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*7/25/05*

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*70 FR 42596*

September 26, 2005

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Chief, Rules and Directives Branch  
Division of Administrative Services  
Office of Administration  
U. S. Nuclear Regulatory Commission  
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Reference: Federal Register, Vol. 70, at 42596, July 25, 2005

Subject: Proposed Generic Communication - Impact of Potentially Degraded Hemyc and MT Fire Barriers on Compliance with Approved Fire Protection Programs

As requested in the referenced Federal Register Notice (FRN), Exelon Generation Company, LLC (Exelon) and AmerGen Energy Company, LLC (AmerGen) are submitting the following comments on the proposed generic communication regarding the impact of potentially degraded fire barriers on compliance with approved fire protection programs.

Exelon and AmerGen endorse the comments provided by the Nuclear Energy Institute (NEI) in a letter from NEI on this topic dated September 23, 2005. We particularly emphasize two of the NEI comments.

1. The proposed generic communication implies that Generic Letter (GL) 86-10, Supplement 1, imposed new regulatory requirements to evaluate the adequacy of existing fire barriers in accordance with criteria specified in GL 86-10, Supplement 1. In fact, GL 86-10, Supplement 1 was explicit in stating that no backfitting of requirements was intended with that GL.
2. The proposed generic communication requests in Item 3c that licenses describe programmatic controls that will ensure that other fire barrier systems will be assessed for potential degradation. It is inappropriate to suggest that assessments of other fire barrier systems be conducted without information indicating that the performance of these systems is suspect.

*SIS Review Complete*  
*Template = ADM-013*

*E-RIDS = ADM-03*  
*Call = A. Laretta*  
*(AXL3)*

September 26, 2005  
U. S. Nuclear Regulatory Commission  
Page 2

If you have any questions on this issue, please contact Mr. Allan R. Haeger at 630 657-2807.

Respectfully,

A handwritten signature in black ink that reads "Keith R. Jury". The signature is written in a cursive style with a large, sweeping initial "K".

Keith R. Jury  
Director, Licensing  
Exelon Generation Company, LLC  
AmerGen Energy Company, LLC