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Nuclear
Exelon Generation
4300 Winfield Road
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10 CFR 50.12
10 CFR 50.54(a)(3)
10 CFR 50.71(e)(4)

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5928-05-20314
2130-05-20230

December 14, 2005

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. STN 50-456 and STN 50-457

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

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

Dresden Nuclear Power Station, Units 1, 2 and 3
Facility Operating License Nos. DPR-2, (Renewed) DPR-19 and DPR-25
NRC Docket Nos. 50-10, 50-237 and 50-249

LaSalle County Station, Units 1 and 2
Facility Operating 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 Nuclear Generating Station
Facility Operating License No. DPR-16
NRC Docket No. 50-219

Peach Bottom Atomic Power Station, Units 1, 2 and 3
Facility Operating License Nos. DPR-12, (Renewed) DPR-44 and DPR-56
NRC Docket Nos. 50-171, 50-277 and 50-278

Q004

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

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

Zion Nuclear Power Station, Units 1 and 2
Facility Operating License Nos. DPR-39 and DPR-48
NRC Docket Nos. 50-295 and 50-304

Subject: Request for Scheduler Exemption – 10 CFR 50.54(a)(3)
Submittal of Changes to Quality Assurance Topical Report

In accordance with the requirements of 10 CFR 50.12(a), Exelon Generation Company, LLC (EGC) and AmerGen Energy Company, LLC (AmerGen) request a scheduler exemption from the requirements of 10 CFR 50.54(a)(3) for submitting periodic Quality Assurance Topical Report (QATR) changes that do not reduce commitments. EGC and AmerGen are requesting that this scheduler exemption apply to each of the plants identified in this letter.

Specifically, 10 CFR 50.54(a)(3) stipulates that changes to the QATR that do not reduce commitments shall be submitted in accordance with the schedule requirements specified in 10 CFR 50.71(e)(4). This specific requirement states that changes, *“must be filed annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months.”*

EGC and AmerGen have a common QATR for the plants identified in this letter. Since EGC and AmerGen are responsible for the operation of multiple plants, and there are several plant refueling outages each year, submitting changes to the common QATR in accordance with the schedule described in 10 CFR 50.71(e)(4) creates a significant administrative and regulatory burden.

As an alternative, EGC and AmerGen are requesting that changes to the common QATR that do not reduce commitments be submitted on a 24-month calendar schedule, not to exceed 24 months from the previous submittal. We consider this proposed schedule for submitting QATR changes to be an acceptable alternative for satisfying the requirements of 10 CFR 50.54(a)(3).

Further details supporting the 10 CFR 50.12(a) exemption request are provided in the attachment to this letter.

EGC and AmerGen request approval of this exemption by April 1, 2006.

If you have any questions regarding this submittal, please contact Mr. Richard Gropp at (610) 765-5557.

Respectfully,



Pamela B. Cowan
Director - Licensing and Regulatory Affairs
Exelon Generation Company, LLC
AmerGen Energy Company, LLC

Attachment

cc:	Regional Administrator - NRC Region I	w/ Attachment
	Regional Administrator - NRC Region III	"
	NRC Senior Resident Inspector - Braidwood Station	"
	NRC Senior Resident Inspector - Byron Station	"
	NRC Senior Resident Inspector - Clinton Power Station	"
	NRC Senior Resident Inspector - Dresden Nuclear Power Station	"
	NRC Senior Resident Inspector - LaSalle County Station	"
	NRC Senior Resident Inspector - Limerick Generating Station	"
	NRC Senior Resident Inspector - Oyster Creek Generating Station	"
	NRC Senior Resident Inspector - Peach Bottom Atomic Power Station	"
	NRC Senior Resident Inspector - Three Mile Island Nuclear Station	"
	NRC Senior Resident Inspector - Quad Cities Nuclear Power Station	"
	NRC Project Manager, NRR - Braidwood Station	"
	NRC Project Manager, NRR - Byron Station	"
	NRC Project Manager, NRR - Clinton Power Station	"
	NRC Project Manager, NRR - Dresden Nuclear Power Station	"
	NRC Project Manager, NRR - LaSalle County Station	"
	NRC Project Manager, NRR - Limerick Generating Station	"
	NRC Project Manager, NRR - Oyster Creek Generating Station	"
	NRC Project Manager, NRR - Peach Bottom Atomic Power Station	"
	NRC Project Manager, NRR - Three Mile Island, Unit 1	"
	NRC Project Manager, NRR - Quad Cities Nuclear Power Station	"
	NRC Project Manager, NRR - Zion Nuclear Power Station	"
	Decommissioning Branch Chief, NRC Region III	"
	Chairman, Board of County Commissioners of Dauphin County, PA	"
	Chairman, Board of Supervisors of Londonderry Township, PA	"
	Mayor of Lacey Township, Forked River, NJ	"
	Director, Bureau of Nuclear Engineering, NJ Department of Environmental Protection	"
	Director, Bureau of Radiation Protection, PA Department of Environmental Protection	"

EXEMPTION REQUEST

I. SPECIFIC EXEMPTION REQUEST

In accordance with the requirements of 10 CFR 50.12(a), Exelon Generation Company, LLC (EGC) and AmerGen Energy Company, LLC (AmerGen) request a schedular exemption from the requirements of 10 CFR 50.54(a)(3) for submitting Quality Assurance Topical Report (QATR) changes, that do not reduce commitments, in accordance with the schedule requirements specified 10 CFR 50.71(e)(4). EGC and AmerGen are requesting this schedular exemption for the plants identified below:

<u>Plant</u>	<u>Docket Nos.</u>	<u>Facility Operating License Nos.</u>
Braidwood Station, Units 1 and 2	STN 50-456, STN 50-457	NPF-72, NPF-77
Byron Station, Units 1 and 2	STN 50-454, STN 50-455	NPF-37, NPF-66
Clinton Power Station, Unit 1	50-461	NPF-62
Dresden Nuclear Power Station, Units 1, 2 and 3	50-10, 50-237, 50-249	DPR-2, DPR-19 (Renewed), DPR-25 (Renewed)
LaSalle County Station, Units 1 and 2	50-373, 50-374	NPF-11, NPF-18
Limerick Generating Station, Units 1 and 2	50-352, 50-353	NPF-39, NPF-85
Oyster Creek Nuclear Generating Station	50-219	DPR-16
Peach Bottom Atomic Power Station, Units 1, 2 and 3	50-171, 50-277, 50-278	DPR-12, DPR-44 (Renewed), DPR-56 (Renewed)
Three Mile Island, Unit 1	50-289	DPR-50
Quad Cities Nuclear Power Station, Units 1 and 2	50-254, 50-265	DPR-29 (Renewed), DPR-30 (Renewed)
Zion Nuclear Power Station, Units 1 and 2	50-295, 50-304	DPR-39, DPR-48

10 CFR 50.54(a)(3) requires that: *"...changes to the quality assurance program description that do not reduce the commitments must be submitted to the NRC in accordance with the requirements of 10 CFR 50.71(e)."* Specifically, the schedule for submitting QATR changes is described in 10 CFR 50.71(e)(4) and stipulates that changes, *"...must be filed annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months."*

Alternatively, EGC and AmerGen are requesting that changes to the common QATR that do not reduce commitments be submitted on a 24-month calendar schedule, not to exceed 24 months from the previous submittal.

EGC and AmerGen request approval of this exemption by April 1, 2006.

Changes to the common QATR (i.e., Revision 76) that do not reduce commitments were last submitted to the NRC by letter dated October 24, 2005, in conjunction with the periodic update of the Oyster Creek Nuclear Generating Station UFSAR (i.e., Update 14). During the interim period of time until the exemptions are granted, EGC and AmerGen may periodically submit revisions to the common QATR, as necessary, in order to satisfy the requirements of 10 CFR 50.54(a)(3) for the plants identified above.

II. BASIS FOR EXEMPTION REQUEST

Pursuant to 10 CFR 50.12(a)(1), the NRC may grant an exemption from requirements contained in 10 CFR 50 provided the exemption is authorized by law, will not present an undue risk to the public health or safety, and is consistent with the common defense and security. Furthermore, 10 CFR 50.12(a)(2) states that special circumstances must exist for the NRC to consider granting an exemption. According to 10 CFR 50.12(a)(2)(iii), special circumstances exist when compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated.

By letter dated April 9, 2002, EGC and AmerGen requested approval of Quality Assurance Program (QAP) changes that adopted a common QATR, i.e., NO-AA-10 (formerly EGC-1A), for its nuclear power plant facilities. The common QATR is the highest tiered document that assigns major functional responsibilities for all those planned and systematic actions necessary to provide adequate confidence that structures, systems, and components will perform satisfactorily in service for plants owned or operated by EGC and AmerGen collectively.

By letter dated December 24, 2002, the NRC approved the common QATR for the EGC and AmerGen plants. The NRC concluded that the QAP as described in the QATR satisfies the requirements of 10 CFR 50, Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Processing Facilities."

10 CFR 50.54(a)(3) stipulates that changes to the QATR that do not reduce commitments shall be submitted in accordance with the schedule requirements specified in 10 CFR 50.71(e)(4). This specific requirement states that changes, *"must be filed annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months."*

The underlying intent of the regulations is to ensure that QATR changes that do not reduce the level of commitment are periodically submitted to the NRC. Since EGC and AmerGen are responsible for the operation of multiple plants and there are several plant refueling outages each year, submitting common QATR changes in accordance with the schedule described in 10 CFR 50.71(e)(4) creates a significant administrative and regulatory burden.

Processing changes to the common QATR so frequently is not an effective or efficient use of resource allocation, and is duplicative since identical revisions of the common QATR could be submitted.

Alternatively, EGC and AmerGen proposes to submit common QATR changes that do not reduce commitments on a 24-month calendar schedule, not to exceed 24 months from the previous submittal. The proposed schedule for submitting changes to the common QATR will not be coincident with any plant's refueling outage or Updated Final Safety Analysis Report (UFSAR) periodic updates. Revisions to the common QATR will reflect changes up to 6 months prior to the date of submittal. We consider this proposed schedule for submitting common QATR changes to be an acceptable alternative for satisfying the requirements of 10 CFR 50.54(a)(3).

The requested exemptions will continue to allow for the periodic updates of the common QATR for the plants identified in this letter as required by the regulations. Granting this exemption will not alter the manner in which changes to the common QATR are evaluated in order to ensure that there is no reduction in commitment. Changes to the common QATR will be reviewed through the existing applicable administrative and programmatic control processes to ensure that QATR changes are properly evaluated and implemented. The methods and procedures used to evaluate changes to the common QATR are not changed or modified. The requested exemption is considered administrative and does not reduce commitments or the effectiveness of the QAP, and does not adversely affect plant equipment, operation, or procedures.

The requested exemption for the plants identified above is authorized by law and will not present an undue risk to public health and safety. Furthermore, the requested exemptions meet the criteria stipulated in 10 CFR 50.12(a)(2)(iii) since compliance would result in undue hardship or other costs significantly in excess of those contemplated when the regulation was adopted as previously discussed.

III. ENVIRONMENTAL ASSESSMENT

In accordance with the requirements of 10 CFR 51.30 and 51.32, the following information is provided in support of an environmental assessment and finding of no significant impact.

The proposed action would grant a schedular exemption from the requirements of 10 CFR 50.54(a)(3) for submitting QATR changes that do not reduce commitments. The proposed request is strictly administrative and involves no physical changes or modifications to the plants identified.

IV. CONCLUSION

As previously discussed, submitting changes to the common QATR that do not reduce commitments on a 24-month calendar schedule, not to exceed 24 months from the previous submittal, is considered an acceptable method for satisfying the requirements of 10 CFR 50.54(a)(3).

As demonstrated above, EGC and AmerGen consider that the requested exemptions comply with the criteria in 10 CFR 50.12. Specifically, the requested exemptions are allowed by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. Additionally, special circumstances exist in that, compliance would result in undue hardship or other costs significantly in excess of those contemplated when the regulation was adopted.

There are no adverse environmental impacts associated with this request for exemptions.