

October 26, 2004

Mr. Christopher M. Crane, President
and Chief Executive Officer
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SUBJECT: STAFF COMMENTS ON SUMMARY OF CONFERENCE CALL REGARDING IMPLEMENTATION OF EMERGENCY ACTION LEVELS AT BRAIDWOOD STATION, UNITS 1 AND 2 (TAC NOS. MC4772, MC4773); BYRON STATION, UNITS 1 AND 2 (TAC NOS. MC4774, MC4775); CLINTON POWER STATION (TAC NO. MC4776); DRESDEN NUCLEAR POWER STATION, UNITS 2 AND 3 (TAC NOS. MC4777, MC4778); LASALLE COUNTY STATION, UNITS 1 AND 2 (TAC NOS. MC4779, MC4780); LIMERICK GENERATING STATION, UNITS 1 AND 2 (TAC NOS. MC4781, MC4782); OYSTER CREEK GENERATING STATION (TAC NO. MC4783); PEACH BOTTOM ATOMIC POWER STATION, UNITS 2 AND 3 (TAC NOS. MC4784, MC4785); QUAD CITIES NUCLEAR POWER STATION, UNITS 1 AND 2 (TAC NOS. MC4786, MC4787) AND THREE MILE ISLAND, UNIT 1(TAC NO. MC4788)

Dear Mr. Crane:

Your letter of October 1, 2004 (RS-04-148, ADAMS accession number ML042790113) summarized a conference call between the U.S. Nuclear Regulatory Commission (NRC) staff and Exelon Generation Company, LLC (EGC) regarding implementation of revised emergency action levels at the subject facilities. EGC requested the conference call in order to inform the NRC staff of its plans to revise its current facility emergency plans to adopt emergency action levels (EALs) in accordance with Nuclear Energy Institute (NEI) document NEI 99-01, Revision 4, "Methodology for Development of Emergency Action Levels," and to confirm its understanding of the guidance in Regulatory Issues Summary (RIS) 2003-18, "Use of NEI 99-01, 'Methodology for Development of Emergency Action Levels,'" regarding the need for prior NRC approval in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR), Part 50.54, "Conditions of licenses," paragraph (q).

The NRC staff has reviewed your letter and agrees that EGC's proposed implementation plans are consistent with regulatory guidance. Notwithstanding, the NRC staff would like to offer the following two comments to augment your documentation.

- Reference should be made to RIS 2003-18, Supplement 1, which was issued to provide clarification on the level of detail licensees need to provide to support changes to EALs.

- The third example on page three of your letter contains the following statements:
“EALs in NEI 99-01, Revision 4 sometimes specify thresholds that are explicitly stated to be only applicable at certain facilities, such as thresholds that depend on the use of critical safety function status trees. EGC stated that, for these situations, if a threshold were not applicable, then as long as the EAL entry conditions can be monitored adequately, it will not consider this a ‘difference’ or ‘deviation’ from NEI 99-01, Revision 4.”

The NRC staff believes that circumstances could exist in which the situation described above could result in a “difference,” although not a “deviation,” from NEI 99-01, Revision 4. Therefore, the word “difference” should be deleted from the example.

We hope our comments offer additional insight to your implementation plans. Furthermore, we are available to further discuss this issue if desired.

Sincerely,

/RA/

Douglas V. Pickett, Senior Project Manager
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Office of Nuclear Reactor Regulation

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

cc: See next page

- The third example on page three of your letter contains the following statements:

“EALs in NEI 99-01, Revision 4 sometimes specify thresholds that are explicitly stated to be only applicable at certain facilities, such as thresholds that depend on the use of critical safety function status trees. EGC stated that, for these situations, if a threshold were not applicable, then as long as the EAL entry conditions can be monitored adequately, it will not consider this a ‘difference’ of ‘deviation’ from NEI 99-01, Revision 4.”

The staff believes that circumstances could exist in which the situation described above could result in a “difference,” although not a “deviation,” from NEI 99-01, Revision 4. Therefore, the word “difference” should be deleted from the example.

We hope our comments offer additional insight to your implementation plans. Furthermore, we are available to further discuss this issue if desired.

Sincerely,

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