

10 CFR 50.51

May 24, 2011

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Peach Bottom Atomic Power Station, Unit 1
Facility Operating License No. DPR-12
NRC Docket No. 50-171

Subject: License Expiration – 10 CFR 50.51 ("Continuation of license")

As stated in the Peach Bottom Atomic Power Station (PBAPS), Unit 1, Operating License No. DPR-12, the current possession only license will expire on December 24, 2015. PBAPS, Unit 1, is currently in the SAFSTOR condition. The purpose of this letter is to confirm our understanding of 10 CFR 50.51(b) that no license amendment is necessary to extend the PBAPS, Unit 1, license expiration date.

Section 50.51(b) states in part: "Each license for a facility that has permanently ceased operations, continues in effect beyond the expiration date to authorize ownership and possession of the production or utilization facility, until the Commission notifies the licensee in writing that the license is terminated." Additionally, 10 CFR 50.82(a)(1)(iii) states that "[f]or licensees whose licenses have been permanently modified to allow possession but not operation of the facility, before the effective date of this rule [i.e., before August 28, 1996], the certifications [for permanent cessation of operations] shall be deemed to have been submitted." The license for PBAPS, Unit 1, was converted to a possession only license in 1975. Therefore, PBAPS, Unit 1, has permanently ceased operations, and pursuant to Section 50.51(b) the possession only license continues without need to amend the expiration date.

This interpretation is consistent with U.S. Nuclear Regulatory Commission (NRC) Regulatory Guide 1.184, "Decommissioning of Nuclear Power Reactors," which states in part (emphasis added):

Following submission of the certification for permanent cessation of operations, the facility license continues in effect beyond the expiration date until the NRC notifies the licensee in writing that the license has been terminated (10 CFR 50.51(b)). *No amendment to extend the expiration date of the license is required for a permanently shutdown facility.*

U.S. Nuclear Regulatory Commission
License Expiration
10 CFR 50.51 ("Continuation of license")
March 24, 2011
Page 2

Accordingly, Exelon Generation Company, LLC, requests NRC confirmation that an amendment is not needed to change this expiration date.

There are no commitments contained in this letter.

If any additional information is needed, please contact Tom Loomis at (610) 765-5510.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael D. Jesse", is written over a horizontal line. The signature is fluid and cursive.

Michael D. Jesse
Director - Licensing & Regulatory Affairs
Exelon Generation Company, LLC

cc: USNRC Regional Administrator, Region I,
USNRC Senior Resident Inspector, PBAPS
USNRC Project Manager, PBAPS
R. R. Janati, Commonwealth of Pennsylvania
P. Steinhauer, PSEG
S. T. Gray, State of Maryland