

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 6th day of November, 2003.

For the Nuclear Regulatory Commission.

**Robert E. Martin, Sr.**

*Project Manager, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-425]

### Southern Nuclear Operating Company, Inc.; Notice of Consideration of Issuance of Amendment to Facility Operating License, 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 Facility Operating License No. NPF-81, issued to Southern Nuclear Operating Company, *et al.* (SNC, the licensee), for operation of the Vogtle Electric Generating Plant, Unit 2, located in Burke County, Georgia.

The proposed amendment would extend the surveillance interval for the Memories Test portion of the ACTUATION LOGIC TEST for: (1) Power Range Block (Switch position 1), (2) Intermediate Range Block (Switch position 2), (3) Source Range Block (Switch positions 3 and 4), (3) Safety Injection (SI) Block, Pressurizer (Switch positions 5 and 6), (4) SI Block, High Steam Pressure Rate (Switch positions 7 and 8), (5) Auto SI Block (Switch position 9), and (6) Feedwater Isolation on P14 or SI (Switch positions 10 and 11). In addition to the functions listed above, the licensee is requesting an extension of the surveillance interval for the portions of the ACTUATION LOGIC TEST for Feedwater Isolation on P14 or SI that pass through the memories circuits and the Power Range block of the Source Range Trip test for the Unit 2 Train B Solid State Protection System to the next refueling outage at the end of Cycle 10 or the next Unit 2 shutdown to MODE 5, whichever comes first.

Because the above-described surveillances will become due multiple times before the end of the current fuel cycle, and the Memories Test Switch is not functioning, the licensee is

requesting an exigent Technical Specification change in accordance with 10 CFR 50.91(a)(6) to extend the surveillance interval of the above-described tests. SNC is requesting that the surveillance interval be extended to the end of the current cycle (Cycle 10) or the next Unit 2 shutdown to MODE 5, whichever comes first.

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 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 change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change does not physically alter any plant structures, systems or components. The SSPS [Solid State Protection System] at VEGP [Votgle Electric Generating Plant] has a history of high reliability. In addition, similar changes to the surveillance interval for actuation logic testing for Westinghouse SSPS actuation logic has been approved by the NRC with their approval of WCAP-15376 and Technical Specification Task Force (TSTF) 411. Therefore[,] there will not be a significant increase in the probability of an accident previously evaluated. There will not be a significant increase in the consequences of any accident previously evaluated as a result of this Technical Specification amendment because the incremental condition large early release probability is very small in accordance with the criteria of Regulatory Guide 1.177. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

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

The proposed change involves an extension of a previously determined acceptable surveillance interval. The

proposed change does not introduce any new equipment, create new failure modes for existing equipment, or create any new limiting single failures. In addition, compensatory actions will be in place which will offset the very small increase in risk. Therefore, the requested Technical Specification amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

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

The extended surveillance interval for the SSPS ACTUATION LOGIC TEST has been shown to have a very small impact on plant risk using the criteria of Regulatory Guides 1.174 and 1.177. In addition, compensatory actions in place will be in place in the case of a failure of the functions listed above. Therefore, the enforcement discretion does not involve a significant reduction in a margin to safety.

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 14 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 the 14-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 14-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of 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, Rules and Directives 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, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

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

By December 2, 2003, 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 2.714, which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and available electronically 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 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 or 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 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 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 amendment 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.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, 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.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. Because of continuing disruptions in delivery of mail to United States Government offices, it is requested that petitions for leave to intervene and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to (301) 415-1101 or by e-mail to [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov). 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 because of continuing disruptions in delivery of mail to United States Government offices, it is requested that copies be transmitted either by means of facsimile transmission to (301) 415-3725 or by e-mail 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. Arthur H. Dombay, Troutman Sanders, NationsBank Plaza, Suite 5200, 600 Peachtree Street, NE., Atlanta, Georgia 30308-2216, attorney for the licensee.

Nontimely 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).

For further details with respect to this action, see the application for amendment dated November 4, 2003. The NRC staff has granted on November 4, 2003, and issued in writing on November 6, 2003, a Notice of Enforcement Discretion which is available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically 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 [pdrc@nrc.gov](mailto:pdrc@nrc.gov).

Dated at Rockville, Maryland, this 10th day of November, 2003.

For the Nuclear Regulatory Commission.

**Frank Rinaldi,**

*Project Manager, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 50-498 AND 50-499]

**STP Nuclear Operating Company; Notice of Withdrawal of Application for Amendments to Facility Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of STP Nuclear Operating Company (the licensee) to withdraw its June 28, 2001, application for proposed amendments to Facility Operating Licenses No. NPF-76 and No. NPF-80 for the South Texas Project, Units 1 and 2, located in Matagorda County, Texas.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on September 28, 2001, (66 FR 49710). However, by letter dated July 28, 2003, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendments dated June 28, 2001, the licensee's letter dated May 21, 2002 requesting that the NRC suspend its review of the June 28, 2001 application, and the licensee's letter dated July 28, 2003, which withdrew the June 28, 2001 application for the license amendments. 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 O-1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (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 encountered problems in accessing the documents located in ADAMS, should contact the

NRC PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737 or by email to [pdrc@nrc.gov](mailto:pdrc@nrc.gov).

Dated at Rockville, Maryland, this 12th day of November 2003.

For the Nuclear Regulatory Commission.

**David H. Jaffe,**

*Senior Project Manager, Section 1, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-309]

**Environmental Assessment and Finding of No Significant Impact Related to Maine Yankee Atomic Power Company's Request for Exemption From the Recordkeeping Requirements of 10 CFR 50.59(D)(3); 10 CFR Part 50, Appendix A; 10 CFR Part 50, Appendix B**

**I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is considering granting an exemption from the Recordkeeping requirements of Title 10 of the Code of Federal Regulations (10 CFR) 50.59(d)(3); 10 CFR Part 50, Appendix A; 10 CFR Part 50, Appendix B, for the Maine Yankee Plant as requested by Maine Yankee Atomic Power Company (MY) on July 14, 2003. An environmental assessment (EA) was performed by the NRC staff in support of its review of the exemption request.

**II. Environmental Assessment**

*Introduction*

MY is the licensee and holder of Facility Operating License No. DPR-36 for the Maine Yankee Plant, a permanently shut down decommissioning nuclear plant. On August 7, 1997, MY notified NRC that operations had permanently ceased and that fuel had been permanently removed from the reactor. MY submitted its final revised License Termination Plan (LTP) in October 2002, which the NRC approved on February 28, 2003. Decommissioning of the MY facility is approximately 80% complete. The nuclear reactor and all associated systems and components necessary for the safe generation of power have been removed from the facility and disposed of or sold off-site. In addition, the structures necessary for safe power generation are either demolished or in an advanced state of demolition. Safety-related structures, systems and

components (SSCs) remaining total less than five, all associated with the spent fuel pool. Removal of fuel from the pool is approximately half complete with all fuel scheduled to be removed in early 2004.

*Purpose and Need for Proposed Action*

The requested exemption and application of the exemption will eliminate an unwarranted financial burden on ratepayers associated with the storage of a large volume of hardcopy records.

*The Proposed Action*

The proposed action would allow the disposal of records, prior to termination of MY License No. DPR-36, when: (1) The nuclear power unit and associated support systems no longer exist for SSCs associated with safe power generation; or (2) spent nuclear fuel has been completely transferred from the spent fuel pool for SSCs associated with the safe storage of fuel in the spent fuel pool.

MY is not requesting any exemption associated with recordkeeping requirements for storage of spent fuel at its independent spent fuel storage installation under 10 CFR 50 or the general license requirements of 10 CFR 72.

*Alternatives to Proposed Action*

No action. Under this alternative MY would continue to store the records in question until license termination.

*The Affected Environment and Environmental Impacts*

None. The proposed action is purely administrative in nature and will have no effect on the environment.

*Agencies and Persons Contacted*

None.

*Conclusions*

NRC has determined that the proposed action will have no significant effect on the quality of the human environment.

**III. Finding of No Significant Impact**

Based on this review, the NRC staff has concluded that there are no significant impacts on the quality of the human environment. Accordingly, the staff has determined that preparation of an Environmental Impact Statement is not warranted, and a Finding of No Significant Impact is appropriate.

**IV. Further Information**

The licensee's request for the proposed action (ADAMS Accession No: ML032040178) and other related