



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 15, 2010

Mr. Michael J. Pacilio
President and Chief Nuclear Officer
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: PEACH BOTTOM ATOMIC POWER STATION, UNITS 1, 2 AND 3 - REQUEST FOR ADDITIONAL INFORMATION RELATED TO LICENSE AMENDMENT REQUEST TO ALLOW RECEIPT AND STORAGE OF LOW-LEVEL RADIOACTIVE WASTE GENERATED OFF-SITE (TAC NOS. ME3092 AND ME3093)

Dear Mr. Pacilio:

By letter to the Nuclear Regulatory Commission (NRC) dated January 6, 2010 (Agencywide Documents Access and Management System Accession No. ML100200009), Exelon Generation Company, LLC (EGC) submitted a request to revise paragraph 2.B(2) of License No. DPR-12 for the Peach Bottom Atomic Power Station (PBAPS) Unit 1, and paragraph 2.B(5) of License Nos. DPR-44 and DPR-56 for PBAPS Units 2 and 3, respectively. The proposed change would enable PBAPS to possess byproduct and special nuclear material from Limerick Generation Station (LGS), Units 1 and 2. Specifically, the revised license paragraph would enable EGC to store low-level radioactive waste (LLRW) from LGS in the PBAPS LLRW Storage Facility. The PBAPS LLRW Storage Facility currently provides storage for LLRW generated at PBAPS. The NRC staff has reviewed the request submitted by the licensee and determined that additional information is needed as set forth in the Enclosure.

The draft questions were sent to Mr. John L. Schrage, of your staff, to ensure that the questions were understandable, the regulatory basis for the questions was clear, and to determine if the information was previously docketed. On July 14, 2010, Mr. Schrage indicated that the licensee will submit a response by August 16, 2010. Please note that if you do not respond to this letter by the agreed-upon date or provide an acceptable alternate date in writing, we may reject your application for amendment under the provisions of Title 10 of the *Code of Federal Regulations*, Section 2.108.

If you have any questions, please contact John Hughey at (301) 415-3204.

Sincerely,

A handwritten signature in black ink that reads "John D. Hughey".

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

Docket Nos. 50-171, 50-277 and 50-278

Enclosure: As stated

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REQUEST FOR ADDITIONAL INFORMATION RELATED TO
LICENSE AMENDMENT REQUEST TO ALLOW RECEIPT AND STORAGE
OF LOW-LEVEL RADIOACTIVE WASTE GENERATED OFF-SITE
PEACH BOTTOM ATOMIC POWER STATION – UNITS 1, 2 AND 3
DOCKET NOS. 50-171, 50-277 AND 50-278

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- RAI-01: Provide a discussion of how any off-site generated waste would be managed, tracked and differentiated from PBAPS waste, with respect to any delineation of operating costs for the PBAPS LLRW storage facility and ultimate waste disposal or decommissioning costs. Also discuss whether there would be any resulting impacts on insurance or decommissioning financial assurance for PBAPS.
- RAI-02: Provide a discussion of the licensing basis and use of the LLRW storage facility with respect to PBAPS Unit 1. The original 10 CFR 50.59 evaluation regarding the LLRW storage facility, and referenced in the amendment request, does not address Unit 1. Furthermore, the PBAPS LLRW storage facility is not described in the Unit 1 Updated Final Safety Analysis Report.
- RAI-03: Provide a discussion of the legal and licensing issues related to the fact that PBAPS, Units 2 and 3 are jointly owned by PSEG Nuclear, LLC, (PSEG). As part owner of PBAPS, PSEG would be financially participating in the storage of LLRW from a facility (LGS) in which PSEG has no legal ownership.
- RAI-04: Provide a discussion of any legal authority enjoyed by the Commonwealth of Pennsylvania, as an Agreement State, with regard to the proposed transportation to and storage of LGS LLRW at PBAPS.

Enclosure

- RAI-05: Provide a technical justification for the storage of Class A LLRW from LGS at PBAPS. The amendment request states that Class A LLRW from LGS will continue to be stored at the Energy Solutions Complex in Clive, Utah, on page one of the LAR letter and that Class A LLRW will be stored at PBAPS, if needed, in Section 1.1 of Attachment 1. The proposed license change would allow storage of LGS Class A, as well as Class B and C, LLRW at PBAPS. However, only evaluation and analysis of Class B/C storage at PBAPS is included in the LAR.
- RAI-06: Provide a revised No Significant Hazards Consideration (NHSC) determination that addresses storage of Class A LLRW from LGS. The NHSC provided with the LAR does not address the potential for storage of Class A LLRW from LGS at PBAPS.

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Sincerely,
/ra/

John D. Hughey, Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
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