

responding to emergencies, monitoring ongoing events, confirming licensing bases, studying potentially generic safety problems, assessing trends and patterns of operational experience, monitoring performance, identifying precursors of more significant events, and providing operational experience to the industry. Sections 1 and 2 of NUREG-1022, Revision 3 contain general guidance applicable to all event reports. Section 3 of NUREG-1022, Revision 3 contains guidance for each of the specific reporting criterion found within the rule. Section 4 of NUREG-1022 Revision 3 contains additional general guidance applicable to reports submitted under 10 CFR 50.72. Section 5 of NUREG-1022, Revision 3 contains additional general guidance applicable to reports submitted under 10 CFR 50.73.

Section 3.2.13 of NUREG-1022, Revision 3 provides guidance for reporting to the NRC the events listed under 10 CFR 50.72(b)(3)(xiii): any event that results in a major loss of emergency assessment capability, offsite response capability, or offsite communications capability. Although some of the guidance is specific, much of the guidance is general in nature. In many areas, the decision to report under 10 CFR 50.72(b)(3)(xiii) involves a licensee's use of engineering judgment. A licensee's use of engineering judgment can result in inconsistent application. During public meetings conducted on April 3, 2013 (ADAMS Accession No. ML13100A390), and on May 7, 2013 (ADAMS Accession No. ML13109A228), the NRC discussed with external stakeholders, including the NEI, what specific considerations might be evaluated against when the NRC determines if acceptable engineering judgment was applied by a licensee. NEI 13-01, "Reportable Action Levels for Loss of Emergency Preparedness Capabilities," (ADAMS Accession No. ML13281A794) was then drafted with the purpose of providing a detailed uniform approach to reporting under 10 CFR 50.72(b)(3)(xiii). NEI 13-01 provides specific guidance for reporting under 10 CFR 50.72(b)(3)(xiii). By letter dated October 8, 2013 (ADAMS Accession No. ML13281A780), NEI requested NRC endorsement of NEI 13-01. It should also be noted that some of the specific guidance found in NEI 13-01, differs from certain specific positions found in Section 3.2.13 of NUREG-1022, Revision 3.

In draft NUREG-1022, Revision 3, Supplement 1, "Event Reporting Guidelines: 10 CFR 50.72(b)(3)(xiii)" (ADAMS Accession No. ML14114A384), the NRC proposes to endorse NEI 13-01,

"Reportable Action Levels for Loss of Emergency Preparedness Capabilities," dated October 2013, as an acceptable alternative to guidance found in Section 3.2.13 of NUREG-1022, Revision 3, for reporting considerations associated with 10 CFR 50.72(b)(3)(xiii).

Since Sections 1, 2, and 4 of NUREG-1022, Revision 3 contain general guidance for event reporting that would still be applicable to reports submitted under 10 CFR 50.72(b)(3)(xiii), these sections are not considered superseded by licensee adoption of NEI 13-01.

### III. Backfitting and Issue Finality

Draft NUREG-1022, Revision 3, Supplement 1, if finalized, would provide guidance on the method that the NRC staff finds acceptable for a licensee to meet the information and collection requirements of 10 CFR 50.72(b)(3)(xiii). The issuance of this guidance would not be backfitting, as the term is defined in 10 CFR 50.109, or inconsistent with the issue finality provisions on 10 CFR part 52, because information collection and reporting requirements are not included within the scope of the NRC's backfitting protections or part 52 finality provisions.

Dated at Rockville, Maryland, this 25th day of April 2014.

For the Nuclear Regulatory Commission.

**Christopher Regan,**

*Branch Chief, Reactor Inspection Branch,  
Division of Inspections and Regional Support,  
Office of Nuclear Reactor Regulation.*

[FR Doc. 2014-10141 Filed 5-1-14; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52-027 and 52-028; NRC-2008-0441]

### Virgil C. Summer Nuclear Station, Units 2 and 3; South Carolina Electric and Gas; Changes to Chemical and Volume Control System

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Exemption and combined license amendment; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and issuing License Amendment No. 11 to Combined Licenses (COL) NPF-93 and NPF-94. The COLs were issued to South Carolina Electric and Gas (SCE&G) and South Carolina Public Service Authority (Santee Cooper) (the

licensee), for construction and operation of the Virgil C. Summer Nuclear Station (VCSNS), Units 2 and 3 located in Fairfield County, South Carolina. The amendment requests changes that modify the Chemical and Volume Control System (CVS), including changes to information located in Tier 1 Tables 2.3.2-1 and 2.3.2-2, and Tier 1 Figures 2.2.1-1 and 2.3.2-1. The granting of the exemption allows the changes to Tier 1 information as specified in the license amendment request (LAR). Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

**ADDRESSES:** Please refer to Docket ID NRC-2008-0441 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document, using any of the following methods:

- Federal Rulemaking Web site: Go to <http://www.regulations.gov> and search for Docket ID NRC-2008-0441. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- NRC's Agencywide Documents Access and Management System (ADAMS): You may access publicly available documents online in the ADAMS Public Documents Collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Denise McGovern, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-0681; email: [Denise.McGovern@nrc.gov](mailto:Denise.McGovern@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

## I. Introduction

The NRC is granting an exemption from Paragraph B of Section III, "Scope and Contents," of Appendix D, "Design Certification Rule for the AP1000 Design," to Part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR) and issuing License Amendment No. 11 to COLs, NPF-93 and NPF-94, to the licensee. The request for the amendment and exemption were submitted by letter dated March 13, 2013 (ADAMS Accession No. ML13074A698). The licensee supplemented this request on July 11, 2013 (ADAMS Accession No. ML13197A430) October 28, 2013 (ADAMS Accession No. ML13305A224), and November 26, 2013 (ADAMS Accession No. ML13338A272). The exemption is required by Paragraph A.4 of Section VIII, "Processes for Changes and Departures," Appendix D to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought to modify the design of the CVS. As part of this request, the licensee needed to change information located in Tier 1 Tables 2.3.2-1 and 2.3.2-2, and Tier 1 Figures 2.2.1-1 and 2.3.2-1. These changes were necessary as part of a design modification which provides a spring-assisted check valve to the Reactor Coolant System Purification Return Line in order to maintain overpressure protection, replaces an isolation check valve in the CVS with an air operated globe valve, and separates the zinc and hydrogen injection lines.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and Section VIII.A.4 of Appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML13357A658.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VCSNS Units 2 and 3 (COLs NPF-93 and NPF-94). These documents can be found in ADAMS under Accession Nos. ML13357A569 and ML13357A598. The exemption is reproduced (with the exception of abbreviated titles and additional

citations) in Section II of this document. The amendment documents for COLs NPF-93 and NPF-94 are available in ADAMS under Accession Nos. ML13357A498 and ML13357A539. A summary of the amendment documents is provided in Section III of this document.

## II. Exemption

Reproduced below is the exemption document issued to VCSNS Units 2 and 3. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated March 13, 2013, and as supplemented by the letters dated July 11, October 28, and November 26, 2013, South Carolina Electric & Gas Company (licensee) requested from the U. S. Nuclear Regulatory Commission (Commission) an exemption from the provisions of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, Appendix D, "Design Certification Rule for the AP1000 Design, Scope, and Contents," Section III.B, as part of license amendment request, (LAR 13-07) "Changes to the Chemical and Volume Control System."

For the reasons set forth in Section 3.1 of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML13357A658, the Commission finds that:

- A. The exemption is authorized by law;
- B. the exemption presents no undue risk to public health and safety;
- C. the exemption is consistent with the common defense and security;
- D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;
- E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and
- F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption to the provisions of 10 CFR part 52, Appendix D, Section III.B, to allow deviations from the certified Design Control Document (DCD) Tier 1 Figures 2.2.1-1 and 2.3.2-1 and Tables 2.3.2-1 and 2.3.2-2, as described in the licensee's request dated March 13, 2013, and supplemented by the letters dated July 11, October 28, and November 26, 2013. This exemption is related to, and necessary for the granting of License Amendment No. 11, which is being

issued concurrently with this exemption.

3. As explained in Section 5.0 of the NRC staff's Safety Evaluation (ADAMS Accession No. ML13357A658), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of February 24, 2013.

## III. License Amendment Request

By letter dated March 13, 2013, the licensee requested that the NRC amend the COLs for VCSNS Units 2 and 3, COLs NPF-93 and NPF-94. The licensee supplemented this application on July 11, October 28, and November 26, 2013. The proposed amendment would depart from Tier 2 Material previously incorporated into the UFSAR. Additionally, these Tier 2 changes involve changes to Tier 1 Information in the UFSAR, and the proposed amendment would also revise the associated material that has been included in Appendix C of each of the VCSNS, Units 2 and 3 COLs. The requested amendment will revise the Tier 2 UFSAR information pertaining to the CVS, found throughout the UFSAR. These Tier 2 changes require modifications to particular information located in Tier 1 Tables 2.3.2-1 and 2.3.2-2, and Tier 1 Figures 2.2.1-1 and 2.3.2-1. These changes were necessary as part of a design modification which provides a spring-assisted check valve to the Reactor Coolant System Purification Return Line in order to maintain overpressure protection, replaces an isolation check valve in the CVS with an air operated globe valve, and separates the zinc and hydrogen injection lines.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on

April 2, 2013 (78 FR 19746). No comments were received during the 60-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

#### IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested on March 13, 2013 and revised by letter dated July 11, October 28, and November 26, 2013. The exemption and amendment were issued on February 24, 2014 as part of a combined package to the licensee (ADAMS Accession No. ML13357A436).

Dated at Rockville, Maryland, this 28th day of April 2014.

For the Nuclear Regulatory Commission.

**Lawrence J. Burkhart,**

*Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.*

[FR Doc. 2014-10113 Filed 5-1-14; 8:45 am]

BILLING CODE 7590-01-P

#### NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-250 and 50-251; NRC-2014-0100]

#### Florida Power & Light Company; Turkey Point Nuclear Generating Unit Nos. 3 and 4

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License amendment application; withdrawal by applicant.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) received a request from Florida Power & Light Company (the licensee) to withdraw its application dated October 30, 2012, for proposed amendments to Renewed Facility Operating License Nos. DPR-31 and DPR-41. The proposed amendments would have revised Technical Specification (TS) 3/4.5.2, "ECCS [Emergency core cooling system] Subsystems— $T_{avg}$  Greater Than or Equal To 350 °F [degrees Fahrenheit]," and TS 3/4.8.1, "A.C. [Alternating Current] Sources." The NRC permitted the licensee to withdraw the application.

**ADDRESSES:** Please refer to Docket ID NRC-2014-0100 when contacting the NRC about the availability of information regarding this document. You may access publicly available

information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov>, and search for Docket ID NRC-2014-0100. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents," and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

#### FOR FURTHER INFORMATION CONTACT:

Audrey L. Klett, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-0489; email: [Audrey.Klett@nrc.gov](mailto:Audrey.Klett@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The NRC permitted Florida Power & Light Company to withdraw its application dated October 30, 2012 (ADAMS Accession No. ML12307A019), for proposed amendments to Renewed Facility Operating License Nos. DPR-31 and DPR-41 for the Turkey Point Nuclear Generating Unit Nos. 3 and 4, respectively, located in Miami-Dade County, Florida. The proposed amendments would have revised TS 3/4.5.2, "ECCS Subsystems— $T_{avg}$  Greater Than or Equal To 350 °F," and TS 3/4.8.1, "A.C. Sources."

The NRC issued a Notice of Consideration of Issuance of Amendments to Facility Operating Licenses published in the **Federal Register** (FR) on February 19, 2013 (78 FR 11692). However, by letter dated March 26, 2014 (ADAMS Accession No. ML14104B433), the licensee requested to withdraw the proposed amendments.

Dated at Rockville, Maryland, this 21st day of April 2014.

For the Nuclear Regulatory Commission.

**Audrey L. Klett,**

*Project Manager, Plant Licensing Branch II-2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2014-10148 Filed 5-1-14; 8:45 am]

BILLING CODE 7590-01-P

#### NUCLEAR REGULATORY COMMISSION

[Docket No. 40-09091; NRC-2011-0148]

#### Issuance of Materials License and Staff's Record of Decision for Strata Energy, Inc. Ross ISR Project

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License and staff's record of decision; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has issued a license to Strata Energy, Inc. (Strata) for its Ross Uranium *In-Situ* Recovery (ISR) Facility in Crook County, Wyoming. Under conditions listed in the license, the Source and Byproduct Materials License SUA-1601 authorizes Strata to operate its facilities as proposed in its license application, as amended, and to possess uranium source and byproduct material at the Ross ISR Facility. In addition, the NRC staff has published a record of decision (ROD) that supports the NRC's decision to approve Strata's license application for the Ross ISR Facility and to issue the license.

**ADDRESSES:** Please refer to Docket ID NRC-2011-0148 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2011-0148. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

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