

November 6, 2001

Mr. Oliver D. Kingsley, President
Exelon Nuclear
Exelon Generation Company, LLC
200 Exelon Way, KSA 3-E
Kennett Square, PA 19348

SUBJECT: PEACH BOTTOM ATOMIC POWER STATION, UNITS 2 AND 3 - ISSUANCE
OF AMENDMENT RE: INCORPORATION OF WORDING CHANGES DUE TO
THE REVISION OF TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS*
(10 CFR) SECTION 50.59. (TAC NOS. MB2432 AND MB2433)

Dear Mr. Kingsley:

The Commission has issued the enclosed Amendments Nos. 242 and 246 to Facility Operating License Nos. DPR-44 and DPR-56 for the Peach Bottom Atomic Power Station, Units 2 and 3. These amendments consist of changes to the license and Technical Specifications (TSs) in response to your application dated July 9, 2001.

These amendments replace the term "unreviewed safety question" with "requires NRC approval pursuant to 10 CFR 50.59" in order to provide consistency with the changes to 10 CFR 50.59, "Changes, tests, and experiments," which became effective on March 13, 2001.

A copy of the safety evaluation is also enclosed. Notice of Issuance will be included in the Commission's Biweekly *Federal Register* Notice.

Sincerely,

/RA/

John P. Boska, Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-277 and 50-278

Enclosures: 1. Amendment No. 242 to DPR-44
2. Amendment No. 246 to DPR-56
3. Safety Evaluation

cc w/encls: See next page

Peach Bottom Atomic Power Station
Units 2 and 3

cc:

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Public Service Commission of Maryland
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Peach Bottom Atomic Power Station
Units 2 and 3

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(10 CFR) SECTION 50.59. (TAC NOS. MB2432 AND MB2433)

Dear Mr. Kingsley:

The Commission has issued the enclosed Amendments Nos. 242 and 246 to Facility
Operating License Nos. DPR-44 and DPR-56 for the Peach Bottom Atomic Power Station,
Units 2 and 3. These amendments consist of changes to the Technical Specifications (TSs) in
response to your application dated July 9, 2001.

These amendments replace the term "safety evaluation" with "10 CFR 50.59 evaluation" and
replace the term "unreviewed safety question" with "requires NRC approval pursuant to
10 CFR 50.59" in order to provide consistency with the changes to 10 CFR 50.59, "Changes,
tests, and experiments," which became effective on March 13, 2001.

A copy of the safety evaluation is also enclosed. Notice of Issuance will be included in the
Commission's Biweekly *Federal Register* Notice.

Sincerely,
/RA/

John P. Boska, Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-277 and 50-278

Enclosures: 1. Amendment No. 242 to DPR-44
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DISTRIBUTION:

MO'Brien	WBeckner	RDennig
PUBLIC	JBoska	ACRS
PDI-2 Reading	OGC	BPlatchek, RGN-I
GHill (4)	JClifford	PHearn
EAdensam		

ADAMS ACCESSION NUMBER: ML012760428

* SE provided, no major changes made.

*No legal objection

OFFICE	PM/PD1-2	LA/PD1-2	SC/RTSB	OGC/NLO*	SC/PD1-2
NAME	JBoska	MO'Brien	See SE dated*	RHoeffling	JClifford
DATE	10/04/01	10/04/01	8/20/01	11/01/01	11/01/01

OFFICIAL RECORD COPY

EXELON GENERATION COMPANY, LLC

PSEG NUCLEAR LLC

DOCKET NO. 50-277

PEACH BOTTOM ATOMIC POWER STATION, UNIT 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 242
License No. DPR-44

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Exelon Generation Company, LLC (Exelon Generation Company), and PSEG Nuclear LLC (the licensees), dated July 9, 2001, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I.
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C(2) of Facility Operating License No. DPR-44 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 242 , are hereby incorporated in the license. Exelon Generation Company shall operate the facility in accordance with the Technical Specifications.

3. Also, the second sentence of paragraph 3.B of Facility Operating License No. DPR-44 is hereby amended to read as follows:

If such change would entail any modification to this license, or any Technical Specifications which are part of this license, or require NRC approval pursuant to 10 CFR 50.59 or involve an environmental impact different than analyzed in the Final Environmental Statement, the licensees shall file with the NRC, as applicable, an appropriate analysis of any such change on facility safety, and/or an analysis of any such change on the environmental impacts and on the overall cost-benefit balance for facility operation set forth in the Final Environmental Statement and a request for an amendment to the operating license, if required by the Commission's regulations.

4. This license amendment is effective as of its date of issuance and shall be implemented within 60 days.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

James W. Clifford, Chief, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical
Specifications and License No. DPR-44

Date of Issuance: November 6, 2001

ATTACHMENT TO LICENSE AMENDMENT NO. 242

FACILITY OPERATING LICENSE NO. DPR-44

DOCKET NO. 50-277

Replace the following page of the Appendix A Technical Specifications with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove
5.0-15

Insert
5.0-15

Replace the following page of the Facility Operating License with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove
p. 7

Insert
p. 7

established pursuant to Section 316 of the Federal Water Pollution Control Act, the licensees shall inform the NRC and analyze any associated changes in or to the Station, its components, its operation or in the discharge of effluents therefrom. If such change would entail any modification to this license, or any Technical Specifications which are part of this license, or require NRC approval pursuant to 10 CFR 50.59 or involve an environmental impact different than analyzed in the Final Environmental Statement, the licensees shall file with the NRC, as applicable, an appropriate analysis of any such change on facility safety, and/or an analysis of any such change on the environmental impacts and on the overall cost-benefit balance for facility operation set forth in the Final Environmental Statement and a request for an amendment to the operating license, if required by the Commission's regulations. As used in this Condition 3.B, Final Environmental Statement means the NRC Staff Final Environmental Statement related to Operation of Peach Bottom Atomic Power Station Units Nos. 2 and 3 dated April 1973, as modified by (1) the Initial Decision of the Atomic Safety and Licensing Board dated September 14, 1973, (2) the Supplemental Initial Decision of the Atomic Safety and Licensing Board dated June 14, 1974, (3) the Decision of the Atomic Safety and Licensing Appeal Board dated July 5, 1974, (4) the Memorandum and Order of the Commission dated August 8, 1974, (5) any further modification resulting from further review by the Appeal Board and by the Commission, if any, and (6) any Environmental Impact Appraisal which has been or may be issued by the NRC since the FES was published in April 1973.

4. This license is effective as of the date of issuance and shall expire at midnight on August 8, 2013.

FOR THE ATOMIC ENERGY COMMISSION

Original Signed by R. C. DeYoung, for

A. Giambusso, Deputy Director
for Reactor Projects
Directorate of Licensing

Attachments:
Appendices A and B -
Technical Specifications

Date of Issuance: October 25, 1973

EXELON GENERATION COMPANY, LLC

PSEG NUCLEAR LLC

DOCKET NO. 50-278

PEACH BOTTOM ATOMIC POWER STATION, UNIT 3

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 246
License No. DPR-56

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Exelon Generation Company, LLC (Exelon Generation Company), and PSEG Nuclear LLC (the licensees), dated July 9, 2001, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I.
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C(2) of Facility Operating License No. DPR-56 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 246, are hereby incorporated in the license. Exelon Generation Company shall operate the facility in accordance with the Technical Specifications.

3. Also, the second sentence of paragraph 3.B of Facility Operating License No. DPR-56 is hereby amended to read as follows:

If such change would entail any modification to this license, or any Technical Specifications which are part of this license, or require NRC approval pursuant to 10 CFR 50.59 or involve an environmental impact different than analyzed in the Final Environmental Statement, the licensees shall file with the NRC, as applicable, an appropriate analysis of any such change on facility safety, and/or an analysis of any such change on the environmental impacts and on the overall cost-benefit balance for facility operation set forth in the Final Environmental Statement and a request for an amendment to the operating license, if required by the Commission's regulations.

4. This license amendment is effective as of its date of issuance and shall be implemented within 60 days.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

James W. Clifford, Chief, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical
Specifications and License No. DPR-56

Date of Issuance: November 6, 2001

ATTACHMENT TO LICENSE AMENDMENT NO. 246

FACILITY OPERATING LICENSE NO. DPR-56

DOCKET NO. 50-278

Replace the following page of the Appendix A Technical Specifications with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove
5.0-15

Insert
5.0-15

Replace the following page of the Facility Operating License with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove
p. 7

Insert
p. 7

3. This license is subject to the following conditions for the protection of the environment:
- A. To the extent matters related to thermal discharges are treated therein, operation of Peach Bottom Atomic Power Station Unit 3 will be governed by NPDES Permit No. PA 0009733, as now in effect and as hereafter amended. Questions pertaining to conformance thereto shall be referred to and shall be determined by the NPDES Permit issuing or enforcement authority, as appropriate.
 - B. In the event of any modification of the NPDES Permit related to thermal discharges or the establishment (or amendment) of alternative effluent limitations established pursuant to Section 316 of the Federal Water Pollution Control Act, the licensees shall inform the NRC and analyze any associated changes in or to the Station, its components, its operation or in the discharge of effluents therefrom. If such change would entail any modification to this license, or any Technical Specifications which are part of this license, or require NRC approval pursuant to 10 CFR 50.59 or involve an environmental impact different than analyzed in the Final Environmental Statement, the licensees shall file with the NRC, as applicable, an appropriate analysis of any such change on facility safety, and/or an analysis of any such change on the environmental impacts and on the overall cost-benefit balance for facility operation set forth in the Final Environmental Statement and a request for an amendment to the operating license, if required by the Commission's regulations. As used in this Condition 3.B, Final Environmental Statement means the NRC Staff Final Environmental Statement related to Operation of Peach Bottom Atomic Power Station Units Nos. 2 and 3 dated April 1973, as modified by (1) the Initial Decision of the Atomic Safety and Licensing Board dated September 14, 1973, (2) the Supplemental Initial Decision of the Atomic Safety and Licensing Board dated June 14, 1974, (3) the Decision of the Atomic Safety and Licensing Appeal Board dated July 5, 1974, (4) the Memorandum and Order of the Commission dated August 8, 1974, (5) any further modification resulting from further review by the Appeal Board and by the Commission, if any, and (6) any Environmental Impact Appraisal which has been or may be issued by the NRC since the FES was published in April 1973.
4. This license is effective as of the date of issuance and shall expire at midnight on July 2, 2014.

FOR THE ATOMIC ENERGY COMMISSION

Original Signed by Roger Boyd, for

A. Giambusso, Deputy Director
for Reactor Projects
Directorate of Licensing

Attachments:
Amended pages to Appendices A and B
DPR-44 & DPR-56 Technical
Specifications

Date of Issuance: July 2, 1974

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 242 TO FACILITY OPERATING LICENSE NO. DPR-44
AND AMENDMENT NO. 246 TO FACILITY OPERATING LICENSE NO. DPR-56
EXELON GENERATION COMPANY, LLC
PSEG NUCLEAR LLC
PEACH BOTTOM ATOMIC POWER STATION, UNITS 2 AND 3
DOCKET NOS. 50-277 AND 50-278

1.0 INTRODUCTION

By letter dated July 9, 2001, Exelon Generation Company, LLC (EGC or the licensee) submitted a request for changes to the Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3, Technical Specifications (TSs). The requested changes would replace the term "unreviewed safety question" with "requires NRC approval pursuant to 10 CFR 50.59" in order to provide consistency with the changes to 10 CFR 50.59, "Changes, tests, and experiments," which became effective on March 13, 2001.

2.0 BACKGROUND

The Commission's regulations, in 10 CFR 50.59, establish the conditions for the licensee to implement changes to its facility or procedures, as described in the Updated Final Safety Analysis Report (UFSAR), without prior U.S. Nuclear Regulatory Commission (NRC) approval. These regulations further establish conditions for the licensee to conduct tests or experiments, which are not described in the UFSAR, without prior NRC approval.

This amendment revises TS 5.5.10, "Technical Specifications (TS) Bases Control Program," in order to adopt NRC approved Technical Specification Task Force (TSTF) Item TSTF-364, Revision 0. TSTF-364 revises NUREG-1431, "Standard Technical Specifications Westinghouse Plants," NUREG-1433, "Standard Technical Specifications General Electric Plants, BWR-4," and NUREG-1434, "Standard Technical Specifications General Electric Plants, BWR-6," to be consistent with the revisions to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.59 as published in the *Federal Register* (64 FR 53613) on October 4, 1999, and which became effective on March 13, 2001. The NRC staff approved TSTF-364, Revision 0, on June 16, 2000. PBAPS Units 2 and 3 are boiling water reactor (BWR) model 4 plants using standard TS similar to NUREG-1433. In addition, EGC is proposing a similar change to License Condition 3.B of the PBAPS Units 2 and 3 operating licenses.

The revisions in 10 CFR 50.59, which were published in the *Federal Register*, clarified the specific type of change, test or experiment that may be implemented without prior NRC

approval. The revisions in 10 CFR 50.59 also clarified the specific types of change, test and experiment that require evaluation by the licensee. The revisions to 10 CFR 50.59 further added definitions for terms that have been subject to differing interpretations and reorganized 10 CFR 50.59 for clarity.

The TS Bases Control Program required by the current TS allows licensees to implement changes to the TS Bases without prior NRC approval, provided the changes do not involve a change to the UFSAR or TS Bases that involve an “unreviewed safety question as defined in 10 CFR 50.59” and do not involve a change to the TSs. The phrase “unreviewed safety question” was previously defined in 10 CFR 50.59. The revision to 10 CFR 50.59 replaced the use of the phrase “unreviewed safety question” with the phrase “obtaining a license amendment pursuant to Section 50.90.”

3.0 EVALUATION

3.1 Description of Changes

TS 5.5.10, “Technical Specifications (TS) Bases Control Program,” of the current TSs of PBAPS Units 2 and 3 presently requires a program for processing changes to the Bases of the Technical Specifications. TS 5.5.10 currently states the following:

“Licensees may make changes to Bases without prior NRC approval provided the changes do not involve either of the following:

A change in the TS incorporated in the license; or

A change to the UFSAR or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59.”

TS 5.5.10 is revised by this amendment request to state the following:

“Licensees may make changes to Bases without prior NRC approval provided the changes do not require either of the following:

A change in the TS incorporated in the license; or

A change to the UFSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59.”

The change involves replacing the phrase “involves an unreviewed safety question as defined in” with the phrase “requires NRC approval pursuant to”.

3.2 Justification

The Commission’s final rule of October 4, 1999, which revised 10 CFR 50.59, affects the wording of the TS Bases Control Program. In the revision to Section 50.59, the Commission replaced the phrase “involves an unreviewed safety question” with “obtaining a license amendment pursuant to Section 50.90” in the regulation. With this revision, 10 CFR 50.59 provides the means to determine whether NRC approval is needed before a change, test or

experiment may be implemented. In TSTF-364, Revision 0, the NRC staff accepted the phrase "requires NRC approval pursuant to 10 CFR 50.59" as an acceptable description to use in TS 5.5.10 of the process in 10 CFR 50.59, "obtaining a license amendment pursuant to Section 50.90."

This amendment replaces the phrase "involves an unreviewed safety question as defined in" with the phrase "requires NRC approval pursuant to", while retaining in TS 5.5.10 the reference to Section 50.59. The amended TS 5.5.10 would continue to incorporate the criteria of Section 50.59 by reference, and these criteria provide appropriate and adequate control of changes to the TS Bases. The NRC staff has reviewed the licensee's proposed amendment to incorporate TSTF-364, Revision 0, into the TS and concludes that this request conforms to the 10 CFR 50.59 revision and therefore is acceptable.

This amendment also requested to replace the phrase "present an unresolved safety question" with the phrase "require NRC approval pursuant to 10 CFR 50.59" in License Condition 3.B of the PBAPS Units 2 and 3 operating licenses. The NRC staff concludes that this portion of the amendment request conforms to the 10 CFR 50.59 revision and therefore is acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Pennsylvania State official was notified of the proposed issuance of the amendments. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendments change a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendments involve no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration, and there has been no public comment on such finding (66 FR 44170). Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: P. Hearn

Date: November 6, 2001