

PPL Susquehanna, LLC, Docket Nos. 50-387 and 50-388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of application for amendments: July 31, 2008.

Brief description of amendments: The amendments changed the PPL Susquehanna, LLC (PPL) Units 1 and 2 Technical Specification 3.6.1.3 "Primary Containment Isolation Valves (PCIVs)." It revised the Secondary Containment Bypass Leakage limit in Surveillance Requirement 3.6.1.3.11 from "less than or equal to 9 standard cubic foot/feet per hour (scfh)" to "less than or equal to 15 scfh when pressurized to greater than or equal to Pa."

Date of issuance: March 18, 2009.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 251 for Unit 1 and 231 for Unit 2.

Facility Operating License Nos. NPF-14 and NPF-22: The amendments revised the License and Technical Specifications.

Date of initial notice in Federal Register: November 18, 2008 (73 FR 68455). The Commission's related evaluation of the amendments is contained in a Safety Evaluation (SE) dated March 18, 2009.

No significant hazards consideration comments received: No. However, comments have been received from the Commonwealth of Pennsylvania and have been addressed in the SE.

Virginia Electric and Power Company, Docket Nos. 50-338 and 50-339, North Anna Power Station, Units 1 and 2, Louisa County, Virginia

Date of application for amendment: March 19, 2008, as supplemented October 7, 2008, November 17, 2008, and December 10, 2008.

Brief description of amendment: The amendments revise the technical specifications (TSs) to (1) delete TS 3.7.13, "MCR/ESGR Bottled Air System," (2) create TS 3.3.6, "Main Control Room/Emergency Switchgear Room (MCR/ESGR) Envelope Isolation Actuation Instrumentation," to establish the operability requirements for the MCR/ESGR envelope isolation function, and (3) incorporate TS 3.7.14, "MCR/ESGR Emergency Ventilation During Movement of Recently Irradiated Fuel Assemblies," into TS 3.7.10, "MCR/ESGR Emergency Ventilation System." The changes revise the TSs to be consistent with the assumptions of the current dose analysis of record,

performed in accordance with Title 10 of the *Code of Federal Regulations*, Section 50.67, "Accident Source Term," and the results of the nonpressurized MCR/ESGR envelope tracer gas testing.

Date of issuance: March 25, 2009.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment Nos.: 255/236.

Renewed Facility Operating License Nos. NPF-4 and NPF-7: Amendments change the licenses and the technical specifications.

Date of initial notice in Federal Register: April 22, 2008 (73 FR 21661). The supplements dated October 7, 2008, November 17, 2008, and December 10, 2008, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 25, 2009.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 30th of March, 2009.

For the Nuclear Regulatory Commission.

Joseph G. Giitter,

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

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-315 and 50-316; NRC-2009-0153]

Indiana Michigan Power Company; Donald C. Cook Nuclear Plant, Units 1 and 2; Exemption

1.0 Background

The Indiana Michigan Power Company (the licensee) is the holder of Facility Operating License Nos. DPR-58 and DPR-74, which authorizes operation of the Donald C. Cook Nuclear Plant, Units 1 and 2. The licenses provide, 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 two pressurized-water reactors located in Berrien County in Michigan.

2.0 Request/Action

Title 10 of the Code of Federal Regulations, Part 50, Section 36a(a)(2) (10 CFR 50.36a(a)(2)) requires each licensee to submit a report to the Commission annually that specifies the quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents during the previous 12 months, including any other information as may be required by the Commission to estimate maximum potential annual radiation doses to the public resulting from effluent releases. The report must be submitted as specified in Section 50.4, and the time between report submittals must be no longer than 12 months.

The licensee has proposed an amendment to Technical Specification 5.6.3 to change the submittal date for the report from "within 90 days of January 1 of each year" to "prior to May 1 of each year." Therefore, the licensee has requested a one-time exemption from the 12-month reporting criteria specified in 10 CFR 50.36a(a)(2) for its submittal of the 2008 Radioactive Effluent Release Report.

In summary, the exemption does not affect the information required to be submitted or the time period the report covers, only the date the report is submitted.

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. These circumstances include the special circumstances that would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation.

Authorized by Law

This exemption would allow the licensee to submit the 2008 Radioactive Effluent Release Report prior to May 1, 2009, which would exceed the report submittal requirement of no longer than 12 months specified in 10 CFR 50.36a(a)(2). As stated above, 10 CFR 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR Part 50. The NRC staff has determined that granting of the licensee's proposed exemption will not

result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

No Undue Risk to Public Health and Safety

The underlying purpose of the reporting requirements specified in 10 CFR 50.36a(a)(2) is to report to the Commission annually the quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents during the previous 12 months, including any other information as may be required by the Commission to estimate maximum potential annual radiation doses to the public resulting from effluent releases. This exemption does not affect the information required to be submitted or the time period the report covers, only the date the report is submitted. Based on the above, no new accident precursors are created by extending the submittal date for the 2008 Radioactive Effluent Release Report to prior to May 1, 2009. Thus, the probability of postulated accidents is not increased. Also, based on the above, the consequences of postulated accidents are not increased. Therefore, there is no undue risk to public health and safety.

Consistent With Common Defense and Security

The proposed exemption would allow the licensee to submit the 2008 Radioactive Effluent Release Report prior to May 1, 2009, which would exceed the report submittal requirement of no longer than 12 months specified in 10 CFR 50.36a(a)(2). This change has no relation to security issues. Therefore, the common defense and security is not impacted by this exemption.

Special Circumstances

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(v), are present whenever application of the regulation 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 of the reporting requirement specified in 10 CFR 50.36a(a)(2) is to require each licensee to submit a report to the Commission annually that specifies the quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents, including any other information as may be required by the Commission to estimate maximum potential annual radiation doses to the public resulting from effluent releases. The proposed amendment does not affect the

information required to be submitted or the time period the report covers, only the date the report is to be submitted. The requested exemption provides temporary relief from the regulation in that it affords a one-time extension for submitting the annual report. The proposed amendment is an appropriate means to ensure that future reports are submitted on an annual basis as required by 10 CFR 50.36a(a)(2). Therefore, since the underlying purpose of 10 CFR 50.36a(a)(2) is achieved, the special circumstances of 10 CFR 50.12(a)(2)(v) for the granting of an exemption from 10 CFR 50.36a(a)(2) exists.

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 Indian Michigan Power Company a one-time exemption from the requirements of 10 CFR 50.36a(a)(2), for Donald C. Cook Nuclear Plant, 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 (74 FR 9315)

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 30th day of March, 2009.

For the Nuclear Regulatory Commission.

Joseph G. Giitter,

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

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-289; NRC-2009-0154]

Exelon Generation Company, LLC, Three Mile Island Nuclear Station, Unit No. 1; Exemption

1.0 Background

The Exelon Generation Company (Exelon, the licensee, formerly AmerGen Energy Company, LLC) is the holder of Facility Operating License No. DPR-50 which authorizes operation of the Three Mile Island Nuclear Station, Unit 1 (TMI-1). 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 a pressurized water reactor (PWR) located in Dauphin County, Pennsylvania.

2.0 Request/Action

Title 10 of the *Code of Federal Regulations* (10 CFR), part 50, Section 50.48, requires that nuclear power plants that were licensed before January 1, 1979, must satisfy the requirements of 10 CFR part 50, Appendix R, Section III.G, "Fire protection of safe shutdown capability." TMI-1 was licensed to operate prior to January 1, 1979. As such, the licensee's Fire Protection Program (FPP) must satisfy the established fire protection features of 10 CFR Part 50, Appendix R, Section III.G. NRC Regulatory Information Summary (RIS) 2006-10, "Regulatory Expectations with Appendix R Paragraph III.G.2, Operator Manual Actions," noted that NRC inspections identified that some licensees had relied upon operator manual actions, instead of the options specified in 10 CFR part 50, Appendix R, Section III.G.2 (III.G.2) as a permanent solution to resolve issues related to Thermo-Lag 330-1 fire barriers.

In a letter dated February 4, 2008 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML080350369), supplemented by letter dated January 28, 2009 (ADAMS Accession Number ML090280577), the licensee identified one operator manual action that was previously included in correspondence with the NRC and found acceptable in a fire protection-related Safety Evaluation (SE) dated September 7, 1988 (ADAMS Accession Number ML082060262). However, RIS 2006-10 identifies that an exemption under 10 CFR 50.12 is necessary for the use of operator manual actions in lieu of the requirements of III.G.2 even if the NRC previously issued an SE that found the manual actions acceptable.

The licensee also identified a second operator manual action that was previously permitted for use in a fire area covered by 10 CFR part 50, Appendix R, Section III.G.3 (III.G.3). As such, an exemption was not required because the action was found acceptable as part of a safety evaluation for alternate shutdown. However, since the fire area of origin requiring this manual action was reclassified as a III.G.2 area, the manual action requires approval for use in a III.G.2 area. Since III.G.2 is a separate part of the rule and this action is not considered previously approved for III.G.2, the NRC has preformed a new