

December 28, 2001

Mr. Oliver D. Kingsley, President
Exelon Nuclear
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: ISSUANCE OF AMENDMENTS - REQUEST FOR AMENDMENT TO
OPERATING LICENSING CONDITIONS AND TECHNICAL SPECIFICATIONS
ADMINISTRATIVE CONTROLS TO INCORPORATE REVISION TO
10 CFR 50.59, "CHANGES, TESTS, AND EXPERIMENTS" (TAC NOS. MB2426,
MB2427, MB2424, AND MB2425)

Dear Mr. Kingsley:

The U.S. Nuclear Regulatory Commission (Commission) has issued the enclosed Amendment No. 125 to Facility Operating License No. NPF-37 and Amendment No. 125 to Facility Operating License No. NPF-66 for the Byron Station, Unit Nos. 1 and 2, respectively, and Amendment No. 120 to Facility Operating License No. NPF-72 and Amendment No. 120 to Facility Operating License No. NPF-77 for the Braidwood Station, Unit Nos. 1 and 2, respectively. The amendments are in response to your application dated July 9, 2001.

The amendments revise Technical Specifications to provide consistency with the changes to 10 CFR 50.59, "Changes, tests, and experiments," as published in the Federal Register (64 FR 53582), dated October 4, 1999. Specifically, the changes replace the terms "safety evaluation" with "10 CFR 50.59 evaluation" and "unreviewed safety question" with "requires NRC approval pursuant to 10 CFR 50.59."

A copy of the Safety Evaluation is also enclosed. The Notice of Issuance will be included in the Commission's biweekly Federal Register notice.

Sincerely,

/RA/

Mahesh Chawla, Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. STN 50-454, STN 50-455,
STN 50-456 and STN 50-457

Enclosures: 1. Amendment No. 125 to NPF-37
2. Amendment No. 125 to NPF-66
3. Amendment No. 120 to NPF-72
4. Amendment No. 120 to NPF-77
5. Safety Evaluation

cc w/encls: See next page

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Byron/Braidwood Stations

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EXELON GENERATION COMPANY, LLC

DOCKET NO. STN 50-454

BYRON STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 125
License No. NPF-37

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Exelon Generation Company, LLC (the licensee) 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. NPF-37 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A as revised through Amendment No. 125 and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Anthony J. Mendiola, Chief, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Technical
Specifications

Date of Issuance: December 28, 2001

EXELON GENERATION COMPANY, LLC

DOCKET NO. STN 50-455

BYRON STATION, UNIT NO. 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 125
License No. NPF-66

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Exelon Generation Company, LLC (the licensee) 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. NPF-66 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A (NUREG-1113), as revised through Amendment No. 125 and the Environmental Protection Plan contained in Appendix B, both of which were attached to License No. NPF-37, dated February 14, 1985, are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Anthony J. Mendiola, Chief, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Technical
Specifications

Date of Issuance: December 28, 2001

ATTACHMENT TO LICENSE AMENDMENT NOS. 125 AND 125

FACILITY OPERATING LICENSE NOS. NPF-37 AND NPF-66

DOCKET NOS. STN 50-454 AND STN 50-455

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

Remove Page

5.5-22

Insert Page

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EXELON GENERATION COMPANY, LLC

DOCKET NO. STN 50-456

BRAIDWOOD STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 120
License No. NPF-72

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Exelon Generation Company, LLC (the licensee) 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. NPF-72 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A as revised through Amendment No. 120 and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Anthony J. Mendiola, Chief, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Technical
Specifications

Date of Issuance: December 28, 2001

EXELON GENERATION COMPANY, LLC

DOCKET NO. STN 50-457

BRAIDWOOD STATION, UNIT NO. 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 120
License No. NPF-77

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Exelon Generation Company, LLC (the licensee) 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. NPF-77 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A as revised through Amendment No. 120 and the Environmental Protection Plan contained in Appendix B, both of which were attached to License No. NPF-72, dated July 2, 1987, are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Anthony J. Mendiola, Chief, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Technical
Specifications

Date of Issuance: December 28, 2001

ATTACHMENT TO LICENSE AMENDMENT NOS. 120 AND 120

FACILITY OPERATING LICENSE NOS. NPF-72 AND NPF-77

DOCKET NOS. STN 50-456 AND STN 50-457

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

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SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 125 TO FACILITY OPERATING LICENSE NO. NPF-37,
AMENDMENT NO. 125 TO FACILITY OPERATING LICENSE NO. NPF-66,
AMENDMENT NO. 120 TO FACILITY OPERATING LICENSE NO. NPF-72,
AND AMENDMENT NO. 120 TO FACILITY OPERATING LICENSE NO. NPF-77

EXELON GENERATION COMPANY, LLC

BYRON STATION, UNIT NOS. 1 AND 2

BRAIDWOOD STATION, UNIT NOS. 1 AND 2

DOCKET NOS. STN 50-454, STN 50-455, STN 50-456 AND STN 50-457

1.0 INTRODUCTION

By letter dated July 9, 2001, Exelon Generating Company (Exelon, the licensee) submitted an amendment request for changes to the Byron Station, Units 1 and 2 (Byron) and Braidwood Station, Units 1 and 2 (Braidwood) Technical Specifications (TS). 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 that are described in the updated Final Safety Analysis Report (FSAR) prior to NRC approval. These regulations further establish conditions for the licensee to conduct tests or experiments, which are not described in the FSAR, prior to NRC approval.

The amendment revises TS 5.5.14, "Technical Specifications (TS) Bases Control Program," in order to adopt U.S. Nuclear Regulatory Commission (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 *Code of Federal Regulations* (10 CFR) Section 50.59 as published in the Federal Register (Volume 64, Number 191) on October 4, 1999, which became effective on March 13, 2001. The NRC staff approved TSTF-364, Revision 0, on June 16, 2000.

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 prior to NRC approval. The revisions in 10 CFR 50.59 also clarified the specific types of changes, tests, and experiments 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 Bases Control Program required by the current TS (CTS) allows licensees to implement changes to the Bases prior to NRC approval, provided the changes do not involve a change to the Updated FSAR or Bases that involve an "unreviewed safety question" as defined in 10 CFR 50.59' and do not involve a change to the TSs. The definition of "unreviewed safety question" was previously defined in 10 CFR 50.59. The revisions to 10 CFR 50.59 eliminated the use of the expression "unreviewed safety question." 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. By submitting this amendment, Exelon is requesting NRC authorization to revise Byron and Braidwood CTS for the Bases Control Program to be consistent with the revision to 10 CFR 50.59.

3.0 EVALUATION

3.1 Description of Changes

Byron and Braidwood TS Section 5.5.14, "Technical Specifications (TS) Bases Control Program," presently requires a program for processing changes to the Bases of the Technical Specifications. TS 5.5.14 currently states the following:

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

1. a change in the TS incorporated in the license; or
2. a change to the FSAR or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59."

This amendment revises TS 5.5.14 to state the following:

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

1. a change in the TS incorporated in the license; or
2. a change to the FSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59".

The change involves replacing the phrase "involves an unreviewed safety question" 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 eliminated the term "involves an unreviewed safety question." 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.

The amendment replaces the term "involves an unreviewed safety question" with the term "requires NRC approval," while retaining in the TS 5.5.14, the reference to Section 50.59. The amended TS 5.5.14 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 for Byron and Braidwood to incorporate TSTF-364, Revision 0, into the TS 5.5.14 and concludes that this portion of the amendment request is acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Illinois 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 the 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). This amendment also relates to changes record keeping, reporting, or administrative procedures or requirements. Accordingly, with respect to these items, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). 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: December 28, 2001