

June 27, 2006

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

SUBJECT: BRAIDWOOD STATION, UNIT NOS. 1 AND 2; BYRON STATION, UNIT NOS. 1 AND 2; CLINTON POWER STATION, UNIT 1; DRESDEN NUCLEAR POWER STATION, UNITS 1, 2, AND 3; LASALLE COUNTY STATION, UNITS 1 AND 2; LIMERICK GENERATING STATION, UNITS 1 AND 2; OYSTER CREEK NUCLEAR GENERATING STATION; PEACH BOTTOM ATOMIC POWER STATION, UNITS 1, 2, AND 3; QUAD CITIES NUCLEAR POWER STATION, UNITS 1 AND 2; THREE MILE ISLAND NUCLEAR STATION, UNIT 1; AND ZION NUCLEAR POWER STATION, UNITS 1 AND 2 - EXEMPTION FROM THE REQUIREMENTS OF 10 CFR 50.54(a)(3) CONCERNING SUBMITTAL OF CHANGES TO QUALITY ASSURANCE TOPICAL REPORT (TAC NOS. MC9318 THROUGH MC9334 AND L52680 THROUGH L52683)

Dear Mr. Crane:

The Commission has approved the enclosed exemption from specific requirements of Title 10 of the *Code of Federal Regulations*, Section 50.54(a)(3) for the facilities listed above. This action is in response to your application dated December 14, 2005, regarding the submission of periodic quality assurance topical report changes that do not reduce commitments.

A copy of the exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

Kahtan N. Jabbour, Senior Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. STN 50-456 and STN 50-457; STN 50-454 and STN 50-455; 50-461; 50-10, 50-237, and 50-249; 50-373 and 50-374; 50-352 and 50-353; 50-219; 50-171, 50-277, and 50-278; 50-254 and 50-265; 50-289; and 50-295 and 50-304

Enclosure:
Exemption

cc w/encl: See next page

Mr. Christopher M. Crane, President
and Chief Executive Officer
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4300 Winfield Road
Warrenville, IL 60555

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/RA/

Kahtan N. Jabbour, Senior Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. STN 50-456 and STN 50-457; STN 50-454 and STN 50-455; 50-461; 50-10, 50-237, and 50-249; 50-373 and 50-374; 50-352 and 50-353; 50-219; 50-171, 50-277, and 50-278; 50-254 and 50-265; 50-289; and 50-295 and 50-304

Enclosure:

Exemption

cc w/encl: See next page

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OFFICIAL RECORD COPY

Byron/Braidwood Stations

cc:

Dwain W. Alexander, Project Manager
Westinghouse Electric Corporation
Energy Systems Business Unit
Post Office Box 355
Pittsburgh, PA 15230-0355

Joseph Gallo
Gallo & Ross
1025 Connecticut Ave., NW, Suite 1014
Washington, DC 20036

Howard A. Learner
Environmental Law and Policy
Center of the Midwest
35 East Wacker Dr., Suite 1300
Chicago, IL 60601-2110

U.S. Nuclear Regulatory Commission
Byron Resident Inspectors Office
4448 N. German Church Road
Byron, IL 61010-9750

Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
Suite 210
2443 Warrenville Road
Lisle, IL 60532-4351

Ms. Lorraine Creek
RR 1, Box 182
Manteno, IL 60950

Chairman, Ogle County Board
Post Office Box 357
Oregon, IL 61061

Mrs. Phillip B. Johnson
1907 Stratford Lane
Rockford, IL 61107

George L. Edgar
Morgan, Lewis and Bockius
1800 M Street, NW
Washington, DC 20036-5869

Attorney General
500 S. Second Street
Springfield, IL 62701

Illinois Emergency Management
Agency
Division of Disaster Assistance &
Preparedness
110 East Adams Street
Springfield, IL 62701-1109

Byron Station Plant Manager
Exelon Generation Company, LLC
4450 N. German Church Road
Byron, IL 61010-9794

Site Vice President - Byron
Exelon Generation Company, LLC
4450 N. German Church Road
Byron, IL 61010-9794

U.S. Nuclear Regulatory Commission
Braidwood Resident Inspectors Office
35100 S. Rt. 53, Suite 79
Braceville, IL 60407

County Executive
Will County Office Building
302 N. Chicago Street
Joliet, IL 60432

Braidwood Station Plant Manager
Exelon Generation Company, LLC
35100 S. Rt. 53, Suite 84
Braceville, IL 60407-9619

Ms. Bridget Little Rorem
Appleseed Coordinator
117 N. Linden Street
Essex, IL 60935

Document Control Desk - Licensing
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Site Vice President - Braidwood
Exelon Generation Company, LLC
35100 S. Rt. 53, Suite 84
Braceville, IL 60407-9619

Senior Vice President of Operations
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Director - Licensing and Regulatory
Affairs
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Regulatory Assurance Manager - Braidwood
Exelon Generation Company, LLC
35100 S. Rt. 53, Suite 84
Braceville, IL 60407-9619

Regulatory Assurance Manager - Byron
Exelon Generation Company, LLC
4450 N. German Church Road
Byron, IL 61010-9794

Assistant General Counsel
Exelon Generation Company, LLC
200 Exelon Way
Kennett Square, PA 19348

Vice President - Licensing and
Regulatory Affairs
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Manager Licensing - Braidwood, Byron
and LaSalle
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Clinton Power Station, Unit 1

cc:

Senior Vice President of Operations
AmerGen Energy Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Illinois Emergency Management
Agency
Division of Disaster Assistance &
Preparedness
110 East Adams Street
Springfield, IL 62701-1109

Vice President - Licensing and
Regulatory Affairs
AmerGen Energy Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Manager Licensing - Dresden, Quad Cities,
and Clinton
AmerGen Energy Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Regulatory Assurance Manager - Clinton
AmerGen Energy Company, LLC
Clinton Power Station
RR3, Box 228
Clinton, IL 61727-9351

Director - Licensing and Regulatory Affairs
AmerGen Energy Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Document Control Desk - Licensing
AmerGen Energy Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Site Vice President - Clinton Power Station
AmerGen Energy Company, LLC
Clinton Power Station
RR 3, Box 228
Clinton, IL 61727-9351

Clinton Power Station Plant Manager
AmerGen Energy Company, LLC
Clinton Power Station
RR 3, Box 228
Clinton, IL 61727-9351

Resident Inspector
U.S. Nuclear Regulatory Commission
RR #3, Box 229A
Clinton, IL 61727

Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
Suite 210
2443 Warrenville Road
Lisle, IL 60532-4351

Assistant General Counsel
Exelon Generation Company, LLC
200 Exelon Way
Kennett Square, PA 19348

R. T. Hill
Licensing Services Manager
General Electric Company
175 Curtner Avenue, M/C 481
San Jose, CA 95125

Chairman of DeWitt County
c/o County Clerk's Office
DeWitt County Courthouse
Clinton, IL 61727

J. W. Blattner
Project Manager
Sargent & Lundy Engineers
55 East Monroe Street
Chicago, IL 60603

Dresden Nuclear Power Units 2 and 3

cc:

Site Vice President - Dresden Nuclear Power Station
Exelon Generation Company, LLC
6500 N. Dresden Road
Morris, IL 60450-9765

Dresden Nuclear Power Station Plant Manager
Exelon Generation Company, LLC
6500 N. Dresden Road
Morris, IL 60450-9765

Regulatory Assurance Manager - Dresden
Exelon Generation Company, LLC
6500 N. Dresden Road
Morris, IL 60450-9765

U.S. Nuclear Regulatory Commission
Dresden Resident Inspectors Office
6500 N. Dresden Road
Morris, IL 60450-9766

Chairman
Grundy County Board
Administration Building
1320 Union Street
Morris, IL 60450

Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
Suite 210
2443 Warrenville Road
Lisle, IL 60532-4351

Illinois Emergency Management
Agency
Division of Disaster Assistance &
Preparedness
110 East Adams Street
Springfield, IL 62701-1109

Document Control Desk - Licensing
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Senior Vice President of Operations
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Vice President - Licensing and Regulatory
Affairs
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Director - Licensing and Regulatory Affairs
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Assistant General Counsel
Exelon Generation Company, LLC
200 Exelon Way
Kennett Square, PA 19348

Manager Licensing - Dresden,
Quad Cities and Clinton
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

LaSalle County Station Units 1 and 2

cc:

Site Vice President - LaSalle County Station
Exelon Generation Company, LLC
2601 North 21st Road
Marseilles, IL 61341-9757

LaSalle County Station Plant Manager
Exelon Generation Company, LLC
2601 North 21st Road
Marseilles, IL 61341-9757

Regulatory Assurance Manager - LaSalle
Exelon Generation Company, LLC
2601 North 21st Road
Marseilles, IL 61341-9757

U.S. Nuclear Regulatory Commission
LaSalle Resident Inspectors Office
2605 North 21st Road
Marseilles, IL 61341-9756

Phillip P. Steptoe, Esquire
Sidley and Austin
One First National Plaza
Chicago, IL 60603

Assistant Attorney General
100 W. Randolph St. Suite 12
Chicago, IL 60601

Chairman
LaSalle County Board
707 Etna Road
Ottawa, IL 61350

Attorney General
500 S. Second Street
Springfield, IL 62701

Chairman
Illinois Commerce Commission
527 E. Capitol Avenue, Leland Building
Springfield, IL 62706

Robert Cushing, Chief, Public Utilities Division
Illinois Attorney General's Office
100 W. Randolph Street
Chicago, IL 60601

Regional Administrator
U.S. NRC, Region III
801 Warrenville Road
Lisle, IL 60532-4351

Illinois Emergency Management
Agency
Division of Disaster Assistance &
Preparedness
110 East Adams Street
Springfield, IL 62701-1109

Document Control Desk - Licensing
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Senior Vice President of Operations
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Vice President - Licensing
and Regulatory Affairs
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Director - Licensing and Regulatory Affairs
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Assistant General Counsel
Exelon Generation Company, LLC
200 Exelon Way
Kennett Square, PA 19348

Manager Licensing - Dresden, Quad Cities
and Clinton
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Limerick Generating Station, Unit Nos. 1 and 2

cc:

Site Vice President
Limerick Generating Station
Exelon Generation Company, LLC
P.O. Box 2300
Sanatoga, PA 19464

Plant Manager
Limerick Generating Station
Exelon Generation Company, LLC
P.O. Box 2300
Sanatoga, PA 19464

Regulatory Assurance Manager - Limerick
Exelon Generation Company, LLC
P.O. Box 2300
Sanatoga, PA 19464

Senior Vice President - Nuclear Services
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Vice President - Operations, Mid-Atlantic
Exelon Generation Company, LLC
200 Exelon Way, KSA 3-N
Kennett Square, PA 19348

Vice President
Licensing and Regulatory Affairs
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Director
Licensing and Regulatory Affairs
Exelon Generation Company, LLC
200 Exelon Way, KSA 3-E
Kennett Square, PA 19348

Manager Licensing
Limerick Generating Station
Exelon Generation Company, LLC
200 Exelon Way, KSA 3-E
Kennett Square, PA 19348

Assistant General Counsel
Exelon Generation Company, LLC
200 Exelon Way
Kennett Square, PA 19348

Correspondence Control Desk
Exelon Generation Company, LLC
P.O. Box 160
Kennett Square, PA 19348

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
Limerick Generating Station
P.O. Box 596
Pottstown, PA 19464

Library
U.S. Nuclear Regulatory Commission
Region I
475 Allendale Road
King of Prussia, PA 19406

Director, Bureau of Radiation Protection
Pennsylvania Dept. of Environmental
Protection
Rachel Carson State Office Building
P.O. Box 8469
Harrisburg, PA 17105-8469

Chairman
Board of Supervisors of Limerick Township
646 West Ridge Pike
Linfield, PA 19468

Dr. Judith Johnsrud
National Energy Committee
Sierra Club
433 Orlando Avenue
State College, PA 16803

Oyster Creek Nuclear Generating Station

Site Vice President - Oyster Creek
Nuclear Generating Station
AmerGen Energy Company, LLC
P.O. Box 388
Forked River, NJ 08731

Senior Vice President of
Operations
AmerGen Energy Company, LLC
200 Exelon Way, KSA 3-N
Kennett Square, PA 19348

Kathryn M. Sutton, Esquire
Morgan, Lewis, & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Kent Tosch, Chief
New Jersey Department of
Environmental Protection
Bureau of Nuclear Engineering
CN 415
Trenton, NJ 08625

Vice President - Licensing and
Regulatory Affairs
AmerGen Energy Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406-1415

Mayor of Lacey Township
818 West Lacey Road
Forked River, NJ 08731

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 445
Forked River, NJ 08731

Director - Licensing and Regulatory Affairs
AmerGen Energy Company, LLC
Correspondence Control
P.O. Box 160
Kennett Square, PA 19348

Manager Licensing - Oyster Creek
Exelon Generation Company, LLC
Correspondence Control
P.O. Box 160
Kennett Square, PA 19348

Regulatory Assurance Manager
Oyster Creek
AmerGen Energy Company, LLC
P.O. Box 388
Forked River, NJ 08731

Assistant General Counsel
AmerGen Energy Company, LLC
200 Exelon Way
Kennett Square, PA 19348

Ron Bellamy, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406-1415

Correspondence Control Desk
AmerGen Energy Company, LLC
200 Exelon Way, KSA 1—1
Kennett Square, PA 19348

Oyster Creek Nuclear Generating Station
Plant Manager
AmerGen Energy Company, LLC
P.O. Box 388
Forked River, NJ 08731

Peach Bottom Atomic Power Station, Unit Nos. 2 and 3

cc:

Site Vice President
Peach Bottom Atomic Power Station
Exelon Generation Company, LLC
1848 Lay Road
Delta, PA 17314

Assistant General Counsel
Exelon Generation Company, LLC
200 Exelon Way
Kennett Square, PA 19348

Plant Manager
Peach Bottom Atomic Power Station
Exelon Generation Company, LLC
1848 Lay Road
Delta, PA 17314

Regulatory Assurance Manager
Peach Bottom Atomic Power Station
Exelon Generation Company, LLC
1848 Lay Road
Delta, PA 17314

Resident Inspector
U.S. Nuclear Regulatory Commission
Peach Bottom Atomic Power Station
P.O. Box 399
Delta, PA 17314

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Mr. Roland Fletcher
Department of Environment
Radiological Health Program
2400 Broening Highway
Baltimore, MD 21224

Correspondence Control Desk
Exelon Generation Company, LLC
P. O. Box 160
Kennett Square, PA 19348

Director, Bureau of Radiation Protection
Pennsylvania Department of
Environmental Protection
Rachel Carson State Office Building
P.O. Box 8469
Harrisburg, PA 17105-8469

Board of Supervisors
Peach Bottom Township
545 Broad Street Ext.
Delta, PA 17314-9203

Mr. Richard McLean
Power Plant and Environmental
Review Division
Department of Natural Resources
B-3, Tawes State Office Building
Annapolis, MD 21401

Dr. Judith Johnsrud
National Energy Committee
Sierra Club
433 Orlando Avenue
State College, PA 16803

Manager-Financial Control & Co-Owner
Affairs
Public Service Electric and Gas Company
P.O. Box 236
Hancocks Bridge, NJ 08038-0236

Manager Licensing-Peach Bottom
Atomic Power Station
Exelon Generation Company, LLC
200 Exelon Way, KSA -3E
Kennett Square, PA 19348

Peach Bottom Atomic Power Station, Unit Nos. 2 and 3

cc:

Vice President - Licensing and Regulatory
Affairs
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Vice President-Operations Mid-Atlantic
Exelon Generation Company, LLC
200 Exelon Way, KSA 3-N
Kennett Square, PA 19348

Senior Vice President, Nuclear Services
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Director-Licensing and Regulatory Affairs
Exelon Generation Company, LLC
200 Exelon Way, KSA 3-E
Kennett Square, PA 19348

Quad Cities Nuclear Power Station Units 1 and 2

cc:

Site Vice President - Quad Cities Nuclear Power
Station

Exelon Generation Company, LLC
22710 206th Avenue N.
Cordova, IL 61242-9740

Quad Cities Nuclear Power Station Plant Manager
Exelon Generation Company, LLC
22710 206th Avenue N.
Cordova, IL 61242-9740

Regulatory Assurance Manager - Quad Cities
Exelon Generation Company, LLC
22710 206th Avenue N.
Cordova, IL 61242-9740

Quad Cities Resident Inspectors Office
U.S. Nuclear Regulatory Commission
22712 206th Avenue N.
Cordova, IL 61242

David C. Tubbs
MidAmerican Energy Company
One River Center Place
106 E. Second, P.O. Box 4350
Davenport, IA 52808-4350

Vice President - Law and Regulatory Affairs
MidAmerican Energy Company
One River Center Place
106 E. Second Street
P.O. Box 4350
Davenport, IA 52808

Chairman
Rock Island County Board of Supervisors
1504 3rd Avenue
Rock Island County Office Bldg.
Rock Island, IL 61201

Regional Administrator
U.S. NRC, Region III
801 Warrenville Road
Lisle, IL 60532-4351

Illinois Emergency Management
Agency
Division of Disaster Assistance &
Preparedness
110 East Adams Street
Springfield, IL 62701-1109

Document Control Desk - Licensing
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Senior Vice President of Operations
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Vice President - Licensing and Regulatory
Affairs
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Director - Licensing and Regulatory
Affairs
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Assistant General Counsel
Exelon Generation Company, LLC
200 Exelon Way
Kennett Square, PA 19348

Manager Licensing - Dresden, Quad Cities
and Clinton
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Three Mile Island Nuclear Station, Unit 1

cc:

Site Vice President - Three Mile Island Nuclear
Station, Unit 1
AmerGen Energy Company, LLC
P. O. Box 480
Middletown, PA 17057

Senior Vice President - Nuclear Services
AmerGen Energy Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Vice President - Operations, Mid-Atlantic
AmerGen Energy Company, LLC
200 Exelon Way, KSA 3-N
Kennett Square, PA 19348

Vice President - Licensing and Regulatory Affairs
AmerGen Energy Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Regional Administrator
Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Chairman
Board of County Commissioners
of Dauphin County
Dauphin County Courthouse
Harrisburg, PA 17120

Chairman
Board of Supervisors
of Londonderry Township
R.D. #1, Geyers Church Road
Middletown, PA 17057

Senior Resident Inspector (TMI-1)
U.S. Nuclear Regulatory Commission
P.O. Box 219
Middletown, PA 17057

Director - Licensing and Regulatory Affairs
AmerGen Energy Company, LLC
200 Exelon Way, KSA 3-E
Kennett Square, PA 19348

Director
Bureau of Radiation Protection
Pennsylvania Department of
Environmental Protection
Rachel Carson State Office Building
P.O. Box 8469
Harrisburg, PA 17105-8469

Plant Manager - Three Mile Island Nuclear
Station, Unit 1
AmerGen Energy Company, LLC
P. O. Box 480
Middletown, PA 17057

Regulatory Assurance Manager - Three Mile
Island Nuclear Station, Unit 1
AmerGen Energy Company, LLC
P.O. Box 480
Middletown, PA 17057

Ronald Bellamy, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Michael A. Schoppman
Framatome ANP
Suite 705
1911 North Ft. Myer Drive
Rosslyn, VA 22209

Vice President, General Counsel and Secretary
AmerGen Energy Company, LLC
2301 Market Street, S23-1
Philadelphia, PA 19101

Three Mile Island Nuclear Station, Unit 1

cc:

Dr. Judith Johnsrud
National Energy Committee
Sierra Club
433 Orlando Avenue
State College, PA 16803

Eric Epstein
TMI Alert
4100 Hillsdale Road
Harrisburg, PA 17112

Correspondence Control Desk
AmerGen Energy Company, LLC
P.O. Box 160
Kennett Square, PA 19348

Manager Licensing - Three Mile Island Nuclear Station, Unit 1
Exelon Generation Company, LLC
200 Exelon Way, KSA 3-E
Kennett Square, PA 19348

Assistant General Counsel
AmerGen Energy Company, LLC
200 Exelon Way
Kennett Square, PA 19348

Zion Nuclear Power Station

Zion Nuclear Power Station Decommissioning
Plant Manager
Exelon Generation Company, LLC
101 Shiloh Boulevard
Zion, IL 60099-2797

Regulatory Assurance Engineer - Zion
Exelon Generation Company, LLC
101 Shiloh Boulevard
Zion, IL 60099-2797

Senior Vice President of Operations
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Vice President - Licensing and Regulatory Affairs
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Director - Licensing and Regulatory Affairs
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Associate General Counsel
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

Document Control Desk - Licensing
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

EXELON GENERATION COMPANY, LLC

AMERGEN ENERGY COMPANY, LLC

BRAIDWOOD STATION, UNIT NOS. 1 AND 2; BYRON STATION, UNIT NOS. 1 AND 2;
CLINTON POWER STATION, UNIT 1; DRESDEN NUCLEAR POWER STATION, UNITS 1, 2,
AND 3; LASALLE COUNTY STATION, UNITS 1 AND 2; LIMERICK GENERATING STATION,
UNITS 1 AND 2; OYSTER CREEK NUCLEAR GENERATING STATION; PEACH BOTTOM
ATOMIC POWER STATION, UNITS 1, 2 AND 3; QUAD CITIES NUCLEAR POWER STATION,
UNITS 1 AND 2; THREE MILE ISLAND NUCLEAR STATION, UNIT 1; AND ZION NUCLEAR
POWER STATION, UNITS 1 AND 2

DOCKET NOS, STN 50-456 AND STN 50-457; STN 50-454 AND STN 50-455; 50-461; 50-10,
50-237, AND 50-249; 50-373 AND 50-374; 50-352 AND 50-353; 50-219;
50-171, 50-277, AND 50-278; 50-254 AND 50-265; 50-289; AND 50-295 AND 50-304

EXEMPTION

1.0 BACKGROUND

Exelon Generation Company, LLC, and AmerGen Energy Company, LLC (the licensees) are the holders of the Facility Operating License (FOL) Nos. NPF-72 and NPF-77 for the Braidwood Station, Unit Nos. 1 and 2 (Braidwood), which consists of two pressurized-water reactors (PWRs) located in Will County, Illinois; NPF-37 and NPF-66 for the Byron Station, Unit Nos. 1 and 2 (Byron), which consists of two PWRs located in Ogle County, Illinois; NPF-62 for the Clinton Power Station, Unit 1 (Clinton), which consists of a boiling-water reactor (BWR) located in DeWitt County, Illinois; DPR-2, DPR-19, and DPR-25 for the Dresden Nuclear Power

Station, Units 1, 2, and 3 (Dresden), which consists of three BWRs located in Grundy County, Illinois; NPF-11 and NPF-18 for the LaSalle County Station, Units 1 and 2 (LaSalle), which consists of two BWRs located in LaSalle County, Illinois; NPF-39 and NPF-85 for the Limerick Generating Station, Units 1 and 2 (Limerick), which consists of two BWRs located in Montgomery County, Pennsylvania; DPR-16 for Oyster Creek Nuclear Generating Station (Oyster Creek), which consists of a BWR located in Ocean County, New Jersey; DPR-12, DPR-44, and DPR-56 for the Peach Bottom Atomic Power Station, Units 1, 2, and 3 (Peach Bottom), which consists of three BWRs located in York and Lancaster Counties, Pennsylvania; DPR-29 and DPR-30 for the Quad Cities Nuclear Power Station, Units 1 and 2 (Quad Cities), which consists of two BWRs located in Rock Island County, Illinois; DPR-50 for the Three Mile Island Nuclear Station, Unit 1 (Three Mile Island), which consists of a PWR located in Dauphin County, Pennsylvania; and DPR-39 and DPR-48 for the Zion Nuclear Power Station, Units 1 and 2 (Zion), which consists of two PWRs located in Lake County, Illinois. The licenses provide, among other things, that the facilities are subject to all the rules, regulations, and orders of the Nuclear Regulatory Commission (NRC, Commission) now or hereafter in effect.

2. REQUEST/ACTION

Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.54(a)(3), requires that changes to the quality assurance program description that do not reduce commitments must be submitted to the NRC in accordance with the reporting requirements of 10 CFR 50.71(e).

The regulation at 10 CFR 50.71(e)(4) requires that revisions to the final safety analysis report (FSAR) be submitted annually or six months after a refueling outage, provided the interval between updates does not exceed 24 months. As an alternative, the licensees propose that changes to the quality assurance program that do not reduce commitments be submitted on a 24-month calendar schedule, not to exceed 24 months from the previous submittal. The exemption would apply to each of the licensees' plants identified above.

3. DISCUSSION

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security; and (2) when special circumstances are present. Special circumstances are present whenever, according to 10 CFR 50.12(a)(2)(ii), "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the purpose of the rule".

Operational quality assurance programs are generally described in Chapter 17.2 of a licensee's Updated Safety Analysis Report (USAR) or, alternately, in a topical report incorporated into the USAR by reference. The licensees' quality assurance program, described in the Quality Assurance Topical Report (QATR), is common to the 21 units requesting the exemption. Compliance with 10 CFR 50.54(a)(3) would require these changes to be submitted annually or after a refueling outage for each of the licensees' units.

The licensees stated that the proposed exemption is strictly administrative and does not reduce commitments or effectiveness of the quality assurance program as described in the QATR, and does not adversely affect plant equipment, operation, or procedures. The 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 underlying purpose of the rule is to ensure that periodic submittals required under 10 CFR 50.54(a)(3) would allow the NRC staff to provide regulatory oversight of changes to the

licensees' quality assurance program, and to ensure that the changes are consistent with the regulations.

The exemption requested by the licensees only extends the reporting period, and does not exceed the time period between successive updates established by 10 CFR 50.71(e). Reporting of routine and administrative changes to the quality assurance program that do not reduce commitments for each of the licensees' units over a 2-year period is not consistent with the underlying purpose of the rule, nor is it necessary to achieve the purpose of the rule. Therefore, the NRC staff concludes that, pursuant to 10 CFR 50.12(a)(2)(ii), special circumstances are present.

The NRC staff examined the licensees' rationale that supports the exemption request and concluded that the alternative reporting cycle of 24 months for submitting QATR changes specified under 10 CFR 50.54(a)(3) provides adequate control and is consistent with the underlying purpose of 10 CFR 50.54(a)(3).

Based on the foregoing, the NRC staff concludes that the changes specified in 10 CFR 50.54(a)(3) are administrative and routine in nature. Also, the NRC staff concludes that the requested exemption would not result in any significant reduction in the effectiveness of the quality assurance program implemented by the licensees. Therefore, the NRC staff concludes that the proposed exemption would not present an undue risk to the public health and safety.

4.0 CONCLUSION

Accordingly, the Commission has determined that pursuant to 10 CFR Part 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants the licensees an exemption from the

requirements of 10 CFR 50.54(a)(3) for Braidwood, Byron, Clinton, Dresden, LaSalle, Limerick, Oyster Creek, Peach Bottom, Quad Cities, Three Mile Island, and Zion stations.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant effect on the quality of the human environment (71 FR 29359).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 27th day of June 2006.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Catherine Haney, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation