

Permit No. 2009 WM-004

David Rootes, Antarctic Logistics & Expeditions

Permit No. 2009-013

Robert Pittman

Nadene G. Kennedy,
Permit Officer.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52-014-COL and 52-015-COL; ASLBP No. 08-864-02-COL-BD01]

Atomic Safety and Licensing Board Panel; In the Matter of Tennessee Valley Authority (Bellefonte Nuclear Power Plant Units 3 and 4); Notice of Hearing (Application for Combined Operating License)

October 14, 2008.

Before the Licensing Board: G. Paul Bollwerk, III, Chairman; Dr. Anthony J. Baratta; Dr. William W. Sager.

This proceeding concerns the October 30, 2007 application of the Tennessee Valley Authority (TVA) for a 10 CFR Part 52 combined operating license (COL). This TVA COL application seeks approval for the construction and operation of two new nuclear reactors on the existing Bellefonte Nuclear Power Plant site near Scottsboro, Alabama. In response to a February 8, 2008 notice of hearing and opportunity to petition for leave to intervene, 73 FR 7611 (Feb. 8, 2008), as amended by Commission order on April 7, 2008, 73 *id.* 19,904 (Apr. 11, 2008), on June 6, 2008, the Southern Alliance for Clean Energy (SACE), the Blue Ridge Environmental Defense League (BREDL), and BREDL's Bellefonte Efficiency and Sustainability Team (BEST) chapter (collectively Joint Petitioners) filed a request for hearing and petition to intervene contesting the TVA COL application. On June 12, 2008, the Commission referred the petition to the Atomic Safety and Licensing Board Panel to conduct any subsequent adjudication. On June 18, 2008, a three-member Atomic Safety and Licensing Board was established to preside over the contested portion of this COL proceeding. *See* 73 FR 35,714 (June 24, 2008).¹

¹ Consistent with section 189a.(1)(A) of the Atomic Energy Act, 42 U.S.C. 2239(a)(1)(A), in connection with the TVA Bellefonte COL application the agency also must conduct a "mandatory" or "uncontested" hearing in which it will receive evidence from TVA and the NRC staff

On July 30, 2008, the Board conducted a one-day initial prehearing conference in Scottsboro, Alabama, during which it heard oral presentations regarding the standing of each of the Joint Petitioners, the timeliness of their hearing petition, and the admissibility of their twenty-four proffered contentions. Thereafter, in a September 12, 2008 issuance, finding that Joint Petitioners SACE and BREDL had established the requisite standing to intervene in this proceeding and that they had timely submitted four admissible contentions concerning the TVA COL application, the Board admitted these two entities as parties to this proceeding. *See Tennessee Valley Authority* (Bellefonte Nuclear Power Plant Units 3 and 4), LBP-08-16, 68 NRC _____ (Sept. 12, 2008).

In light of the foregoing, please take notice that a hearing will be conducted in this proceeding. Subject to any Board determination regarding any request to utilize formal hearing procedures under 10 CFR Part 2, Subpart G, *see* 10 CFR 2.310(d), the hearing on contested matters will be governed by the informal hearing procedures set forth in 10 CFR Part 2, Subparts C and L, 10 CFR 2.300-2.390, 2.1200-12.1213.

During the course of this contested proceeding, the Board may conduct an oral argument, as provided in 10 CFR 2.331, may hold additional prehearing conferences pursuant to 10 CFR 2.329, and may conduct evidentiary hearings in accordance with 10 CFR 2.327-2.328, 2.1206-2.1208. The public is invited to attend any oral argument, prehearing conference, or evidentiary hearing. Notices of those sessions will be published in the **Federal Register** and/or made available to the public at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville,

regarding matters raised by the presiding officer concerning the conduct of the staff's safety and environmental reviews. During that mandatory hearing, the presiding officer will explore issues associated with the Bellefonte COL application that are not the subject of this "contested" proceeding regarding the Joint Petitioners contentions admitted for litigation, and will make a determination concerning the adequacy of the staff's safety and environmental reviews, as well as certain independent National Environmental Policy Act findings. *See* 10 CFR 52.97(a)(1). Current Commission policy calls for the Commission itself to conduct the mandatory hearing for the Bellefonte Units 3 and 4 COL application. *See* Memorandum to Luis A. Reyes, Executive Dir. for Operations, Karen D. Cyr, General Counsel, Frank P. Gillespie, Executive Dir., Advisory Comm. on Reactor Safeguards, from Annette L. Vietti-Cook, Secretary of the Comm'n, Staff Requirements—COMDEK-07-0001/COMJSM-07-0001—Report of the Combined License Review Task Force at 1 (June 22, 2007) (ADAMS Accession No. ML071760109).

Maryland, and through the NRC Web site, <http://www.nrc.gov>.

Additionally, as provided in 10 CFR 2.315(a), any person not a party to the proceeding may submit a written limited appearance statement. Limited appearance statements, which are placed in the docket for the hearing, provide members of the public with an opportunity to make the Board and/or the participants aware of their concerns about matters at issue in the proceeding. A written limited appearance statement can be submitted at any time and should be sent to the Office of the Secretary using one of the methods prescribed below:

Mail to: Office of the Secretary, Rulemakings and Adjudications Staff, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Fax to: (301) 415-1101 (verification (301) 415-1966).

E-mail to: hearingdocket@nrc.gov.

In addition, a copy of the limited appearance statement should be sent to the Licensing Board Chairman using the same method at the address below:

Mail to: Administrative Judge G. Paul Bollwerk, III, Atomic Safety and Licensing Board Panel, Mail Stop T-3F23, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Fax to: (301) 415-5599 (verification (301) 415-7550).

E-mail to: gpb@nrc.gov.

At a later date, the Board may entertain oral limited appearance statements at a location or locations in the vicinity of the proposed site for Bellefonte Units 3 and 4. Notice of any oral limited appearance sessions will be published in the **Federal Register** and/or made available to the public at the NRC PDR and on the NRC Web site, www.nrc.gov.

Documents relating to this proceeding are available for public inspection at the Commission's PDR or electronically from the publicly available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). 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 pdr@nrc.gov. It is so ordered.

For the Atomic Safety and Licensing Board.²

² Copies of this notice of hearing were sent this date by the agency's E-Filing system to the counsel/representatives for (1) Applicant TVA; (2) Joint Intervenor SACE and BREDL; and (3) the staff.

Dated: October 14, 2008.

G. Paul Bollwerk, III,

Chairman, Rockville, Maryland.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-346]

FirstEnergy Nuclear Operating Company; Davis-Besse Nuclear Power Station, Unit No. 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission, NRC) is considering issuance of an amendment for Facility Operating License No. NPF-3, issued to FirstEnergy Nuclear Operating Company (the licensee, FENOC), for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (DBNPS) located in Ottawa County, Ohio. Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Sections 51.21 and 51.32, the NRC is issuing this environmental assessment and finding of no significant impact. The Notice of Consideration of Issuance of Amendment was published in the *Federal Register* (FR) on May 22, 2008 (73 FR 29787).

Environmental Assessment

Identification of the Proposed Action

The proposed action would be a full conversion from the current technical specifications (CTS) to the improved technical specifications (ITS) consistent with improved standard technical specifications as described in "Standard Technical Specifications Babcock and Wilcox Plants," Revision 3.0 (STS) (Agencywide Documents Access and Management System (ADAMS) Accession No. ML041800598). STS Revision 3.0 consists of the following NRC approved TS Task Force Travelers (TSTFS) TSTF-369 Revision 1, TSTF-372 Revision 4, TSTF-400 Revision 1, TSTF-439 Revision 2, TSTF-449 Revision 4, TSTF-479 Revision 0, TSTF-482 Revision 0, and TSTF-485 Revision 0. The proposed action also encompasses the beyond scope issues included in the Notice of Consideration of Issuance of Amendment.

The proposed action is in accordance with the licensee's application dated August 3, 2007 (ADAMS Accession No. ML072200448), as supplemented by letters dated May 16, 2008 (2 letters) (ADAMS Accession Nos. ML081480464 and ML081430105), July 23, 2008 (ADAMS Accession No. ML082070079),

August 7, 2008 (ADAMS Accession No. ML082270658), August 26, 2008 (ADAMS Accession No. ML082600594), and September 3, 2008 (ADAMS Accession No. ML082490154). The information provided to the Nuclear Regulatory Commission (NRC) staff through the joint NRC-FirstEnergy Nuclear Operating Company improved technical specifications (ITS) conversion web page hosted by Excel Services Corporation can be found in these supplements. To expedite its review of the application, the NRC staff issued its requests for additional information (RAI) through the DBNPS ITS Conversion web page and the licensee addressed the RAI by providing responses on the web page. Entry into the database is protected so that only the licensee and NRC reviewers can enter information into the database to add RAIs (NRC) or provide responses to the RAIs (licensee); however, the public can enter the database to read the questions asked and the responses provided. To be in compliance with the regulations for written communications for license amendment requests, and to have the database on the DBNPS dockets before the amendment is issued, the licensee will submit a copy of the database in a submittal to the NRC after there are no further RAIs and before the amendment is issued. The public can access the Web site by going to <http://www.excel-services.com>. Once at the Web site, click on "Davis Besse" on the left side of the screen. Upon clicking the link, the Web site will inform you that "you are about to enter the DAVIS BESSE Improved Technical Specification Licensing On-Line Question and Answer Database." At this point, click on "Click Here to continue." This will bring you to the ITS Licensing Database. The RAIs and responses to RAIs are organized by ITS Sections 1.0, 2.0, 3.0, 3.1 through 3.9, 4.0, and 5.0. For every listed ITS section, there is a RAI which can be read by clicking on the ITS section number. The RAI question(s) and the licensee's response(s) are contained on the same web page.

The Need for the Proposed Action

The Commission's "Proposed Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors" (52 FR 3788), dated February 6, 1987, contained an Interim Policy Statement that set forth objective criteria for determining which regulatory requirements and operating restrictions should be included in the technical specifications (TS). When it issued the Interim Policy Statement, the Commission also requested comments

on it. Subsequently, to implement the Interim Policy Statement, each reactor vendor owners group and the NRC staff began developing STS for reactors supplied by each vendor. The Commission then published its "Final Policy Statement on Technical Specifications Improvements for nuclear Power reactors" (58 FR 39132), dated July 22, 1993, in which it addressed comments received on the Interim Policy Statement, and incorporated experience in developing the STS. The Final Policy Statement formed the basis for a revision to 10 CFR 50.36 (60 FR 36953), dated July 19, 1995, that codified the criteria for determining the content of TS. The NRC Committee to Review Generic Requirements reviewed the STS, made note of their safety merits, and indicated its support of conversion by operating plants to the STS. For DBNPS, NUREG-1430 Revision 3.0 and the following NRC approved TSTF-369 Revision 1, TSTF-372 Revision 4, TSTF-400 Revision 1, TSTF-439 Revision 2, TSTF-449 Revision 4, TSTF-479 Revision 0, TSTF-482 Revision 0, and TSTF-485 Revision 0, document the STS and form the basis for DBNPS conversion to the ITS.

The proposed changes to the CTS are based on NUREG-1430 and the guidance provided in the Final Policy Statement. The objective of this action is to rewrite, reformat, and streamline the CTS (i.e., to convert the CTS to the ITS). Emphasis was placed on human factors principles to improve clarity and understanding. The ITS Bases section has been significantly expanded to clarify and better explain the purpose and foundation of each specification. In addition to NUREG-1430, portions of the CTS were also used as the basis for the development of the DBNPS ITS. The NRC staff discussed plant-specific issues (i.e., unique design features, requirements, and operating practices) with the licensee.

Relocated specifications include those changes to the CTS that relocate certain requirements which do not meet the 10 CFR 50.36 selection criteria. These requirements may be relocated to the Bases section, updated safety analysis report, core operating limits report, operational quality assurance plan, plant procedures, or other licensee-controlled documents. Relocating requirements to licensee-controlled documents does not eliminate them, but rather, places them under more appropriate regulatory controls (i.e., 10 CFR 50.54(a)(3), and 10 CFR 50.59) to manage their implementation and future changes.