower drift impact on vegetation, noise, and cultural resources issues. The regulatory basis for the establishment of the EPP is Section 50.36b of Title 10 of the *Code of Federal Regulations* (10 CFR), "Environmental Conditions." This section authorizes the Nuclear Regulatory Commission (NRC or the Commission) staff to place conditions on a license to protect the environment. The regulation states that the conditions will identify the "obligations of the licensees in the environmental area, including, as appropriate, requirements for reporting and keeping records of environmental data, and any conditions and monitoring requirement for the protection of the nonaquatic environment" and that the conditions will be derived from the licensee's environmental report and the NRC's evaluation in the record of decision. However, in the March 12, 1984, statements of consideration for the final rule that created 10 CFR 50.36b, the Commission stated that the NRC "may also include additional environmental conditions as appropriate."

3.0 TECHNICAL EVALUATION

Cover Page and Table of Contents

Requested Action

Reference to the alternate unit has been removed from the title on the cover page and table of contents. This administrative change is incorporated for clarity. The documents are part of unit-specific Technical Specifications and should be labeled as such.

NRC Staff Analysis

This change is administrative and has no impact on safety. The change is acceptable.

Section 1.0 Objectives of the Environmental Protection Plan

Requested Action

A change is proposed to remove references to facility construction from Section 1.0. This section contains the objectives of the EPP, which are to provide for protection of the environmental values during operation of the nuclear facility. Construction is complete at Limerick and, therefore, the reference to environmental effects of facility construction is deleted from sub-section (3).

NRC Staff Analysis

The facility construction references were included to cover the impacts related to the latter stages of the construction of the plants. The associated activities were completed many years ago; therefore, the staff concludes that removal of these references is administrative and has no impact on safety. This administrative change is acceptable.

Section 3.1 Plant Design and Operation

Requested Action

The proposed change in Section 3.1, "Plant Design and Operation," is to delete the reference to the Annual Environmental Operating Report. With the deletion of the Annual Environmental Operating Report in Section 5.4.1, a reference within this section is not required.

NRC Staff Analysis

The staff's analysis and conclusion regarding the need for the annual report is discussed in the evaluation for Subsection 5.4.1. Without the annual report, the NRC staff will not receive summaries of the evaluations of changes by the licensees. However, these evaluations will be available for staff review at the plant. In addition, Section 3.1 will still require the licensees to obtain NRC staff approval for any changes that involve an unreviewed environmental question.

Therefore, the staff concludes that the removal of the requirement for annual reporting of the licensees' evaluations for unreviewed environmental questions is acceptable.

Section 3.2 Reporting Related to the NPDES [National Pollutant Discharge Elimination System] Permit and State Certification

Requested Action

The proposed changes in Section 3.2 are to revise the reporting requirements related to approval or changes to the NPDES permit or State certification.

Currently, this section requires that changes and additions to the NPDES permit or the State certification shall be reported to the NRC. This section also requires that a proposed revision be sent to the NRC at the same time as it is submitted to the permitting agency. However, the NRC relies on the State regulatory agency to regulate these matters; therefore, proposed changes will no longer be provided to the NRC. Changes to the NPDES permit or State certification will continue to be provided to the NRC within 30 days of approval. Information related to environmental permits will continue to be available onsite for NRC review.

NRC Staff Analysis

The EPPs require the licensees to provide the NRC staff with copies of proposed revisions to, or renewals of, the NPDES permits. However, the NRC staff does not have a role in determining the NPDES limits for the plants. This responsibility lies with the appropriate NPDES permitting authority. Therefore, requiring the licensees to submit proposed NPDES permit changes is of little value to the NRC staff. The paragraph that will remain in the EPP will still require the licensees to provide the staff with copies of the approved revised permits. This requirement will allow the NRC staff to remain cognizant of those environmental impacts of plant operations related to the permits. In addition, the EPPs will continue to require the licensees to evaluate plant changes for unreviewed environmental questions. This requirement ensures that significant changes to the environmental impacts of plant operation will receive an NRC staff review that is independent of the NPDES review by the permitting authority. While the NRC staff will have no role in setting the limits in the NPDES permits, the staff will consider other impacts (e.g., to threatened and endangered aquatic species) that may not be included in the NPDES review. Based on this information, the staff concludes that the proposed changes are acceptable.

Section 3.3 Changes Required for Compliance with Other Environmental Regulations

Requested Action

A change is proposed to replace the phrase "required to achieve compliance with other" with the phrase "that are either regulated or mandated by." This section exempts those changes that are regulated or mandated by other Federal, State, and local environmental regulations from the requirements of Section 3.1. An additional sentence has been added to state, "However, if any environmental impacts of a change are not evaluated under other Federal, State or local environmental regulations, then those impacts are subject to the requirements of

Section 3.1.” This is an administrative change to improve clarity and understanding and does not change the objective of the original statement.

NRC Staff Analysis

The current Section 3.3 applies the exemption from Section 3.1 only to those changes, tests, or experiments that are required to achieve compliance with the regulations of various agencies. The revision expands this exemption to include environmental impacts that are evaluated by these various agencies. This change has the effect of focusing Section 3.1 on those environmental impacts that will not otherwise receive a review by a cognizant Federal, State, or local agency. Impacts that are the subject of the expansion of the exemption will still be evaluated, but by the appropriate cognizant agency. Therefore, the NRC staff concludes that this change is acceptable.

Section 4.1 Unusual or Important Environmental Events

Requested Action

A change is proposed that if an event is reportable under 10 CFR 50.72, immediate notification requirements for operating nuclear power reactors, then a duplicate immediate report in accordance with the station’s EPP is not required. Requirements are provided in the EPPs to report unusual or important environmental events to the NRC within 24 hours. Unusual and important environmental events are defined as any occurrence of an event that indicates or could result in significant environmental impact causally related to plant operation. Such events shall be recorded and reported to the NRC within 24 hours and followed by a written report.

Similarly, 10 CFR 50.72(b)(2)(xi) states that the licensee shall notify the NRC as soon as practical and in all cases, within four hours of the occurrence of...”any event or situation, related to the health and safety of the public or onsite personnel, or protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made.” The change proposed will relieve the administrative burden of making duplicate reports to the NRC for the same event. Follow-up written reports are still required to be submitted in accordance with the EPPs.

NRC Staff Analysis

The change is a clarification to avoid potential duplicate reporting requirements. At the time the EPPs were developed, there was no environmental reporting requirements in 10 CFR 50.72. Thus, there was no issue with the potential for duplicate reporting. Based on this information, the NRC staff finds the proposed changes acceptable.

Section 4.2.3 Maintenance of Transmission Line Corridors

Requested Action

A change is proposed to Section 4.2.3 to delete the records retention requirements for use of herbicides within the Limerick transmission line corridors. The use of herbicides (and pesticides) in the transmission line corridors shall be conducted in accordance with 40 CFR 171.7, “Submission and approval of State plans for certification of commercial and

private applicators of restricted use pesticides” and Title 7, Section 128 of the Pennsylvania Code. The records related to the use of herbicides within the Limerick transmission line corridors are required to be maintained by the herbicide/pesticide “application business” in accordance with Title 7, Section 128 of the Pennsylvania Code. Section 128.35 requires the applicator to maintain records relating to type and use for a record-retention period of 3 years. The record retention period is effectively changed from 5 years to 3 years and is consistent with Title 7, Section 128.35 of the Pennsylvania Code. The licensees will still maintain overall responsibility for use and application of herbicides in the transmission corridors by vendors.

NRC Staff Analysis

The record-retention period is effectively changed from 5 years to 3 years and is consistent with Title 7, Section 128.35 of the Pennsylvania Code. The licensees will still maintain overall responsibility for use and application of herbicides in the transmission corridors by vendors. The NRC staff concludes that these changes are acceptable.

Section 4.2.4 Noise Monitoring

Requested Action

A change is proposed to Section 4.2.4 to delete the historical requirements for sound surveys and insert a statement that all noise-monitoring programs identified in Section 2.3 have been completed and no further monitoring under these programs is required.

The general sound level surveys were performed and the program was terminated upon completion. The following reports listed contain detailed information which demonstrate the noise levels emanating from Point Pleasant Pumping Station, Bradshaw Reservoir, and Limerick met all applicable noise-related regulations. The surveys were documented as follows.

1. Limerick Generating Station Environmental Noise Assessment Final Report (February 1991)
2. Point Pleasant Pumping Facilities Operational Environmental Noise Assessment Report (December 1989)
3. Bradshaw Reservoir Pumping Facilities Environmental Noise Assessment Final Report (March 1991).

With all noise issues raised by the NRC in the Final Environmental Statement for the Limerick Operating License (FES-OL) addressed, Section 4.2.4 may be deleted in its entirety.

NRC Staff Analysis

The confirmatory sound level survey requirements were completed for the Limerick in 1989 and 1991. No further monitoring under these programs is required. The NRC staff concludes that these changes are acceptable.

Section 5.2 Records Retention

Requested Action

A revision is proposed to change the requirement of log and data retention and retention timeframe from the "life of the station" to "until the date of termination of the operating license."

The justification presented in Section 4.1 of this license amendment request (LAR) is applicable to Limerick. This section requires retention of records relative to the environmental aspects of plant operation and modifications determined to potentially affect the continued protection of the environment. An administrative requirement to maintain logs is deleted. The requirement to maintain all records is maintained. There are no dedicated environmental logs maintained on site. Logs relative to the environment are required to be documented by specific State permits (i.e., NPDES permit) and EGC environmental administrative procedures. Such entries are maintained as part of station operating logs. The reference to environmental logs has been deleted for clarity but the purpose of the original statement is maintained.

The proposed change in the retention timeframe to the termination of the operating license makes the requirement consistent with similar requirements in other regulations (i.e., 10 CFR 50.59). This change has been proposed to provide clarity, but does not change the objective of the requirement.

NRC Staff Analysis

The proposed change regarding the types of records retained simplifies the EPPs by requiring the retention of records associated with the EPPs. The existing reference to data and logs refers to information that would have been collected under the now-completed monitoring programs. The change to the stated retention period makes the requirement consistent with other similar requirements in the NRC regulations (e.g., 10 CFR 50.59, "Changes, tests, and experiments"). The NRC staff concludes that these changes are acceptable.

Section 5.4.1 Routine Reports

Requested Action

A change is proposed to delete the entire section relating to routine reports. The justification presented in Section 4.1 of this LAR is applicable to Limerick. Further justification specific to Limerick is discussed below.

This section requires that an annual environmental operating report be submitted to the NRC by May 1st of each year. The report includes a list of EPP noncompliances and the corrective actions taken to remedy them; a list of all changes in the station design or operation, tests, and experiments made in accordance with Section 3.1 involving potentially-significant unreviewed environmental questions; and a list of nonroutine reports submitted in accordance with Subsection 5.4.2 of the EPP.

As previously discussed in Section 4.2 of the EPP, "Environmental Monitoring," no specific environmental monitoring is required. Environmental non-compliances are reported as required by 10 CFR 50.72, "Immediate notification requirements for operating nuclear power reactors,"

or 10 CFR 72.75, "Reporting requirements for specific events and conditions." Section 10 CFR 50.72(b)(2)(xi) states that the licensee shall notify the NRC as soon as practical and in all cases, within four hours of the occurrence of..."any event or situation, related to the health and safety of the public or onsite personnel, or protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made." Section 10 CFR 72.75(b)(2) states each licensee shall notify the NRC for "any event or situation related to the health and safety of the public or onsite personnel, or protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made." Significant EPP non-compliances and appropriate non-routine reports will be communicated to the NRC under these regulations. Corrective actions for environmental noncompliances are tracked through the stations' Corrective Action Program and completed corrective actions are available to the NRC for review. Changes in the station design or operation, tests, and experiments involving potentially-significant unreviewed environmental questions are addressed by the EGC and AmerGen implementing procedures associated with 10 CFR 50.59. For activities that involve a change to the Environmental Protection Program, the 10 CFR 50.59 Applicability Review Form and the Exelon 50.59 Resource Manual refer to EGC Environmental Evaluation procedures. When the environmental evaluation indicates that such an activity involves an unreviewed environmental question, a written evaluation is required to be submitted to the NRC, and approval must be obtained prior to implementation. When such an activity involves a change to the EPP, a license amendment shall be submitted to the NRC in accordance with 10 CFR 50.90.

All the requirements for the annual report are addressed in 10 CFR 50.72, 10 CFR 72.75, the EGC 10 CFR 50.59 Review Program, Environmental Evaluation Program, or are no longer required. Therefore, Section 5.4.1 may be deleted in its entirety.

NRC Staff Analysis

Monitoring programs are either done, or are monitored by the cognizant State agency. Based on the existing requirements in NRC regulations, the NRC staff concludes that the annual report is not necessary and this requirement can be deleted.

Section 5.4.2 Nonroutine Reports

Requested Action

A change is proposed to Section 5.4.2 to revise a "nonroutine event" to be an "unusual or important environmental event."

Currently, this section requires written reports to be sent to the NRC within 30 days of occurrence of a nonroutine event. An administrative change is being made to clarify the objective of the section to refer to an "unusual or important environmental event" as described in Section 4.1 of Appendix B. This change is also for consistency with all other EGC and AmerGen stations.

NRC Staff Analysis

The NRC staff has reviewed the EPPs and concludes that the intent of Subsection 5.4.2 was to require a written report for the events described in Subsection 4.1. Therefore, the staff concludes that the proposed clarification is acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Pennsylvania State official was notified of the proposed issuance of the amendments. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendments change requirements with respect to record keeping, reporting, or administrative procedures or requirements with respect to the EPPs. Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration and there has been no public comment on such finding (70 FR 19115).

6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: A. Kugler and C. Guerrero

Date: February 17, 2006

Limerick Generating Station, Unit Nos. 1 and 2

cc:

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