

January 3, 2006

Mr. Christopher M. Crane  
President and Chief Nuclear Officer  
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: REVISION OF APPENDIX B, ENVIRONMENTAL  
TECHNICAL SPECIFICATIONS (TAC NOS. MC5468 AND MC5469)

Dear Mr. Crane:

The Commission has issued the enclosed Amendments Nos. 257 and 260 to Renewed Facility Operating License Nos. DPR-44 and DPR-56 for Peach Bottom Atomic Power Station, Units 2 and 3 (PBAPS-2 and 3). The amendments revise the Environmental Technical Specifications, Appendix B of the PBAPS-2 and 3 Licenses, in response to your application dated December 17, 2004.

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

Sincerely,

*/RA/*

George F. Wunder, Project Manager  
Plant Licensing Branch I-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-277 and 50-278

Enclosures: 1. Amendment No. 257 to Renewed DPR-44  
2. Amendment No. 260 to Renewed DPR-56  
3. Safety Evaluation

cc w/encls: See next page

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DISTRIBUTION:

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OGC	ACRS	GWunder	AKugler
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Package No.:

ADAMS Accession No.: ML052450008

Tech Specs: ML

OFFICE	NRR/LPL1-2/PM	NRR/LPL3-2/PM	NRR/LPL3-2/PE	NRR/LPL2-1/LA	NRR/REBA/BC	OGC	NRR/LPL1-2/BC
NAME	GWunder	KJabbour	RKuntz	MO'Brien	AKugler	MBupp	Droberts (SBailey for)
DATE	12/28/05	10/27/05	10/21/05	12/28/05	11/02/05	11/30/05	12/29/05

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EXELON GENERATION COMPANY, LLC

PSEG NUCLEAR LLC

DOCKET NO. 50-277

PEACH BOTTOM ATOMIC POWER STATION, UNIT 2

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 257

Renewed 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 December 17, 2004, 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 Environmental Technical Specifications contained in Appendix B, as indicated in the attachment to this license amendment, and paragraph 2.C(2) of Renewed 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

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

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA by SBailey for/*

Darrell J. Roberts, Chief  
Plant Licensing Branch I-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment: Changes to the Environmental Technical Specifications

Date of Issuance: January 3, 2006

ATTACHMENT TO LICENSE AMENDMENT NO. 257

RENEWED FACILITY OPERATING LICENSE NO. DPR-44

DOCKET NO. 50-277

Replace the following pages of Appendix B, Environmental Technical Specifications, with the attached pages. The revised pages are identified by an amendment number and contain marginal lines indicating the areas of change.

Remove

App. B-2

App. B-3

App. B-4

App. B-5

App. B-6

Insert

App. B-2

App. B-3

App. B-4

App. B-5

App. B-6



EXELON GENERATION COMPANY, LLC

PSEG NUCLEAR LLC

DOCKET NO. 50-278

PEACH BOTTOM ATOMIC POWER STATION, UNIT 3

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 260  
Renewed 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 December 17, 2004, 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 Environmental Technical Specifications contained in Appendix B, as indicated in the attachment to this license amendment, and paragraph 2.C(2) of Renewed 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. 260, are hereby incorporated in the license. Exelon Generation Company shall operate the facility in accordance with the Technical Specifications.

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

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA by S Bailey for/*

Darrell J. Roberts, Chief  
Plant Licensing Branch I-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment: Changes to the Environmental Technical Specifications

Date of Issuance: January 3, 2006

ATTACHMENT TO LICENSE AMENDMENT NO. 260

RENEWED FACILITY OPERATING LICENSE NO. DPR-56

DOCKET NO. 50-278

Replace the following pages of Appendix B, Environmental Technical Specifications, with the attached pages. The revised pages are identified by an amendment number and contain marginal lines indicating the areas of change.

Remove

App. B-2

App. B-3

App. B-4

App. B-5

App. B-6

Insert

App. B-2

App. B-3

App. B-4

App. B-5

App. B-6

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 257 TO RENEWED FACILITY OPERATING  
LICENSE NO. DPR-44 AND AMENDMENT NO. 260 TO RENEWED 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 application dated December 17, 2004, Exelon Generation Company, LLC (EGC, or the licensee), requested changes to Appendix B, Environmental Technical Specifications (ETSS), for Braidwood Station; Units 1 and 2; Byron Station, Units 1 and 2; Clinton Power Station, Unit 1; LaSalle County Station, Units 1 and 2; Limerick Generating Station, Units 1 and 2; Oyster Creek Nuclear Generating Station; Peach Bottom Atomic Power Station, Units 2 and 3 (PBAPS-2 and 3); and Quad Cities Nuclear Power Station, Units 1 and 2. This amendment addresses the licensee's proposed changes for PBAPS-2 and 3. Other amendments were issued, or will be issued to address the proposed changes for the other operating units.

The proposed changes revise the ETSS for PBAPS-2 and 3 by clarifying a number of items without changing the purpose, by removing the requirement for an annual report, by updating terminology, by deleting obsolete program information, and by standardizing wording in the ETSS.

2.0 REGULATORY EVALUATION

The ETSS were established during initial plant operation to monitor environmental issues such as potential erosion along the transmission lines and the cooling tower drift impact on vegetation, noise, and cultural resources issues. The regulatory basis for the establishment of the ETSS is Section 50.36b of Title 10 of the *Code of Federal Regulations* (10 CFR), "Environmental conditions." This section authorizes the Nuclear Regulatory Commission (NRC) staff to place conditions on a license to protect the environment. The regulation states that the conditions "will identify the obligations of the licensee in the environmental area, including, as appropriate, requirements for reporting and keeping records of environmental data, and any conditions and monitoring requirements for the protection of the nonaquatic environment" and that the conditions will be derived from the licensee's environmental report and NRC's evaluation in the record of decision.

However, in the March 12, 1984, Statements of Consideration for the final rule that created 50.36b, the Commission stated that the NRC "may also include additional environmental conditions as appropriate."

### 3.0 TECHNICAL EVALUATION

#### Section 1.2.1 Plant Reviews and Audits

##### Requested Action

An administrative change is proposed to reference the "Quality Assurance Topical Report [QATR]". Reviews and audits are required in accordance with the Exelon Quality Assurance Program as specified in the QATR. This clarification will provide a more accurate reference regarding the location of the information.

##### NRC Staff's Analysis

The staff finds that the proposed change is administrative and has no impact on safety; therefore, the proposed change is acceptable.

#### Section 1.3.1 Environmental Deviations

##### Requested Action

The internal notification for an environmental deviation has been revised from notification of the plant manager or vice president (VP), to the plant manager or designee. This is an administrative change to be consistent with the existing PBAPS-2 and 3 reporting protocol.

##### NRC Staff's Analysis

The staff finds that the proposed change is administrative and has no impact on safety; therefore, the proposed change is acceptable.

#### Section 1.3.2 Environmental Deviations

##### Requested Action

A change is proposed to remove the requirements that require the Plant Operations Review Committee to promptly review environmental deviations and prepare a report. Additionally, requirements for the VP, PBAPS-2 and 3, the Nuclear Safety Review Board to review environmental deviations have been deleted. The review and reporting requirements for environmental deviations are controlled through the EGC Corrective Action Program. The Corrective Action Program includes requirements for station management reviews, incident investigation, reportability requirements and corrective actions.

### NRC Staff's Analysis

The staff finds that the proposed change is administrative and has no impact on safety; therefore, the proposed change is acceptable.

#### Section 1.3.3 Environmental Deviations

##### Requested Action

The requirement for the VP, PBAPS-2 and 3, to report environmental deviations to the NRC is deleted. Reports to the NRC will be performed in accordance with the Non-Routine Reports Section (1.4.2) of the Environmental Technical Specifications.

### NRC Staff's Analysis

The staff finds that the proposed change is administrative and has no impact on safety; therefore, the proposed change is acceptable.

#### Section 1.4.1 Routine Reports

##### Requested Action

A change is proposed to delete the entire section relating to Routine Reports. The justification presented in Section 4.1 of this licensing action request (LAR) is applicable to PBAPS-2 and 3. Further justification specific to PBAPS-2 and 3 is discussed below.

This section requires certain environmental monitoring information to be submitted in an annual report. This report includes a reference to environmental monitoring required by Section 5.6.2 and 5.6.3 of Appendix A of the Operating License, which will continue to be submitted in accordance with Appendix A. It also requires records of data and analysis of special study programs, designed to evaluate the impact of plant operation on an environmental parameter, changes to the plant which affect the environmental impact of the facility, and changes to environmental permits and certificates.

Currently, there are no special study programs remaining, however any future programs performed will be regulated by Federal (i.e., the Environmental Protection Agency (EPA)), State, or local agencies. Design changes are addressed by the EGC implementing procedures associated with 10 CFR 50.59, "Changes, tests and experiments." If an environmental evaluation indicates that an activity involves an unreviewed environmental question, or involves a change to the ETSs, prior NRC approval must be obtained prior to implementation. Changes to the environmental permits and certificates are reported to the NRC in accordance with Section 1.4.2.2 of this ETS.

All the requirements for the annual report are addressed in Appendix A of the operating license, the EGC 10 CFR 50.59 Review Program and the Environmental Evaluation Program. Therefore, Section 1.4.1 may be deleted in its entirety.

## NRC Staff's Analysis

Monitoring programs are either done, or are monitored by the cognizant State agency. Based on the existing requirements in NRC regulations, the NRC staff concludes that the annual report is not necessary and can be deleted. The staff also finds that removing the section on routine reports will relieve the licensee of an administrative burden of submitting duplicate reports. The proposed change has no adverse impact on safety and is acceptable.

### Section 1.4.2 Non-Routine Reports

#### Requested Action

Proposed changes to Section 1.4.2.1 are as follows:

- Insert a statement that a duplicate immediate report is not required when an event is reportable under 10 CFR 50.72.
- Revise timeframe to submit a written report from 10 working days to 30 days.
- Delete references to telephone or telegraph.
- Change to annotate that notification to be made to the NRC instead of specifying the Director of the NRC Regional Inspection and Enforcement Office.

This section requires that an environmental deviation as defined in Section 1.3.1, shall be made within 24 hours followed by a written report within 10 days. The licensee is required to notify the NRC in accordance with 10 CFR 50.72, "Immediate notification requirements for operating nuclear power reactors," and, therefore, a duplicate immediate report in accordance with this section is not necessary. The follow-up written report is still required.

The time requirement to follow up environmental deviation notifications with a written report within 10 working days has been revised to 30 days to be consistent with other AmerGen and Exelon stations. This is an administrative requirement and will still be done in accordance with 10 CFR 50.4, "Written communications."

In addition, administrative changes are proposed to delete reference to telephone and telegraph to accommodate current and possible future technological changes in communication methods. Notification of non-routine reports shall be made to the NRC instead of specifying the Director of the NRC Regional Inspection and Enforcement Office. This again, is to anticipate the possibility of future organizational changes within the NRC.

## NRC Staff's Analysis

The first change is a clarification to avoid the potential for duplicate reporting requirements. It should be noted that at the time the ETSs were developed, there was no environmental reporting requirement in 10 CFR 50.72. Thus, there was no issue with the potential for duplicate reporting. The second change, regarding the time frame to submit the written reports, brings this requirement in line with that in the other EPPs. The third change, regarding the specific methods of transmittal (e.g. by telephone, telegraph, or facsimile transmissions) deletes these details. This fourth change is administrative in nature, because it brings the text of the ETSs into conformance with the present methods used to notify the NRC. Based on this information, the NRC staff finds the proposed changes acceptable.

Section 1.4.2.2      Reporting Changes to the Plant or Permits

Requested Action

The proposed changes in Section 1.4.2.2 are to revise the reporting requirements related to approval or changes to the permits and certificates required by Federal, State, local and regional authorities.

Currently this section requires that changes and additions to the permits or certificates be reported to the NRC at the same time as they are submitted to the authorizing agency. The NRC relies on the State regulatory agency to regulate these matters; therefore, proposed changes will no longer be provided to the NRC. Changes to the permits or certificates will continue to be provided to the NRC in accordance with 10 CFR 50.4. Information related to environmental permits will continue to be available onsite for NRC review.

NRC Staff's Analysis

The ETSs require the licensees to provide the NRC staff with copies of proposed revisions to, or renewals of, the National Pollutant Discharge Elimination System (NPDES) permits. However, the NRC staff does not have a role in determining the NPDES limits for the plants. This responsibility lies with the appropriate NPDES permitting authority. Therefore, requiring the licensees to submit proposed NPDES permit changes is of little value to the NRC staff. The paragraph that will remain in the ETSs will still require the licensees to provide the staff with copies of the approved revised permits. This requirement will allow the NRC staff to remain cognizant of those environmental impacts of plant operation related to the permits. In addition, the ETSs will continue to require the licensees to evaluate plant changes for unreviewed environmental questions. This requirement ensures that significant changes to the environmental impacts of plant operation will receive an NRC staff review that is independent of the NPDES review by the permitting authority. While the NRC staff will have no role in setting the limits in the NPDES permit, the staff will consider other impacts (e.g., to threatened and endangered aquatic species) that may not be included in the NPDES review. Based on this information, the staff concludes that the proposed changes are acceptable.

Section 1.5.1      Records Retained for 5 Years

Requested Action

A change is proposed to remove the reference to log retention.

This section requires retention of records relative to principal maintenance activities of equipment pertaining to environmental impact, environmental deviations, periodic checks, inspections and/or calibrations performed, special study programs, and records of changes made to operating procedures, equipment, permits or certificates.

This section requires retention of records relative to the environmental aspects of plant operation and modifications determined to potentially affect the continued protection of the environment. An administrative requirement to maintain logs is deleted for clarity in that there are no dedicated environmental logs maintained at the sites. Records relative to the environment are required to be documented by specific State permits (i.e., NPDES Permit) and



Exelon Corporation's environmental administrative procedures. Such entries are maintained as part of station operating logs. The reference to environmental logs has been deleted for clarity but the objective of the original statement is maintained.

A requirement to maintain records of special study programs is deleted because there are no remaining special study programs in this Appendix B. Section 1.4.1 of the ETSs is deleted as proposed by this submittal; therefore, the reference to Section 1.4.1 is deleted in this section.

#### NRC Staff's Analysis

The proposed change regarding the types of records retained simplifies the ETSs by requiring the retention of records associated with the ETSs. The existing reference to data and logs refers to information that would have been collected under the now-completed monitoring programs. The changes to the stated retention period makes the requirement consistent with other similar requirements in the NRC regulations (e.g., 10 CFR 50.59, "Changes, tests, and experiments"). The NRC staff concludes that this proposed change is acceptable.

#### Section 1.5.2 Records Retained for Life of the Plant

##### Requested Action

A change is proposed to revise the retention timeframe from "the life of the plant" to "until the date of termination of the operating license." This administrative change is incorporated to acknowledge that records shall be maintained until the termination of the operating license instead of for the life of the plant. The proposed change in the retention timeframe to the termination of the operating license makes the requirement consistent with similar requirements in other regulations (i.e., 10 CFR 50.59). This change has been proposed to provide clarity but does not change the objective of the requirement.

##### NRC Staff's Analysis

The proposed change regarding the types of records retained simplifies the ETSs by requiring the retention of records associated with the ETSs. The existing reference to data and logs refers to information that would have been collected under the now-completed monitoring programs. The changes to the stated retention period makes the requirement consistent with other similar requirements in the NRC regulations (e.g., 10 CFR 50.59, "Changes, tests, and experiments"). The NRC staff concludes that this proposed change 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 amendment. The State official had no comments.

#### 5.0 ENVIRONMENTAL CONSIDERATION

This amendment changes recordkeeping, reporting, or administrative procedures or requirements. 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(70 FR 19112 ). Accordingly, the amendments meet 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 Contributors: A. Kugler  
C. Guerrero

Date: January 3, 2006