

November 29, 2012

J. Bradley Fewell
VP and Deputy General Counsel
Exelon Generating Company
200 Exelon Way
Kennett Square, PA 19348

SUBJECT: REQUEST FOR U.S. NUCLEAR REGULATORY COMMISSION DETERMINATION
REGARDING SAFEGUARDS INFORMATION

Dear Mr. Fewell:

This is in response to your October 12, 2012, letter to me requesting a determination from the U.S. Nuclear Regulatory Commission (NRC) regarding safeguards information (SGI). Specifically, whether the access authorization criteria in the Exelon Generating Company (Exelon) security procedures, and developed as part of its overall physical security plan, constitute SGI.

We have reviewed Exelon's "Review Criteria for Unescorted Access" (SY-AA-103-507, Rev. 5) and understand that it incorporates information from attachment 2 of NRC's January 7, 2003 Security Order EA-02-261 (Compensatory Measures for Access Authorization). Attachment 2 to EA-02-261 was designated as SGI. Accordingly, Exelon properly designated the Review Criteria developed using information from Attachment 2 as SGI.

In response to your letter, the NRC reviewed the information contained in Attachment 2 of EA-02-261. Based on that review, the NRC has determined that the information in Attachment 2 no longer constitutes SGI as defined by Section 147 of the Atomic Energy Act of 1954 or Title 10 of the Code of Federal Regulations 73.21, "Protection of Safeguards Information: Performance Requirements." Consequently, NRC will begin the process to remove the SGI designation from Attachment 2 to the January 7, 2003, Security Order. Consistent with this determination, the NRC does not believe the information should continue to be designated or controlled as SGI. Accordingly, the NRC would not object should Exelon determine that the information contained in its Review Criteria no longer needs to be designated or controlled as SGI.

J. Bradley Fewell

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If you have any additional questions, please feel free to contact my staff Mr. Mark Resner at (301) 415-5949 or Mr. Brad Baxter at (301) 415-6742.

Sincerely,

/RA/

Christiana Lui, Director
Division of Security Policy
Office of Nuclear Security and Incident Response

cc:

Tamra Doomeyer (co-counsel for Exelon)

Brian J. Gold (co-counsel for Exelon)

John J. Toomey (Counsel for Union)

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