

### 3.4 Summary

Based upon the review of the licensee's exemption request to credit soluble boron during DSC loading, unloading, and handling in the CCNPP SFP, the NRC staff concludes that pursuant to 10 CFR 50.12(a)(2) the licensee's exemption request is acceptable. However, the NRC staff places the following limitations and/or conditions on the approval of this exemption:

1. This exemption is limited to the loading, unloading, and handling of the DSC for only the TN NUHOMS-32P® at CCNPP.

2. This exemption is limited to the loading, unloading, and handling in the DSC at CCNPP of Combustion Engineering 14x14 fuel assemblies that had maximum initial, unirradiated U-235 enrichments of 4.5 weight percent.

### 4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants the licensee an exemption from the requirements of 10 CFR 50.68(b)(1) for the loading, unloading, and handling of the components of the Transnuclear NUHOMS-32P® dry cask storage system at CCNPP. However, since the licensee does not have an NRC-approved methodology for evaluating changes to the analyses or systems supporting this exemption request, the NRC staff's approval of the exemption is restricted to those specific design and operating conditions described in the licensee's December 21, 2004, exemption request. The licensee may not apply the 10 CFR 50.59 process for evaluating changes to specific exemptions. Any changes to the design or operation of (1) the dry cask storage system, (2) the SFP, (3) the fuel assemblies to be stored, (4) the boron dilution analyses, or (5) supporting procedures and controls, regardless of whether they are approved under the general Part 72 license or perceived to be conservative, will invalidate this exemption. Upon invalidation of the exemption, the licensee will be required to comply with NRC regulations prior to future cask loadings.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (70 FR 51853).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 2nd day of September, 2005.

For the Nuclear Regulatory Commission.

**Ledyard B. Marsh,**

*Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-395]

### South Carolina Electric & Gas Company; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of South Carolina Electric & Gas Company (the licensee) to withdraw its January 14, 2003, application for proposed amendment to Facility Operating License No. NPF-12 for the Virgil C. Summer Nuclear Station, Unit No. 1, located in Fairfield County, South Carolina.

The proposed amendment would have revised the Technical Specifications pertaining to emergency core cooling systems (ECCS); exclusion of safety injection pumps from the requirement to vent ECCS pumps.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on March 4, 2003 (68 FR 10281). However, by letter dated June 22, 2005, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated January 14, 2003, and the licensee's letter dated June 22, 2005, which withdrew the application for license amendment. 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 01 F21, 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 encounter 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 e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 8th day of September, 2005.

For the Nuclear Regulatory Commission.

**Robert E. Martin,**

*Senior 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. 50-244]

### R.E. Ginna Nuclear Power Plant, LLC; R.E. Ginna Nuclear Power Plant; Notice of Public Meeting To Obtain Comments on Request Regarding Proposed Release of Part of Site for Unrestricted Use

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Notice of public meeting.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is conducting a meeting, pursuant to Section 50.83, "Release of part of a power reactor facility or site for unrestricted use," of Part 50 of Title 10 of the Code of Federal Regulations (10 CFR), for purpose of obtaining comments from the public on the proposed release of part of the R.E. Ginna Nuclear Power Plant (Ginna Plant) site, located in Wayne County, New York.

**DATES:** The public meeting will be held on Wednesday, September 28, 2005, from 6 p.m. to 8 p.m. at the Ginna Plant Training Center, 1517 Lake Road Ontario, NY 14519.

**Travel Information:** From Rochester, take Interstate I-590 towards RT-590. Road name changes to SR-590. At exit 10B, take Ramp (Right) onto SR-104 towards RT-104/Webster. Turn LEFT (North) onto CR-102 (Lakeside Road). Turn RIGHT (East) onto CR-101 (Lake Road). Follow Lake Road to the Ginna Information Center.

**Notification of Attendance:** It is strongly encouraged that prospective participants contact NRC prior to the meeting to ensure adequate accommodations and to expedite the required visitor processing. Contact Shannine DiMora, telephone: (315) 524-6935; e-mail: [sjd1@nrc.gov](mailto:sjd1@nrc.gov), and submit participant name and affiliated organization by September 23, 2005. Also, it is suggested that attendees limit the amount of personal items and electronic devices brought into the