



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415**

SAFEGUARDS INFORMATION
September 30, 2010

<p>Enclosure Contains Safeguards Information. When separated from enclosure, this Document is not Safeguards Information.</p>

EA-2010-164

Mr. Michael J. Pacilio
Senior Vice President, Exelon Generation Company, LLC
President and Chief Nuclear Officer, Exelon Nuclear
4300 Winfield Rd.
Warrenville, IL 60555

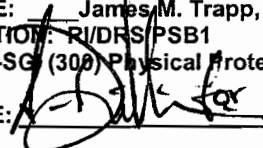
**SUBJECT: LIMERICK GENERATING STATION – NRC SECURITY INSPECTION REPORT
NOS. 05000352/2010402 AND 05000353/2010402; PRELIMINARY GREATER
THAN GREEN FINDING(S)**

Dear Mr. Pacilio:

On August 23, 2010, the U.S. Nuclear Regulatory Commission (NRC) completed a security baseline inspection at your Limerick Generating Station (Limerick). The inspection covered one or more of the key attributes of the security cornerstone of the NRC's Reactor Oversight Process. The enclosed inspection report documents the inspection results, which were discussed on July 2, and August 23, 2010, with Mr. William Maguire, Site Vice President, and other members of your staff.

The inspection examined activities conducted under your licenses as they relate to security and compliance with the Commission's rules and regulations and with the conditions of your licenses. The inspectors reviewed selected procedures and records, observed activities, and interviewed personnel.

The enclosed report documents findings (one or more) that were preliminarily determined to be greater than very low security significance (i.e., greater than Green as determined by the Baseline Security Significance Determination Process (BSSDP)) which may result in the need for further evaluation to determine significance, and therefore, the need for additional NRC action. The number and nature of security-related greater-than-Green findings is considered to be sensitive information, and is not included in this letter, but is described in the non-publicly available report. The cause of the finding(s) is/are related to the cross-cutting area of Problem Identification and Resolution (Corrective Action Program) because previous related issues were not evaluated such that the resolutions addressed causes and extent of condition [P.1.(c)].

<p>Warning: Violation of section 147 of the Atomic Energy Act, "Safeguards Information" is subject to Civil and Criminal penalties.</p>	<p>SAFEGUARDS INFORMATION DETERMINATION MADE BY: NAME/TITLE: James M. Trapp, Chief _____ ORGANIZATION: RI/DRS/PSB1 BASIS: DG-SG (300) Physical Protection Program SIGNATURE:  DATE: 9/30/10</p>
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In addition, apparent violation(s) of NRC requirements occurred which may be considered for escalated enforcement action in accordance with the NRC's Enforcement Policy, found at: <http://www.nrc.gov/reading-rm/doc-collections/enforcement>.

The deficiencies were promptly corrected or compensated for, and the plant was in compliance with applicable physical protection and security requirements within the scope of this inspection before the team departed the site. In accordance with NRC Inspection Manual Chapter (IMC) 0609, we intend to complete our evaluation using the best available information and issue our final determination of significance within 90 days of the date of this letter. The significance determination process encourages an open dialogue between the NRC staff and the licensee, however, the dialogue should not impact the timeliness of the staff's final determination.

Before we make a final significance decision regarding our preliminary "greater-than-Green" finding(s), we are providing you an opportunity (1) to attend a Regulatory Conference where you can present to the NRC your perspective on the facts and the assumptions the NRC used to arrive at the finding(s) and assess its significance, or (2) submit your position on the finding(s) to the NRC in writing. If you request a Regulatory Conference, it should be held within 30 days of the receipt of this letter and we encourage you to submit supporting documentation at least one week prior to the Conference in an effort to make the Conference more efficient and effective. If a Regulatory Conference is held, it will be closed for public observation because it involves sensitive security information. If you decide to submit only a written response, such submittal should be sent to the NRC within 30 days of the receipt of this letter. If you decline to request a Regulatory Conference, or submit a written response, you relinquish your right to appeal the final SDP determination, in that by not doing either, you fail to meet the appeal requirements stated in the prerequisite and limitation sections of Attachment 2 of IMC 0609.

Please contact Mr. James Trapp, of my staff at 610-337-5186 within 10 days of the date of your receipt of this letter to notify the NRC of your intentions. If we have not heard from you within 10 days, we will continue with our significance determination and enforcement decision. The final resolution of this matter will be conveyed in separate correspondence. Because the NRC has not made a final determination in this matter, no Notice of Violation is being issued for these inspection finding(s) at this time. In addition, please be advised that the number and characterization of the apparent violation(s) described in the enclosed inspection report may change as a result of further NRC review.

Additionally, one finding of very low security significance (i.e., Green as determined by the BSSDP), which is also a violation of NRC requirements, is listed in this report. This finding had a cross-cutting aspect in the area of Problem Identification and Resolution related to the licensee identifying issues completely, accurately, and in a timely manner commensurate with their safety significance [P.1(a)].

Because of the very low security significance and because it is entered into your corrective action program, the NRC is treating this violation as a non-cited violation (NCV) consistent with Section VI.A.1 of the NRC Enforcement Policy. If you contest the non-cited violation, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN.: Document Control Desk,

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Washington, DC 20555-0001; with copies to the Regional Administrator, Region I; the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001; and the NRC Resident Inspector at the Limerick Generating Station.

If you disagree with the cross-cutting aspects assigned to these findings, you should provide a response within 30 days of the date of this report, with the basis for your disagreement, to the Regional Administrator, Region I, and the NRC Resident Inspector at Limerick Generating Station. The information you provide will be considered in accordance with Inspection Manual Chapter 0305.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system, ADAMS. ADAMS is accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). However, because of the security-related concerns contained in the enclosure, and in accordance with 10 CFR 2.390, a copy of this letter's enclosure will not be available for public inspection.

In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response, if any. This practice will ensure that your response will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system, ADAMS. If Safeguards Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.22. Otherwise, mark your entire response "Security-Related Information – Withhold Under 10 CFR 21.390" and follow the instructions for withholding in 10 CFR 2.390(b)(1).

Sincerely,



Darrell J. Roberts, Director
Division of Reactor Safety

Docket Nos. 50-352, 50-353
License Nos. NPF-39, NPF-85

Non-Public Enclosure: NRC Inspection Report Nos. 05000352/2010402 and 05000353/2010402
w/Attachment: Supplemental Information
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Sincerely,

/RA by Peter R. Wilson for/

Darrell J. Roberts, Director
Division of Reactor Safety

Docket Nos. 50-352, 50-353
License Nos. NPF-39, NPF-85

Non-Public Enclosure: NRC Inspection Report Nos. 05000352/2010402 and 05000353/2010402
w/Attachment: Supplemental Information
(SAFEGUARDS INFORMATION)

SUNSI Review Complete: AXD (Reviewer's Initials)

Non-Public Designation Category: MD 3.4 Non-Public A.3

ADAMS ACC #ML102730780

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DATE	09/27/10		09/27/10		09/27/10		09/27/10		09/27/10
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NAME	DHolody/AED for*		DRoberts/PRW for						
DATE	09/28/10		09/30/10						

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M. Pacilio

cc w/encl; **w/SGI**

C. Gerdes, Manager, Site Security

D. Allard, Director, Pennsylvania Bureau of Radiation Protection

J. Powers, Director, PA Office of Homeland Security

cc: Distribution via ListServ

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J. Grobe, NRR

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J. Wiggins, NSIR

W. Dean, NSIR

P. Holahan, NSIR

B. Westreich, NSIR

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E. Hayden, OPA

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M. Williams, OCFO

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C. O'Daniell, RI

R1DRPMailResource

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D. Lew, Acting DRA **(R1ORAMAIL Resource)**

J. Clifford, DRP **(R1DRPMAIL Resource)**

D. Collins, DRP **(R1DRPMAIL Resource)**

D. Roberts, DRS **(R1DRSMAIL Resource)**

P. Wilson, DRS **(R1DRSMAIL Resource)**

P. Krohn, DRP

A. Rosebrook, DRP

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M. Pacilio

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N. Sieller, DRP, RI
N. Esch, DRP, Admin Asst.
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