

July 17, 2007

MEMORANDUM TO: Harold K. Chernoff, Chief  
Plant Licensing Branch I-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

FROM: John D. Hughey, Project Manager */ra/*  
Plant Licensing Branch I-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

SUBJECT: PEACH BOTTOM ATOMIC POWER STATION, UNITS 2 AND 3 -  
NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO  
RENEWED FACILITY OPERATING LICENSES, PROPOSED NO  
SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION, AND  
OPPORTUNITY FOR A HEARING (TAC NOS. MD4823 AND MD4824)

Nuclear Regulator Commission letter dated July 11, 2007, was issued to place the enclosed No Significant Hazards Determination in the Federal Register (Agencywide Documents and Access Management Distribution System Accession No. ML0718702) . The subject Federal Register Notice is enclosed in this memorandum and signed in blue ink to facilitate processing into the Federal Register.

Docket Nos. 50-277/278

Enclosure:  
As Stated

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DATE	7/17/07	7/17/07

OFFICIAL RECORD COPY

UNITED STATES NUCLEAR REGULATORY COMMISSION  
EXELON GENERATION COMPANY, LLC, AND PSEG NUCLEAR, LLC  
DOCKET NOS. 50-277 AND 50-278  
NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO  
RENEWED FACILITY OPERATING LICENSES, PROPOSED NO SIGNIFICANT  
HAZARDS CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Renewed Facility Operating License Nos. DPR-44 AND DPR-56 issued to Exelon Generation Company, LLC, and PSEG Nuclear, LLC (the licensees), for operation of the Peach Bottom Atomic Power Station (PBAPS), Unit 2 and 3 located in York and Lancaster Counties, Pennsylvania.

The proposed amendment would modify the main steam isolation valve (MSIV) leakage Technical Specification (TS) Surveillance Requirement (SR) 3.6.1.3.14 to establish a total leakage rate limit for the sum of the four main steam lines.

Before issuance of the proposed license amendment, 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 Title 10 of the CODE OF FEDERAL REGULATIONS (10 CFR), Part 50, Section 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. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No

The proposed amendment results in no change in radiological consequences of the design basis LOCA as currently analyzed for Peach Bottom Atomic Power Station [PBAPS]. This analysis was calculated assuming a combined total MSIV leakage at accident pressure for determining acceptance to the regulatory limits for the offsite, control room and Technical Support Center (TSC) radiation doses as contained in 10CFR 100 and 10CFR 50, Appendix A, GDC 19. The proposed change does not compromise existing radiological equipment qualification, since the combined total MSIV leakage rate has been factored into existing equipment qualification analyses for 10CFR 50.49. This change will not alter the operation of process variables, structures, systems, or components as described in the PBAPS Updated Final Safety Analysis Report (UFSAR). The proposed amendment does not alter the operational capability of the MSIVs.

Therefore, based on the above information, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No

The proposed amendment does not modify the MSIVs or any other plant system or structure associated with this amendment and therefore, will not affect their capability to perform their design functions. The combined total main steam line leakage rate is included in the current radiological analyses for the assessment of radiation exposure following an accident. This proposal changes the allowable leakage rate from a per valve limit to a total combined leakage rate limit for all four main steam lines, but does not change the cumulative limit. The proposed change does not affect the responses of plant equipment to transient or accident conditions. The proposed amendment does not change or introduce any new equipment, modes of system operation or failure mechanisms.

Therefore, based on the above information, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No

The proposed amendment has no impact on equipment design or operation, and there are no changes being made to safety limits or safety system allowable values that would adversely affect plant safety. The proposed change does not affect safety analysis assumptions or initial conditions and therefore, the margin of safety in the original safety analyses are maintained. The leakage rate limit specified for the MSIVs is used to quantify the maximum amount of bypass leakage assumed in the LOCA radiological analysis. Results of the analysis are evaluated against the dose guidelines contained in 10CFR 100 and 10CFR 50, Appendix A, GDC 19. The margin of safety in this context is considered to be the difference between the calculated dose exposures and the guidelines provided by 10CFR 100 and GDC 19. Therefore, since the proposed combined total main steam line leakage rate limit is unchanged from the assumed maximum leakage rate for MSIVs for the purpose of calculating potential radiation dose, the margin of safety is not affected.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine 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.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take

action prior to the expiration of either the comment period or the notice period, it will publish in the *Federal Register* a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this *Federal Register* notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, 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 request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition 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. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. If a request for a hearing or petition for leave

to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, 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 general requirements: 1) the name, address and telephone number of the requestor or petitioner; 2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; 3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and 4) the possible effect of any decision or order which may be entered in the proceeding on the requestors/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner/requestor 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 petition must include 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 amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief.

A petitioner/requestor who fails to satisfy 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.

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 immediately 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 request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii).

A request for a hearing or a petition for leave to intervene must be filed by: 1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; 2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; 3) E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, [HEARINGDOCKET@NRC.GOV](mailto:HEARINGDOCKET@NRC.GOV); or 4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington,

DC, Attention: Rulemakings and Adjudications Staff at (301) 415-1101, verification number is (301) 415-1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301-415-3725 or by email to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). A copy of the request for hearing and petition for leave to intervene should also be sent to Mr. Brad Fewell, Assistant General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555, attorney for the licensee.

For further details with respect to this action, see the application for amendment dated March 6, 2007, which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have

access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 17th day of July 2007.

FOR THE NUCLEAR REGULATORY COMMISSION

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