

UNITED STATES NUCLEAR REGULATORY COMMISSIONPHILADELPHIA ELECTRIC COMPANYDOCKET NO. 50-171NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
POSSESSION-ONLY LICENSE AND OPPORTUNITY FOR HEARING
PEACH BOTTOM ATOMIC POWER STATION, UNIT 1

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to License No. DPR-12, issued to Philadelphia Electric Company (the licensee), for the Peach Bottom Atomic Power Station, Unit 1 (Peach Bottom 1) located in York County, Pennsylvania. The amendment would involve revision of the Peach Bottom 1 License and associated Technical Specifications (TS) and a renewal of License No. DPR-12.

On October 31, 1974 Peach Bottom 1 was permanently shutdown. All spent fuel has been removed from the reactor site and License No. DPR-12 was amended to possession-only status on July 14, 1975. This amendment would accomplish the following:

- 1) Revision of License No. DPR-12 to delete provisions of the license relating to fuel, sources and the fission product trapping system since these materials and the trapping system have been removed from the site.
- 2) Revision of the TS to reflect the long term storage of residual radioactivity onsite. The TS requirements would be revised to reflect current licensee organization, to delete sections not applicable to SAFSTOR status, to add requirements for access control and inspections and to make TS consistent with current NRC record keeping and reporting requirements.

- 3) Renewal of Possession-Only License No. DPR-12 for 40 more years to December 24, 2015 as requested by licensee.

Before issuance of the proposed license amendment, the Commission will have made finding required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By November 13, 1989, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility 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 hearing and petition for leave to intervene. Requests for a hearing and petitions 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 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and at the Local Public Document Room located at the State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg Pennsylvania 17105. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, 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 factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of 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 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. Petitioner must provide 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 amendments under consideration. The contention must be one which, if proven, would

entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies 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, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, at 2120 L Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Seymour H. Weiss: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555 and to Troy B. Conner, Jr., Esquire; 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006 attorney for the licensee.

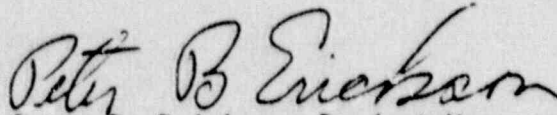
Untimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment for Items 1 and 2 above after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92. Issuance of the license renewal, Item 3, would require the completion of any required hearing regardless of the outcome of a no significant hazards consideration finding.

For further details with respect to this action, see the licensee's application dated November 24, 1975 as revised March 4, 1987, December 16, 1988, July 12, 1989 and August 23, 1989, which is available for public inspection at the Commission's Public Document Room at 2120 L Street, N.W., Washington, D.C. 20555 and at the State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Dated at Rockville, Maryland this 4th day of October 1989.

FOR THE NUCLEAR REGULATORY COMMISSION



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