

August 24, 2001

MEMORANDUM TO: Michael Lesar, Chief
Rules and Directives Branch
Division of Administrative Services
Office of Administration

FROM: Christopher I. Grimes, Chief */RA/*
License Renewal and Standardization Branch
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

SUBJECT: FEDERAL REGISTER NOTICE FOR DETERMINATION OF
ACCEPTABILITY AND SUFFICIENCY FOR DOCKETING,
PROPOSED REVIEW SCHEDULE, AND OPPORTUNITY FOR A
HEARING REGARDING AN APPLICATION FROM EXELON
GENERATION COMPANY, LLC (EXELON) FOR RENEWAL OF THE
OPERATING LICENSES FOR PEACH BOTTOM ATOMIC POWER
STATION, UNITS 2 AND 3

Attached is one signed copy of a *Federal Register* notice for transmittal to the Office of the Federal Register for publication. Four additional copies of the notice are attached for your use, and a diskette containing the notice is also being provided. This notice must not be published before August 31, 2001, to ensure that the application has been available to the public for 60 days before the deadline for filing hearing requests and petitions for intervention.

If you need any additional information concerning this notice, please contact Raj Anand of my staff at 301-415-1146.

Attachment: As stated

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DISTRIBUTION:

RKAnand

EGHylton

RLSB R/F

Public Affairs

See previous concurrence* ML012360155

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UNITED STATES NUCLEAR REGULATORY COMMISSION
EXELON GENERATION COMPANY, LLC (EXELON)
PEACH BOTTOM ATOMIC POWER STATION, UNITS 2 AND 3
NOTICE OF ACCEPTANCE FOR DOCKETING OF THE APPLICATION
AND NOTICE OF OPPORTUNITY FOR HEARING REGARDING RENEWAL OF
FACILITY OPERATING LICENSE NOS. DPR-44 AND DPR-56
FOR AN ADDITIONAL 20-YEAR PERIOD
DOCKET NOS. 50-277 and 50-278

The U.S. Nuclear Regulatory Commission (the Commission) is considering an application for the renewal of Operating License Nos. DPR-44 and DPR-56, which authorize Exelon Generation Company, LLC (Exelon) to operate Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3, at 3458 megawatts thermal. The renewed licenses would authorize the applicant to operate PBAPS Units 2 and 3 for an additional 20-years beyond the period specified in the current licenses. The current operating licenses for PBAPS Units 2 and 3 expire on August 8, 2013, and July 2, 2014, respectively.

Exelon submitted an application on July 2, 2001, to renew the operating licenses for PBAPS Units 2 and 3. A Notice of Receipt of Application, "Exelon Generation Company, LLC (Exelon), Peach Bottom Atomic Power Station, Units 2 and 3; Notice of Receipt of Application for Renewal of Facility Operating License Nos. DPR-44, and DPR-56 for an Additional 20-Year Period," was published in the *Federal Register* on July 25, 2001 (66 FR 38753).

The Commission's staff has determined that Exelon has submitted information in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, and 51.53(c) that is complete and

acceptable for docketing. The current Docket Nos. 50-277 and 50-278, for Operating License Nos. DPR-44 and DPR-56, respectively, will be retained. The docketing of the renewal application does not preclude requesting additional information as the review proceeds, nor does it predict whether the Commission will grant or deny the application.

Before issuance of each requested renewed license, the NRC will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's rules and regulations. In accordance with 10 CFR 54.29, the NRC will issue a renewed license on the basis of its review if it finds that actions have been identified and have been or will be taken with respect to (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review, and (2) time-limited aging analyses that have been identified as requiring review, such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis (CLB) and that any changes made to the plant's CLB comply with the Act and the Commission's regulations.

Additionally, in accordance with 10 CFR 51.95(c), the NRC will prepare an environmental impact statement that is a supplement to the Commission's NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants" (May 1996). Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold a public scoping meeting. Detailed information regarding this meeting will be included in a future *Federal Register* notice. The Commission also intends to hold public meetings to discuss the license renewal process and the schedule for conducting the review. The Commission will provide prior notice of these meetings. As discussed further herein, in the event that a hearing is held, issues that may be litigated will be confined to those pertinent to the foregoing.

By October 1, 2001, the applicant may file a request for a hearing, 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 request for a hearing and a petition for leave to intervene with respect to the renewal of the licenses in accordance with the provisions of 10 CFR 2.714. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, 11555 Rockville Pike (first floor) Rockville, Maryland, and on the NRC Web site at <http://www.nrc.gov> (the Electronic Reading Room). If a request for a hearing or a 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(s) and/or petition(s), and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. In the event that no request for a hearing or petition for leave to intervene is filed by the above date, the NRC may, upon completion of its evaluations and upon making the findings required under 10 CFR Parts 54 and 51, renew the licenses without further notice.

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, taking into consideration the limited scope of matters that may be considered pursuant to 10 CFR Parts 54 and 51. The petition must 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 that may be entered in the proceeding on the petitioner's interest. The petition must 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 15 days before the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days before the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene that must include a list of the contentions that the petitioner seeks to have litigated in the hearing. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of each contention and a concise statement of the alleged facts or the expert opinion that supports the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement that 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.

Requests for a hearing and petitions for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington DC

20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, 11555 Rockville Pike (first floor), Rockville, Maryland, 20855-2738, by the above date. A copy of the request for a hearing and the petition to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Mr. James A. Hutton, Director-Licensing, Exelon Corporation, 200 Exelon Way, Kennett Square, PA 19348.

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

Detailed information about the license renewal process can be found under the Nuclear Reactors icon of the NRC's Web page at <http://www.nrc.gov>.

A copy of the application to renew the operating licenses for PBAPS Units 2 and 3 is available for public inspection at the Commission's Public Document Room, 11555 Rockville Pike (first floor), Rockville, Maryland, 20855-2738, and on the NRC's Web page at <http://www.nrc.gov>. The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/NRC/ADAMS/index.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to pdr@nrc.gov.

The staff has also verified that copies of the license renewal application for the PBAPS, Units 2 and 3 are also available to local residents at the Harford County Public Library, in

Whiteford, Maryland, and the Collinsville Community Library, in Brogue, Pennsylvania.

Dated at Rockville, Maryland, this the 24th day of August 2001.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Christopher I. Grimes, Chief
License Renewal and Standardization Branch
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation