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**Nuclear**  
Exelon Generation  
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## **SAFEGUARDS INFORMATION**

RS-04-068

April 28, 2004

U. S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

Braidwood Station, Units 1 and 2  
Facility Operating License Nos. NPF-72 and NPF-77  
NRC Docket Nos. 50-456 and 50-457

Byron Station, Units 1 and 2  
Facility Operating License Nos. NPF-37 and NPF-66  
NRC Docket Nos. 50-454 and 50-455

Clinton Power Station, Unit 1  
Facility Operating License No. NPF-62  
NRC Docket No. 50-461

Dresden Nuclear Power Station, Units 2 and 3  
Facility Operating License Nos. DPR-19 and DPR-25  
NRC Docket Nos. 50-237 and 50-249

LaSalle County Station, Units 1 and 2  
Facility Operating License Nos. NPF-11 and NPF-18  
NRC Docket Nos. 50-373 and 50-374

Limerick Generating Station, Units 1 and 2  
Facility Operating License Nos. NPF-39 and NPF-85  
NRC Docket Nos. 50-352 and 50-353

Oyster Creek Generating Station  
Facility Operating License No. DPR-16  
NRC Docket No. 50-219

Peach Bottom Atomic Power Station, Units 2 and 3  
Facility Operating License Nos. DPR-44 and DPR-56  
NRC Docket Nos. 50-277 and 50-278

NOTE: THE ATTACHMENTS TO THIS LETTER CONTAIN "SAFEGUARDS INFORMATION" AND MUST BE PROTECTED ACCORDINGLY. UPON SEPARATION OF THE ATTACHMENTS, THIS LETTER IS "DECONTROLLED."

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Quad Cities Nuclear Power Station, Units 1 and 2  
Facility Operating License Nos. DPR-29 and DPR-30  
NRC Docket Nos. 50-254 and 50-265

Three Mile Island Nuclear Station, Unit 1  
Facility Operating License No. DPR-50  
NRC Docket No. 50-289

**Subject:** Supplemental Response to Issuance of Order to Modify License for Revised Design Basis Threat

- References:**
- (1) NRC Letter from Samuel J. Collins to Holders of Licenses for Operating Power Reactors as listed in Enclosure 2, dated April 29, 2003, Regarding Issuance of Order Requiring Compliance with Revised Design Basis Threat for Operating Power Reactors (EA-03-086)
  - (2) Letter from J. A. Benjamin to U. S. NRC, "Response to Issuance of Orders to Modify License for Revised Design Basis Threat and Compensatory Measures Related to Security Force Training and Fitness-For-Duty," dated June 3, 2003

The NRC issued an Order (Reference 1) dated April 29, 2003, "Requiring Compliance with Revised Design Basis Threat," ("Order EA-03-086" or "Order") and other security related Orders (collectively "Orders") for the above facilities. This Supplemental Response of Exelon Generation Company, LLC (Exelon) and AmerGen Energy Company, LLC (AmerGen) to Order EA-03-086 supplements the previous response (i.e., Reference 2) dated June 3, 2003, that was submitted pursuant to 10 CFR 50.4 and Section III, Conditions A.1, B.1, and B.2.

Order EA-03-086 imposes license conditions on nuclear power plants licensed pursuant to the Atomic Energy Act of 1954 and Title 10 of the Code of Federal Regulations. Section III.A of the Order requires licensees to revise their physical security plans and safeguards contingency plans to provide protection against the revised design basis threat (DBT) set forth in Attachment 2 to the Order. Section III.A also requires licensees to revise the security force training and qualification plan to implement the revised DBT. These revised plans, along with an implementation schedule, were required to be submitted to the Commission for review and approval no later than April 29, 2004.

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In accordance with the Order and 10 CFR 50.4, Exelon and AmerGen are submitting this supplemental response for the above-mentioned licensed facilities. This submittal includes, as Attachment A, revisions to the Physical Security Plan, the Contingency Plan, and the Training and Qualification Plan for each of the affected facilities as required by Order EA-03-086. These plans contain the integrated commitments to comply with Order EA-03-086 and the other security related Orders issued on February 25, 2002, January 7, 2003, and April 29, 2003. As a result, these plans supersede previous submittals of Exelon and AmerGen in these areas, including those related to the February 25, 2002, January 7, 2003, and April 29, 2003, Orders. Exelon and AmerGen will continue to implement the provisions of those previous submittals except to the extent that they are superseded by these plans. All changes that have been or will be made have been evaluated to ensure that they do not compromise plant safety.

Exelon and AmerGen have developed these plans to be consistent with NEI-03-01 (Revision 1), *Nuclear Power Plant Access Authorization Program* (April 2004); NEI-03-09 (Revision 2), *Security Officer Training Program* (April 2004); and NEI-03-12 (Revision 2 (draft)), *Template for the Security Plan, Training and Qualification Plan, Safeguards Contingency Plan, [and Independent Spent Fuel Storage Installation Security Program]* (April 2004). The schedule for completing those actions, which includes the identification of major transitional activities, is provided in Attachment B to this submittal. To facilitate the NRC's review, any provisions that are different from NEI-03-12 are identified and the justification provided in Attachment C, *Deviations from NEI-03-12*, to this submittal. Attachment D, *Previous Exemptions to 10 CFR 73 Retained*, is a listing of any exemptions to 10 CFR 73 previously granted to Exelon or AmerGen and an explanation of their status under the plans hereby submitted. Attachment E, *Justification for Alternatives*, includes the justification for any of the alternatives provided in NEI-03-12 or in "NRC Guidance on Implementation of the April 2003 Revised Design Basis Threat" that Exelon or AmerGen have adopted.

When the final revision of NEI-03-12 is approved by the NRC, Exelon and AmerGen will supplement this response, if necessary, to conform with NEI-03-12 as finally approved. However, with the submittal of these plans, Exelon and AmerGen will be implementing its revised protection strategy and completing plant modifications and security personnel training pursuant to these plans to ensure that implementation will be completed by October 29, 2004, as required by the Orders. Upon completion of the implementation of these plans, Exelon and AmerGen will be in compliance with all applicable security requirements. For the purpose of complying with the requirements of 10 CFR 73 to conduct an annual audit, the date of the letter that will be submitted to the NRC pursuant to Order EA-03-086 certifying that implementation of the plans is complete will be the effective date for determining commencement of the annual audit requirement period.

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Because of the requirement for these plans to be fully implemented by October 29, 2004; the need to integrate the requirement of the revised DBT Order with the Orders issued February 25, 2002, January 7, 2003, and April 29, 2003; and the Commission's determination that it would be appropriate to exercise enforcement discretion to accommodate any transitional issues which may arise as licensees, in good faith, take reasonable actions to implement the specific requirements of the Orders, Exelon and AmerGen request that enforcement discretion be exercised during the transition period until full implementation of the plans is accomplished and the physical plant modifications and security force training are complete. At that time, the revised plans will be fully implemented and the exercise of enforcement discretion will no longer be necessary.

Attachments A through E are contained on the enclosed CD-ROM. Attachments A, and C through E of this response contain Safeguards Information that must be protected from public disclosure pursuant to 10 CFR 73.21, "Requirements for the Protection of Safeguards Information." Exelon and AmerGen therefore request that the Attachments be withheld from public disclosure.

If you have any questions regarding this submittal, please contact Patrick Simpson at (630) 657-2823.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 28th day of April, 2004.

Respectfully,



Jeffrey A. Benjamin  
Vice President – Licensing and Regulatory Affairs  
Exelon Generation Company, LLC  
AmerGen Energy Company, LLC

Enclosure: CD-ROM (CONTAINS SAFEGUARDS)

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cc:

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