

particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. Under 10 CFR 50.12(a)(2)(v), special circumstances are present whenever the exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation.

The underlying purpose for conducting a biennial exercise is to ensure that emergency response organization personnel are familiar with their duties and to test the adequacy of emergency plans. In order to accommodate the scheduling of full participation exercises, the NRC staff has allowed licensees to schedule the exercises at any time during the calendar biennium. Conducting the full participation exercise at Surry in calendar year 2006 places the exercise past the previously scheduled biennial calendar year of 2005.

Since the last full participation exercise conducted at Surry on July 15, 2003, the licensee conducted Full Scale Plume exercises on April 13, 2004, and December 6, 2005, and also performed an unannounced plume phase exercise on August 25, 2004. In addition, four training exercises were conducted. The NRC staff considers the intent of this requirement met by having conducted these series of exercises and drills. The NRC staff considers these measures to be adequate to maintain an acceptable level of emergency preparedness during this period, satisfying the underlying purpose of the rule. Therefore, the special circumstances of 10 CFR 50.12(a)(2)(ii) are satisfied.

Only temporary relief from the regulation is provided by the requested exemption since Surry will resume its normal biennial exercise schedule in 2007. The licensee has made a good faith effort to comply with the regulation. The exemption is being sought by the licensee in response to a request by the Virginia DEM to postpone the exercise. The Virginia DEM requested this delay to allow for the completion of the new EOC, which is not scheduled for completion until January 2, 2006. In its letter dated May 20, 2005, FEMA stated that it supports the schedule change from December 6, 2005, to the first week of February 2006.

The NRC staff, having considered the schedule and resource issues with those agencies that participate in and evaluate the offsite portion of the full participation exercises, concludes that the licensee made a good faith effort to meet the requirements of the regulation. Therefore, the NRC staff concludes that

the exemption request meets the special circumstances of 10 CFR 50.12(a)(2)(v) and should be granted.

#### 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 Part 50, Appendix E, Section IV.F.2.b and c for Surry, Units 1 and 2.

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 72666).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 9th day of December 2005.

For the Nuclear Regulatory Commission.

**Edwin M. Hackett,**

*Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-443]

### FPL Energy Seabrook, LLC, Seabrook Station Unit No. 1; Environmental Assessment and Finding of No Significant Impact

The Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an amendment pursuant to Title 10 of the Code of Federal Regulations (10 CFR) part 50, for Facility Operating License No. NPF-86 issued to FPL Energy Seabrook, LLC (the licensee), for operation of Seabrook Station, Unit No. 1 (Seabrook), located in Rockingham County, New Hampshire. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

#### Environmental Assessment

##### Identification of the Proposed Action

The proposed action would extend the expiration date of the operating license for Seabrook from October 17, 2026, to March 15, 2030.

The proposed action is in accordance with the licensee's application for

amendment dated March 28, 2005, as supplemented September 23, 2005.

##### The Need for the Proposed Action

The current operating licensed term for Seabrook ends on October 17, 2026. This is 40 years from the date of the zero-power operating license, which was issued on October 17, 1986. The amendment would extend the expiration date of the operating license from October 17, 2026, to March 15, 2030. The extended date for termination of the operating license would be 40 years after issuance of the full-power operating license which was issued on March 15, 1990. This would allow the licensee to recapture approximately 41 months of additional plant operation for the unit. This proposed amendment is not a request for license renewal pursuant to 10 CFR Part 54.

##### Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that there are no significant environmental considerations involved with the proposed action. The extension of the operating licenses does not affect the design or operation of the plant, does not involve any modifications to the plant or any increase in the licensed power for the plant, and will not create any new or unreviewed environmental impacts that were not considered in the Final Environmental Statement (FES) related to the operation of Seabrook, NUREG-0895, dated December 1982. The evaluations presented in the FES were of the environmental impacts of generating power at Seabrook and the basis for granting a 40-year operating license for Seabrook. The environmental impacts of the proposed action are based on the evaluations in the FES. It should be noted that the Seabrook license was amended on February 28, 2005, to allow an increase in maximum core power by 5.2% (from 3411 megawatts thermal (MWt) to 3587 MWt). The environmental assessment of the power uprate was published in the **Federal Register** on February 14, 2005 (70 FR 7525).

The FES which, in general, assesses various impacts associated with operation of the facility in terms of annual impacts, and balances these against the anticipated annual energy production benefits.

The offsite exposure from releases during postulated accidents has been previously evaluated in the Updated Final Safety Analysis Report (UFSAR) for Seabrook. The results are acceptable when compared with the criteria defined in 10 CFR Part 100, as

documented in the Commission's Safety Evaluation Report, NUREG-0896, dated March 1983, and its nine supplements. As a result of this action there is no change in the types, frequency, or consequences of design-basis accidents.

The NRC staff has concluded that the impacts associated with the addition of approximately 41 months to the license expiration date are not significantly different from the operating license duration assessed in the Seabrook FES. Therefore, the staff concluded that the FES sufficiently addresses the environmental impacts associated with a full 40-year operating period for Seabrook.

The annual occupational exposure of workers at the plant, station employees and contractors, is reported in the Annual Operating Report submitted by the licensee. The lowest exposure value is for a year without a refueling outage, and the highest value is for a year with a refueling outage. In Section 5.9.3.1.1 of the FES, the average occupational exposure for a pressurized water reactor was reported as 440 person-rems. Therefore, the expected annual occupational exposure for the proposed extended period of operation does not change previous conclusions presented in the FES on occupational exposure.

The offsite exposure from releases during routine operations has been previously evaluated in Section 5.9.3 of the FES. During the low-power license, the plant was restricted to no more than five percent of rated power for no longer than 0.75 effective full power hours, and the generation of radioactivity at the plant was significantly smaller than would have occurred if the plant were at full-power operation. Therefore, the addition of approximately 41 months of operation that the licensee has requested does not change previous conclusions presented in the FES on annual public doses.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concluded that there are no significant environmental impacts associated with the proposed action.

#### *Environmental Impacts of the Alternatives to the Proposed Action*

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

#### *Alternative Use of Resources*

The action does not involve the use of any different resource than those previously considered in the FES for Seabrook.

#### *Agencies and Persons Consulted*

On December 8, 2005, the staff consulted with the New Hampshire State official, Mr. Mike Nawoj, and the Massachusetts State official, Mr. James Muckerheid, regarding the environmental impact of the proposed action. The State officials had no comments.

#### **Finding of No Significant Impact**

On the basis of the environmental assessment, the NRC concluded that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated March 28, 2005 as supplemented September 23, 2005. 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 O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (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 6th day of December 2005.

For the Nuclear Regulatory Commission.

**Darrell J. Roberts,**

*Branch Chief, Plant Licensing Branch I-2,  
Division of Operating Reactor Licensing,  
Office of Nuclear Reactor Regulation.*

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## **NUCLEAR REGULATORY COMMISSION**

### **Sunshine Act; Notice of Meetings**

**AGENCY HOLDING THE MEETINGS:** Nuclear Regulatory Commission.

**DATES:** Weeks of December 19, 26, 2005, January 2, 9, 16, 23, 2006.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

#### **Matters To Be Considered:**

*Week of December 19, 2005*

There are no meetings scheduled for the Week of December 19, 2005.

*Week of December 26, 2005—Tentative*

There are no meetings scheduled for the Week of December 26, 2005.

*Week of January 2, 2006—Tentative*

There are no meetings scheduled for the Week of January 2, 2006.

*Week of January 9, 2006—Tentative*

Tuesday, January 10, 2006

9:30 a.m.—Briefing on International Research and Bilateral Agreements. (Contact: Roman Shaffer, 301-415-7606).

This meeting will be webcast live at the Web address: <http://www.nrc.gov>.

Wednesday, January 11, 2006

9:30 a.m.—Meeting with Advisory Committee on Nuclear Waste (ACNW). (Contact: John Larkins, 301-415-7360).

This meeting will be webcast live at the Web address: <http://www.nrc.gov>.

Thursday, January 12, 2006

9:30 a.m.—Discussion of Security Issues (Closed—Ex. 1 & 2).

*Week of January 16, 2006—Tentative*

Thursday, January 19, 2006

1:30 p.m.—Discussion of Security Issues (Closed—Ex. 1 & 3).

*Week of January 23, 2006—Tentative*

There are no meetings scheduled for the Week of January 23, 2006.

\* The schedule for Commission meetings is subject to change on short