

May 22, 2003

Mr. John L. Skolds, President  
Exelon Nuclear  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, IL 60555

SUBJECT: BYRON NUCLEAR POWER STATION, UNITS 1 AND 2 - ISSUANCE OF  
AMENDMENTS (TAC NOS. MB6389 AND MB6390)

Dear Mr. Skolds:

The U.S. Nuclear Regulatory Commission (Commission) has issued the enclosed Amendment No. 131 to Facility Operating License No. NPF-37 and Amendment No. 131 to Facility Operating License No. NPF-66 for the Byron Station, Unit Nos. 1 and 2, respectively. The amendments are in response to your application dated September 27, 2002.

The amendments revise Appendix B, "Environmental Protection Plan (Non-Radiological)," of the licenses to remove a parenthetical reference to a superseded section of 10 CFR Part 51.

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 and STN 50-455

Enclosures: 1. Amendment No. 131 to NPF-37  
2. Amendment No. 131 to NPF-66  
3. Safety Evaluation

cc w/encls: See next page

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**ADAMS Accession Number: ML031350187**

\*see previous concurrences

OFFICE	PM:LPD3-2	LA:LPD3-2	OGC	SC:LPD3-2
NAME	MChawla	PCoates	RWeisman*	AMendiola
DATE	5/21/03	5/21/03	3/20/03	5/22/03

**OFFICIAL RECORD COPY**

Byron Station Units 1 and 2

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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. 131  
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 September 27, 2002, 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. 131 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 60 days of the date of issuance.

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: April 4, 2003

EXELON GENERATION COMPANY, LLC

DOCKET NO. STN 50-455

BYRON STATION, UNIT NO. 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 131  
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 September 27, 2002, 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. 131 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 60 days of the date of issuance.

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: April 4, 2003



ATTACHMENT TO LICENSE AMENDMENT NOS. 131 AND 131

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

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

Replace the following page of Units 1 and 2, Appendix B of Technical Specifications with the attached page. The revised page is identified by amendment number and contains a marginal line indicating the area of change.

Remove Pages

3-2

Insert Pages

3-2

A proposed change, test or experiment shall be deemed to involve an unreviewed environmental question if it concerns: (1) a matter which may result in a significant increase in any adverse environmental impact previously evaluations in the FES-OL, environmental impact appraisals, or in any decisions of the Atomic Safety and Licensing Board; or (2) a significant change in effluents or power level or (3) a matter, not previously reviewed and evaluated in the documents specified in (1) of this Subsection, which may have a significant adverse environmental impact.

The licensee shall maintain records of changes in facility design or operation and of tests and experiments carried out pursuant to this Subsection. These records shall include written evaluations which provide bases for the determination that the change, test, or experiment does not involve an unreviewed environmental question or constitute a decrease in the effectiveness of this EPP to meet the objectives specified in Section 1.0. The licensee shall include as part of the Annual Environmental Operating Report (per Subsection 5.4.1) brief descriptions, analyses, interpretations, and evaluations of such changes, tests and experiments.

### 3.2 Reporting Related to the NPDES Permit and State Certification

Changes to, or renewals of, the NPDES Permit or the State certification shall be reported to the NRC within 30 days following the date the change or renewal is approved. If a permit or certification, in part or in its entirety, is appealed and stayed, the NRC shall be notified within 30 days following the date the stay is granted.

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 131 TO FACILITY OPERATING LICENSE NO. NPF-37  
AND AMENDMENT NO. 131 TO FACILITY OPERATING LICENSE NO. NPF-66  
EXELON GENERATION COMPANY, LLC  
BYRON STATION, UNIT NOS. 1 AND 2  
DOCKET NOS. STN 50-454 AND STN 50-455

## 1.0 INTRODUCTION

By application dated September 27, 2002, Exelon Generation Company, LLC (Exelon, the licensee) requested changes to Appendix B of the licenses for the Byron Nuclear Power Station, Units 1 and 2. The staff's proposed no significant hazards consideration determination was published in the *Federal Register* on October 29, 2002 (67 FR 66009).

The proposed changes would revise Appendix B, "Environmental Protection Plan (Non-Radiological)," of the licenses to remove a parenthetical reference to a superseded section of 10 Code of Federal Regulations (CFR) Part 51. The proposed changes will eliminate a superseded CFR reference and provide consistency with the current Nuclear Regulatory Commission (NRC) recommended Appendix B format. Specifically, the proposed changes would revise Appendix B by deleting the term, "(in accordance with 10 CFR Part 51.5(b)(2))," in the third paragraph of Section 3.1.

## 2.0 REGULATORY EVALUATION

The non-radiological Environmental Protection Plan (EPP) provides for protection of environmental parameters during operation of the station. The principal objectives of the plan are to (1) verify the plant is operated in an environmentally acceptable manner, (2) coordinate NRC requirements and maintain consistency with other Federal, State, and local requirements for environmental protection, and (3) keep NRC informed of the environmental effects of facility construction and operation and of actions taken to control those effects.

Byron Station Units 1 and 2 Operating License Appendix B, the non-radiological EPP, Section 3.1, "Plant Design and Operation," provides requirements to obtain prior approval from the NRC when a proposed change, test, or experiment is deemed to involve an unreviewed environmental question. The third paragraph of the section states that, "A proposed change, test or experiment shall be deemed to involve an unreviewed environmental question if it concerns: (1) a matter which may result in a significant increase in any adverse environmental impact previously evaluated in the FES-OL, environmental impact appraisals, or in any decisions of the Atomic Safety and Licensing Board; or (2) a significant change in effluents or power level [in accordance with 10 CFR Part 51.5(b)(2)] or (3) a matter, not previously reviewed and evaluated in documents specified in (1) of this Subsection, which may have a significant adverse environmental impact."

The staff finds that the licensee in Section B of Attachment A of its submittal identified the applicable regulatory requirements. The regulatory requirements which the staff considered in its review are 10 CFR Part 51 and Operating License Appendix B.

### 3.0 TECHNICAL EVALUATION

The staff has reviewed the licensee's regulatory and technical analyses in support of its proposed license amendment, which are described in Sections D and F of Attachment A of the licensee's submittal.

The proposed change is editorial in nature. The current parenthetical reference to 10 CFR 51.5(b)(2) in Appendix B is no longer applicable, since this CFR reference was superseded in 1984 by a complete revision of 10 CFR Part 51 (49 FR 9381). The subject matter of the original referenced portion of the CFR was not carried over into the reformatted regulations during the revision. The proposed change is consistent with the Appendix B format used in more recently licensed facilities, such as Clinton Power Station, Braidwood Station, and Limerick Generating Station. The removal of this reference does not change the intent of Section 3.1 of Appendix B and does not affect plant safety. Therefore, removal of the parenthetical reference to 10 CFR 51.5(b)(2) in Appendix B 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 amendment. The State official had no comments.

### 5.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact was prepared and published in the *Federal Register* on January 8, 2003 (68 FR 1069), for the proposed amendment. Accordingly, based on the environmental assessment, the Commission has determined that the issuance of the amendment will not have a significant effect on the quality of the human environment.

### 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: M. Chawla

Date: April 4, 2003