

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 40-9027; License No. SMC-1562]

**Removal of the Cabot Corporation, Inc., Site in Revere, Pennsylvania From the Cabot License and the Site Decommissioning Management Plan**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of license amendment.

This notice is to inform the public that the United States Nuclear Regulatory Commission (the Commission) is amending Source Material License SMC-1562 issued to Cabot Corporation, Inc. (Cabot, formerly Kawecki Chemical Company—Penn Rare Division, and Kawecki Berylco Industries) to remove the Revere, Pennsylvania, site. Cabot processed pyrochlore-bearing ores to extract columbium and tantalum metals for use in high-strength alloys and electronic component manufacture. The ore processing generated waste slag contaminated with natural uranium and thorium. The Commission is releasing the Cabot site in Revere, Pennsylvania, for unrestricted use, is removing the site from the Site Decommissioning Management Plan (SDMP), and is removing the site from License SMC-1562. In 1990, the Commission developed the SDMP program for sites that warranted special attention to ensure timely decommissioning. This list included the Cabot Revere site. Cabot has supplied, and the Commission has reviewed, site characterization and dose assessment information. Based on the Commission's review, the Commission concludes that the unrestricted release dose criteria in 10 CFR 20.1402 have been met. Therefore the Commission concludes that the site is suitable for release for unrestricted use, and the Revere site is being removed from the SDMP and License SMC-1562.

This termination will be reopened only if additional contamination is found indicating a significant threat to the health and safety of the public and the environment, or if the licensee had provided false information.

Dated at Rockville, Maryland, this 4th day of September, 2001.

For the Nuclear Regulatory Commission.

**Larry W. Camper,**

*Chief, Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.*

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**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 50-277 and 50-278]

**Exelon Generation Company, LLC; PSEG Nuclear LLC, Atlantic City Electric Company; Peach Bottom Atomic Power Station, Unit Nos. 2 and 3; Exemption**

**1.0 Background**

Exelon Generation Company, LLC, PSEG Nuclear LLC, and Atlantic City Electric Company (the licensees) are the holders of Facility Operating License Nos. DPR-44 and DPR-56 which authorize operation of the Peach Bottom Atomic Power Station (PBAPS), Unit Nos. 2 and 3. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of dual unit boiling water reactors located in York County in Pennsylvania.

**2.0 Request/Action**

Title 10 of the Code of Federal Regulations (10 CFR), Section 50.71 "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "Subsequent revisions [to the Updated Final Safety Analysis Report (UFSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates [to the UFSAR] does not exceed 24 months." The two units at PBAPS share a common UFSAR, therefore, this rule requires the licensees to update the same document annually or within 6 months after each unit's refueling outage. Since each unit is on a staggered 24 month refueling cycle, updating after each refueling outage also results in an annual update. Single unit sites using a 24 month refueling cycle would only be required to update the UFSAR on a 24 month periodicity. The proposed exemption would allow updates to the combined UFSAR for PBAPS, Unit Nos. 2 and 3, to be submitted within 6 months following completion of each PBAPS Unit 2 refueling outage, not to exceed 24 months from the previous submittal.

In summary, the licensees have requested an exemption that would allow updates to the PBAPS UFSAR at a periodicity not to exceed 24 months, similar to the periodicity permitted for single unit sites.

**3.0 Discussion**

Pursuant to 10 CFR 50.12, the Commission may, upon application by

any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50, when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. The last change to 10 CFR 50.71(e)(4) was published in the **Federal Register** (57 FR 39358) on August 31, 1992, and became effective on October 1, 1992. The underlying purpose of the rule change was to relieve licensees of the burden of filing annual UFSAR revisions, especially if there had been no refueling outages since the previous revision. Most of the changes which lead to revision of the UFSAR occur during refueling outages. The revised 10 CFR 50.71(e)(4) also assured that such revisions are made at least every 24 months. However, as written, the burden reduction can only be realized by single-unit facilities, or multiple-unit facilities that maintain separate UFSARs for each unit. In the Summary and Analysis of Public Comments accompanying the 10 CFR 50.71(e)(4) rule change published in the **Federal Register** (57 FR 39355, 1992), the NRC acknowledged that the final rule did not provide burden reduction to multiple-unit facilities sharing a common UFSAR. The NRC stated: "With respect to the concern about multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis." Granting this exemption would provide burden reduction to PBAPS while still assuring that revisions to the PBAPS UFSAR are made at least every 24 months.

The NRC staff examined the licensee's rationale to support the exemption request and concluded that updating the PBAPS UFSAR within 6 months following completion of each PBAPS Unit 2 refueling outage, not to exceed 24 months from the previous submittal, meets the underlying purpose of 10 CFR 50.71(e)(4), since the PBAPS UFSAR would be updated at least every 24 months, similar to the UFSAR at a single unit site. The requirement to revise the UFSAR annually or within 6 months after the refueling outages for each unit, therefore, is not necessary to achieve the underlying purpose of the rule. In addition, the NRC previously acknowledged that the revision to 10 CFR 50.71(e)(4) did not directly address burden reduction for multiple-unit facilities that share a common UFSAR, but that such situations could be addressed on a case-by-case basis. The