

April 21, 1989

Mr. George A. Hunger, Jr.  
Director-Licensing  
Philadelphia Electric Company  
Correspondence Control Desk  
P. O. Box 7520  
Philadelphia, Pennsylvania 19101

Dear Mr. Hunger:

SUBJECT: FEDERAL REGISTER NOTICE (TAC NOS. 64074/64075)

RE: PEACH BOTTOM ATOMIC POWER STATION, UNIT NOS. 2 AND 3

Enclosed is an Individual Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing. This amendment was requested by your letter dated October 17, 1986 regarding modification of the Environmental Technical Specification (ETS) to reflect removal of the remaining thermal effluent monitoring requirements and to reflect other conforming changes of an administrative nature. This Notice indicates that the staff proposes to consider the deletion of the thermal effluent monitoring requirements on ETS pages 5, 5a, and 5b but is not considering the other changes at this time because they have not been adequately supported in the licensee's application.

Sincerely,

/S/

Robert E. Martin, Project Manager  
Project Directorate I-2  
Division of Reactor Projects I/II  
Office of Nuclear Reactor Regulation

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PDR ADDCK 05000277  
P PNU

Enclosure:  
As stated

cc w/enclosure:  
See next page

DISTRIBUTION: w/encl.

Docket File  
NRC PDR/LPDR  
PDI-2 Reading  
SVarga/BBoger  
MO'Brien (2)  
RMartin/RClark  
OGC  
DHagan  
ACRS (10)  
GPA/PA

DFOI  
/1

[PB NOTICE]

PDI-2/LA  
MO'Brien  
4/21/89

PDI-2/PM  
RMartin:tr  
4/20/89

PDI-2/D  
WButler  
4/21/89

WB

CP-1  
CC



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

April 21, 1989

Dockets Nos. 50-277/278

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Philadelphia Electric Company  
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*Robert E. Martin*  
Robert E. Martin, Project Manager  
Project Directorate I-2  
Division of Reactor Projects I/II  
Office of Nuclear Reactor Regulation

Enclosure:  
As stated

cc w/enclosure:  
See next page

Mr. George A. Hunger, Jr.  
Philadelphia Electric Company

Peach Bottom Atomic Power Station,  
Units 2 and 3

cc:

Troy B. Conner, Jr., Esq.  
1747 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006

Single Point of Contact  
P. O. Box 11880  
Harrisburg, Pennsylvania 17108-1880

Philadelphia Electric Company  
ATTN: Mr. D. M. Smith, Vice President  
Peach Bottom Atomic Power Station  
Route 1, Box 208  
Delta, Pennsylvania 17314

Mr. Thomas M. Gerusky, Director  
Bureau of Radiation Protection  
Pennsylvania Department of  
Environmental Resources  
P. O. Box 2063  
Harrisburg, Pennsylvania 17120

H. Chris Schwemm  
Vice President, Production  
Atlantic Electric  
P.O. Box 1500  
1199 Black Horse Pike  
Pleasantville, New Jersey 08232

Mr. Albert R. Steel, Chairman  
Board of Supervisors  
Peach Bottom Township  
R. D. #1  
Delta, Pennsylvania 17314

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

Delmarva Power and Light Company  
c/o Jack Urban  
General Manager, Fuel Supply  
800 King Street  
P. O. Box 231  
Wilmington, DE 19899

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

Mr. Tom Magette  
Power Plant Research Program  
Department of Natural Resources  
B-3  
Taves State Office Building  
Annapolis, Maryland 21401

Mr. Bryan W. Gorman  
Manager - External Affairs  
Public Service Electric & Gas Company  
P. O. Box 236, N28  
Hancocks Bridge, New Jersey 08038

Mr. Roland Fletcher  
Department of Environment  
201 West Preston Street  
Baltimore, Maryland 21201

UNITED STATES NUCLEAR REGULATORY COMMISSION

PHILADELPHIA ELECTRIC COMPANY

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

DELMARVA POWER AND LIGHT COMPANY

ATLANTIC CITY ELECTRIC COMPANY

DOCKET NOS. 50-277 AND 50-278

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-44 and DPR-56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company for operation of the Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, located in York County, Pennsylvania.

The proposed amendments would delete certain thermal effluent monitoring requirements from the Environmental Technical Specifications (ETS) in view of the issuance of the National Pollutant Discharge Elimination System (NPDES) permit by the Commonwealth of Pennsylvania in partial response to the licensee's application for amendment dated October 17, 1986.

The proposed amendment would also make other conforming changes of an administrative nature to the ETS. The staff is not granting these proposed changes at this time since they are not adequately supported in the application.

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Previous amendments to the ETS have deleted all protection limits and report levels, and all monitoring requirements, except for those relating to thermal effluent monitoring. (See Amendment Nos. 92 and 94 dated February 24, 1984 and Amendment Nos. 102 and 104 dated August 3, 1984.) As stated in the NRC letter transmitting Amendment Nos. 92 and 94, deletion of thermal discharge monitoring requirements was "held in abeyance pending the NPDES 316 proceeding and litigation". This application proposes deletion of the last monitoring requirement (thermal discharge monitoring) since the 316(a) proceeding has been resolved and effective thermal discharge requirements have been incorporated into the NPDES Permit.

Specifically, the licensee's basis for deletion of the thermal monitoring requirement on ETS pages 5, 5a, and 5b is that the revised NPDES Permit provides an effective thermal discharge program for the Peach Bottom Atomic Power Station. The permit establishes operating limits, as well as monitoring and reporting requirements resulting from resolution of the NPDES 316 proceeding. With the conclusion of this proceeding, deletion of the thermal monitoring provisions from the Peach Bottom ETS on current pages 5, 5a, and 5b is appropriate.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in

accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis, as provided by the licensee, for this proposed finding is that the proposed amendment does not constitute a significant hazards consideration since it does not:

- 1) involve a significant increase in the probability or consequences of an accident previously evaluated. The thermal discharge monitoring requirements which are proposed for deletion have no safety implications or bases. They do not impact the cooling capability of systems associated with nuclear safety and have no effect on the probability or consequences of any accident.
- 2) create the possibility of a new or different kind of accident from any accident previously evaluated because the thermal discharge does not impact the design considerations associated with nuclear safety.
- 3) involve a significant reduction in a margin of safety since the requested changes involve no safety margins. The effective NPDES Permit provides the necessary protection of the environment, and essential reporting provisions to the NRC and administrative controls of activities that may impact the environment are retained.

The staff has reviewed the licensee's no significant hazards consideration analysis. Based upon this review, the staff believes that the licensee has met the three standards. Therefore, based on these considerations and the three criteria given above, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this

notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be addressed to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-216, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, NW, Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 30, 1989, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the

designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR §2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Att: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street, NW Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Walter R. Butler, Director, Project Directorate I-2, Division of Reactor Projects I/II: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the General Counsel, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Conner and Wetterhahn, 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated October 17, 1986, which is available for public inspection at

the Commission's Public Document Room, 2120 L Street, NW, Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Dated at Rockville, Maryland, this 21st day of April 1989.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script that reads "Walter R. Butler".

Walter R. Butler, Director  
Project Directorate I-2  
Division of Reactor Projects I/II  
Office of Nuclear Reactor Regulation