

Exelon Nuclear
Peach Bottom Atomic Power Station
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10 CFR 50.4

September 8, 2009

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001

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

Subject: Affirmation of 10 CFR 26, Subpart I, Implementation Prior to October 1, 2009

- References:
- 1) Letter from U.S. NRC (S. J. Collins) to Holders of Licenses for Operating Power Reactors as Listed in Attachment 1 to the Order, "Issuance of Order for Compensatory Measures Related to Training Enhancements on Tactical and Firearms Proficiency and Physical Fitness Applicable to Armed Nuclear Power Plant Security Force Personnel", dated April 29, 2003
 - 2) Letter from U.S. NRC (E. J. Leeds) to Holders of Licenses for Operating Power Reactors as Listed in Enclosure 1, "Relaxation of Order for Compensatory Measures Related to Fitness-for-Duty Enhancements Applicable to Nuclear Facility Security Force Personnel," dated June 8, 2009

In Reference 1, the U.S. Nuclear Regulatory Commission (NRC) issued Order EA-03-038 requiring compliance with specified compensatory measures related to fitness-for-duty (FFD) enhancements applicable to nuclear facility security personnel. Order EA-03-038 states that "all measures implemented or actions taken in response to this Order shall be maintained until the Commission determines otherwise."

In Reference 2, the NRC acknowledged that the amendment of 10 CFR 26 strengthened the effectiveness of fitness-for-duty programs and established clear and enforceable requirements for the management of worker fatigue, including security personnel. The rule became effective on April 30, 2008. The NRC further recognized that Order EA-03-038 would need to be relaxed prior to 10 CFR 26, Subpart I, implementation due to some conflicting terminology and work hour calculation methodology.

Due to a scheduled fall refueling outage, PBAPS has implemented 10 CFR 26, Subpart I, today.

Should you have any questions concerning this letter, please contact Mr. James Armstrong at (717) 456-3351.

A021
NRR

I declare under penalty of perjury that the foregoing is true and correct.
Executed on the 8th day of September 2009.

Respectfully,

A handwritten signature in black ink, appearing to read "W. Maguire". The signature is written in a cursive style with a large, looping initial "W".

William F. Maguire
Site Vice President
Peach Bottom Atomic Power Station
Exelon Generation Company, LLC

cc: USNRC Region I, Regional Administrator
USNRC Senior Resident Inspector, PBAPS
USNRC Project Manager, PBAPS
R. R. Janati, Bureau of Radiation Protection
S. T. Gray, State of Maryland

CCN 09-63