

## **SAFEGUARDS INFORMATION**

October 29, 2004

Mr. Christopher M. Crane  
President and Chief Nuclear Officer  
Exelon Generation Company, LLC  
AmerGen Energy Company, LLC  
4300 Winfield Road  
Warrenville, IL 60555

**SUBJECT: DRESDEN NUCLEAR POWER STATION, UNITS 2 AND 3 - ADMINISTRATIVE CHANGE TO RENEWED FACILITY OPERATING LICENSES IN CONJUNCTION WITH THE COMMISSION ORDER EA-03-086 REGARDING REVISED DESIGN BASIS THREAT (DBT); AND REVISIONS TO PHYSICAL SECURITY PLAN, TRAINING AND QUALIFICATION PLAN, AND SAFEGUARDS CONTINGENCY PLAN (TAC NOS. MC2932 AND MC2933)**

Dear Mr. Crane:

By letter dated April 28, 2004, the Exelon Generation Company and AmerGen Energy Company submitted a supplemental response in accordance with Order EA-03-086, the order requiring compliance with revised design basis threat, dated April 29, 2003 (DBT Order), for Dresden Nuclear Power Station, Units 2 and 3 (Dresden). Section III.A of the DBT Order required licensees to revise physical security plans (PSPs), training and qualification plans (T&Q Plans), and safeguards contingency plans (SCPs) in order to provide protection against the revised DBT set forth in Attachment 2 to the DBT Order. These revised plans, along with an implementation schedule, were required to be submitted to the Nuclear Regulatory Commission (NRC or the Commission) for review and approval no later than April 29, 2004.

The NRC staff's review of the Dresden PSP, SCP, and T&Q Plan submitted in your letter dated April 28, 2004, as supplemented on July 6, July 9, July 23, August 4, August 12, September 9, October 14, and October 21, 2004, has focused on ensuring that the necessary programmatic elements are contained in these plans in order to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety.

**NOTICE: Enclosure 2 contains Safeguards Information. Upon separation from Enclosure 2, this letter and Enclosure 1 are DECONTROLLED.**

## **SAFEGUARDS INFORMATION**

The NRC staff has determined that, subject to subsequent inspection and evaluation, these plans contain the necessary programmatic elements that, when effectively implemented, will provide the high assurance that Dresden will be protected against the revised DBT. The NRC staff, therefore, approves the PSP, SCP, and T&Q Plan for Dresden. However, ultimately the effectiveness of these plans will be judged on your ability to meet regulatory requirements through facility implementing procedures and site practices. As such, your facility implementing procedures and practices will continue to be subject to future NRC review and inspection, including NRC-conducted force-on-force exercises.

In addition, the NRC staff noted that your PSP included alternatives to certain requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.55. In each case, the NRC staff found that the alternative measures provide an equivalent level of protection to that of the associated requirements and meets the high assurance objectives of 10 CFR 73.55(a). The NRC staff, therefore, approves the alternatives shown in the table below. The NRC staff's evaluation is discussed further in the enclosed Safety Evaluation (SE).

<b>Approved Alternatives to the Requirements of 10 CFR Part 73</b>			
<b>SE Section</b>	<b>PSP Section</b>	<b>Alternative to 10 CFR</b>	<b>Description</b>
3.6.2	6.2	73.55(c)(3)	Isolation zones
3.9.4.3	9.4	73.55(d)(4)	PA vehicle search requirements
3.9.4.4	9.4	73.55(d)(1)	PA personnel search requirements
3.9.5.2	9.5	73.55(d)(1) 73.55(d)(4)	PA access control requirements
3.10.1	10.1	73.55(c)(5)	PA illumination requirements
3.13.1	14.1	73.55(c)(1) 73.55(d)(7)(i)(B)	Temporary reclassification of VAs to PA status (devitalization)

Finally, consistent with the DBT Order, conforming administrative changes to Renewed Facility Operating Licenses (FOLs) are required to ensure implementation of DBT Order requirements. Therefore, administrative license changes to Renewed FOL Nos. DPR-19 and DPR-25 are being made to incorporate the reference to the revised PSP, SCP, and T&Q Plan required by the DBT Order. These changes comply with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter I.

Please replace the enclosed pages to your Renewed FOLs as indicated in Enclosure 1.

C. Crane

- 3 -

A copy of our SE with regard to your security plans (designated as Safeguards Information) is provided in Enclosure 2.

Sincerely,

**/RA/**

John A. Nakoski, Section Chief  
Security Plan Review Team  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-237 and 50-249

Enclosures: 1. Administrative Change to Renewed FOL Nos. DPR-19 and DPR-25  
2. Safety Evaluation (**Safeguards Information**)

cc w/encl 1 only: See Mailing List 1

cc w/encls 1 and 2: Val Gengler, Manager, Nuclear Security

C. Crane

- 3 -

A copy of our SE with regard to your security plans (designated as Safeguards Information) is provided in Enclosure 2.

Sincerely,

**/RA/**

John A. Nakoski, Section Chief  
Security Plan Review Team  
Project Directorate II  
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Office of Nuclear Reactor Regulation

Docket Nos. 50-237 and 50-249

Enclosures: 1. Administrative Change to Renewed FOL Nos. DPR-19 and DPR-25  
2. Safety Evaluation (**Safeguards Information**)

cc w/encl 1 only: See Mailing List 1

cc w/encls 1 and 2: Val Gengler, Manager, Nuclear Security

DISTRIBUTION (w/o Enclosure 2):

PUBLIC      SPRT R/F      OGC      ACRS      PCoates      MBaneerjee  
AMendiola      WRuland      DLPM DPR      GHill (4)      SReynolds, RIII

Accession No.: ML043120035

\*See previous concurrence

OFFICE	SPRT/TL*	SPRT/PM*	SPRT/LA	SPRT/PL	OGC*	NSIR/SC	NRR/SC
NAME	DHuyck	RFretz	CRaynor	JPeralta	RBaum NLO	SMorris	JNakoski
DATE	10/25/04	10/25/04	10/25/04	10/25/04	10/25/04	10/28/04	10/28/04

OFFICIAL RECORD COPY

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EXELON GENERATION COMPANY, LLC

DRESDEN NUCLEAR POWER STATION, UNIT 2

DOCKET NO. 50-237

ADMINISTRATIVE LICENSE CHANGE TO RENEWED FACILITY OPERATING LICENSE

License No. DPR-19

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. Consistent with Order EA-03-086, the Order requiring compliance with the revised design basis threat (DBT Order), issued on April 29, 2003, conforming administrative changes to Renewed Facility Operating Licenses (FOLs) are required to ensure implementation of DBT Order requirements. Therefore, an administrative license change to Renewed FOL No. DPR-19 is being made to incorporate the reference to the revised Physical Security Plan, Safeguards Contingency Plan, and Training and Qualification Plan required by the DBT Order. These changes comply 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 administrative license change 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 administrative license change 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 administrative license change is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

Enclosure 1

2. Accordingly, the Renewed FOL is changed, as indicated in the attachment.
3. This administrative license change is effective as of its date of issuance and shall be implemented on or before October 29, 2004.

FOR THE NUCLEAR REGULATORY COMMISSION

**/RA/**

John A. Nakoski, Section Chief  
Security Plan Review Team  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment: Changes to the Renewed FOL

Date of Issuance: October 29, 2004

CHANGES TO RENEWED FACILITY OPERATING LICENSE NO. DPR-19

DOCKET NO. 50-237

Replace the following page of Renewed Facility Operating License DPR-19 with the attached revised page as indicated. The revised page is identified by revision date and contains marginal lines indicating the area of change.

Remove Page

8

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8



requirements, schedules and acceptance criteria for tests of the leak-tight integrity of the primary reactor containment and systems and components which penetrate the containment. These exemptions were granted and sent to the licensee in a letter dated June 25, 1982.

These exemptions granted pursuant to 10 CFR 50.12 are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. With these exemptions, the facility will operate, to the extent authorized herein, in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

- E. The licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the Updated Final Safety Analysis Report for the facility and as approved in the Safety Evaluation Reports dated March 22, 1978 with supplements dated December 2, 1980, and February 12, 1981; January 19, 1983; July 17, 1987; September 28, 1987; and January 5, 1989, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

- F. The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822), and the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans<sup>1</sup>, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: "Dresden Nuclear Power Station Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan, Revision 0," submitted by letter dated October 21, 2004.
- G. The licensee shall report any violations of the requirements contained in Section 2, Items C(1), C(3), and C(4) of this license in the following manner: initial notification shall be made within 24 hours to the NRC Operations Center via the Emergency Notification System with written follow-up within 30 days in accordance with the procedures described in 10 CFR 50.73(b), (c), and (e).

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<sup>1</sup> The Training and Qualification Plan and Safeguards Contingency Plan are Appendices to the Security Plan.

EXELON GENERATION COMPANY, LLC

DRESDEN NUCLEAR POWER STATION, UNIT 3

DOCKET NO. 50-249

ADMINISTRATIVE LICENSE CHANGE TO RENEWED FACILITY OPERATING LICENSE

License No. DPR-25

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. Consistent with Order EA-03-086, the Order requiring compliance with the revised design basis threat (DBT Order), issued on April 29, 2003, conforming administrative changes to Renewed Facility Operating Licenses (FOLs) are required to ensure implementation of DBT Order requirements. Therefore, an administrative license change to Renewed FOL No. DPR-25 is being made to incorporate the reference to the revised Physical Security Plan, Safeguards Contingency Plan, and Training and Qualification Plan required by the DBT Order. These changes comply 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 administrative license change 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 administrative license change 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 administrative license change is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the Renewed FOL is changed, as indicated in the attachment.
3. This administrative license change is effective as of its date of issuance and shall be implemented on or before October 29, 2004.

FOR THE NUCLEAR REGULATORY COMMISSION

**/RA/**

John A. Nakoski, Section Chief  
Security Plan Review Team  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment: Changes to the Renewed FOL

Date of Issuance: October 29, 2004

CHANGES TO RENEWED FACILITY OPERATING LICENSE NO. DPR-25

DOCKET NO. 50-249

Replace the following page of Renewed Facility Operating License DPR-25 with the attached revised page as indicated. The revised page is identified by revision date and contains marginal lines indicating the area of change.

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- F. The licensee shall maintain the commitments made in response to the March 14, 1983, NUREG-0737 Order, subject to the following provision:

The licensee may make changes to commitments made in response to the March 14, 1983, NUREG-0737 Order without prior approval of the Commission as long as the change would be permitted without NRC approval, pursuant to the requirements of 10 CFR 50.59. Consistent with this regulation, if the change results in an Unreviewed Safety Question, a license amendment shall be submitted to the NRC staff for review and approval prior to implementation of the change.

- G. The licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the Updated Final Safety Analysis Report for the facility and as approved in the Safety Evaluation Reports dated March 22, 1978 with supplements dated December 2, 1980, and February 12, 1981; January 19, 1983; July 17, 1987; September 28, 1987; and January 5, 1989, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

- H. Physical Protection

The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822), and the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans<sup>1</sup>, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: "Dresden Nuclear Power Station Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan, Revision 0," submitted by letter dated October 21, 2004.

- I. Deleted  
J. Deleted  
K. Deleted  
L. Deleted [Amdt. 87, 7-24-86]

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<sup>1</sup> The Training and Qualification Plan and Safeguards Contingency Plan are Appendices to the Security Plan.