

areas in a letter dated July 11, 2013 (ADAMS Package ML13205A152), followed by a corrected background count rate for the FSSR on August 19, 2013 (ADAMS Accession No. ML13235A009).

In a letter dated February 26, 2014 (ADAMS Accession No. ML14063A207), the UM confirmed that FNR systems and components had been transferred to the UM Broad Scope license No. 21-00215-04 by Amendment No. 102, in accordance with the approved DP, and requested termination of the FNR license. The Amendment No. 102 transfer was approved by the NRC, with a correction, on February 19, 2014 (ADAMS Accession No. ML14055A189). On June 23, 2014, NRC inspectors confirmed that site conditions were acceptable for license termination (ADAMS Accession No. ML14197A232). Additionally, NRC staff has reviewed the FNR FSSR. The FNR FSSR states that the criteria for termination set forth in FNR's license (R-28), and as established in its DP and FSSP have been satisfied.

The FSSR indicates that all but one of the individual radiological measurement determinations made throughout the facility for surface contamination (both total and removable) were found to be less than the criteria established in the DP, which is acceptable in accordance with the MARSSIM statistical methodology. Similarly, sample results from soil, and sediments were found to be less than the volumetric radionuclide concentration criteria established in the DP. Additionally, all the radioactive wastes have been removed from the facility. For these reasons, the NRC staff has determined that the survey results in the report comply with the criteria in the NRC approved DP and the release criteria in subpart E of part 20 of Title 10 of the *Code of Federal Regulations* (10 CFR).

On August 9 through 11, 2011 the NRC conducted an on-site inspection of the decommissioning activities at the FNR. The NRC inspector evaluated decommissioning performance and conducted independent radiation surveys and soil sampling, with soil sample evaluation of the NRC samples by the Oak Ridge Associated Universities (ORAU). The inspection was an examination of UM's licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions, including the DP and FSSP. The inspection consisted of observations by the inspectors, interviews with personnel, and a review of procedures and records and

acquisition of split samples. As a result of this inspection, a Notice of Violation was issued to the UM for failing to independently monitor or audit either decommissioning operations or the quality assurance program annually as required (ADAMS Accession No. ML11299A076). This violation has been resolved by the UM reinitiating audits and quality assurance reviews as part of semi-annual Decommissioning Review Committee meetings, as documented in an October 10, 2012 NRC inspection report. (ADAMS Accession No. ML12284A282). The final report from ORAU of the results of the soil sample analysis was provided to the NRC on August 23, 2011 (ADAMS Accession No. ML112420852). One of the soil samples exceeded the FNR DP's soil derived concentration guideline level for Cobalt-60, which was addressed by the UM subsequently remediating all the soil from the cavity area, and resampling as part of the final status survey.

At the request of NRC staff, on January 16, 2015 (ADAMS Accession No. ML15020A725), UM provided the results of eight additional soil samples, taken to a depth of thirteen feet, in the area where stockpiled soils were reused to refill the excavation in the former storage ports area of the FNR. All samples were below minimum detectable activity and well below the soil derived concentration guideline levels, which demonstrates that the reused stockpiled soils are acceptable for unrestricted release. Additionally, three split samples were sent to ORAU for laboratory analysis (ADAMS Accession No. ML15030A311). The results contained in the analytical report are consistent with UM's report.

Pursuant to 10 CFR 50.82(b)(6), the NRC staff has concluded that the UM FNR in Ann Arbor, Michigan, has been decommissioned in accordance with the approved DP and that the FSSR and associated documentation demonstrates that the facilities and site may be released in accordance with the criteria for license termination in 10 CFR part 20, subpart E. Further, on the basis of the decommissioning activities carried out by the UM, the NRC's review of the licensee's FSSR, the results of the NRC inspections conducted at the reactor facility, and the results of confirmatory lab analyses, the NRC has concluded that the decommissioning process is complete and the facilities and sites may be released for unrestricted use.

Therefore, Facility Operating License No. R-28 is terminated.

Dated at Rockville, Maryland, this 2nd day of April 2015.

For the Nuclear Regulatory Commission.

**Andrew Persinko,**

*Deputy Director, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.*

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## **NUCLEAR REGULATORY COMMISSION**

**[Docket Nos. 52-025 and 52-026; NRC-2008-0252]**

### **Vogtle Electric Generating Station, Units 3 and 4; Southern Nuclear Operating Company; Tier 1 Editorial and Consistency Changes**

**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 is issuing License Amendment No. 30 to Combined Licenses (COLs), NPF-91 and NPF-92. The COLs were issued to Southern Nuclear Operating Company, Inc., and Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and the City of Dalton, Georgia (the licensee); for construction and operation of the Vogtle Electric Generating Plant (VEGP) Units 3 and 4, located in Burke County, Georgia.

The granting of the exemption allows the changes to Tier 1 information requested in the amendment. 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-2008-0252 when contacting the NRC about the availability of information regarding this document. You may obtain 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-2008-0252. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; 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 (if it is available in ADAMS) is provided the first time that a document is referenced. The request for the amendment and exemption was submitted by letter dated July 29, 2014 (ADAMS Accession No. ML14210A646) and supplemented by letter dated November 5, 2014 (ADAMS Accession No. ML14309A586).

• *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:** Ruth Reyes, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-3249; email: [Ruth.Reyes@nrc.gov](mailto:Ruth.Reyes@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," to part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR) and issuing License Amendment No. 30 to COLs, NPF-91 and NPF-92, to the licensee. 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 changes to COL Appendix C and corresponding plant-specific Tier 1 information to correct editorial errors and/or consistency errors (e.g., inconsistencies between Updated Final Safety Analysis Report (UFSAR) (Tier 2) and Tier 1 information, and inconsistencies between information from different locations within Tier 1).

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. ML14350B104.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VEGP Units 3 and 4 (COLs NPF-91 and NPF-92). The exemption documents for VEGP Units 3 and 4 can be found in ADAMS under Accession Nos. ML14351A256 and ML14351A271, respectively. 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-91 and NPF-92 are available in ADAMS under Accession Nos. ML14351A250 and ML14351A252, respectively. A summary of the amendment documents is provided in Section III of this document.

##### II. Exemption

Reproduced below is the exemption document issued to Vogtle Units 3 and 4. 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 July 29, 2014, and as supplemented by the letter dated November 5, 2014, the licensee requested from the Commission an exemption to allow departures from Tier 1 information in the certified DCD incorporated by reference in 10 CFR part 52, appendix D as part of license amendment request 14-002, "Tier 1 Editorial and Consistency Changes."

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. ML14350B104, 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 from the certified DCD Tier 1 Figures 2.2.4-1, 3.3-1 through 10, 3.3-11A, 3.3-11B, and 3.3-12 through 14; Tables: 2.2.2-3, 2.2.3-4, 2.2.3-6, 2.2.4-1, 2.2.4-4, 2.2.5-5, 2.3.2-1, 2.3.2-2, 2.3.6-1, 2.3.6-4, 2.3.10-1, 2.3.10-4, 2.3.14-2, 2.6.3-3, 2.6.3-4, 3.3-1, 3.3-6, 2.1.3-4, 2.5.1-2 and 3.7-2; and Sections 2.6.3 and 3.3, as described in the licensee's request dated July 29, 2014, and supplemented on November 5, 2014. This exemption is related to, and necessary for the granting of License Amendment No. 30, which is being issued concurrently with this exemption.

3. As explained in Section 5.0 of the NRC staff's Safety Evaluation (ADAMS Accession Number ML14350B104), 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 the date of its issuance.

##### III. License Amendment Request

By letter dated July 29, 2014, and supplemented by letter dated November 5, 2014, the licensee requested that the NRC amend the COLs for VEGP, Units 3 and 4, COLs NPF-91 and NPF-92. The proposed amendment is described in Section I, above.

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 September 30, 2014 (79 FR 58812). The November 5, 2014, supplement had no effect on the no significant hazards consideration determination, and 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 July 29, 2014, as supplemented by letter dated November 5, 2014. The exemption and amendment were issued on February 13, 2015 as part of a combined package to the licensee (ADAMS Accession No. ML14350B012).

Dated at Rockville, Maryland, this 7th day of April 2015.

For the Nuclear Regulatory Commission.

#### Chandu P. Patel,

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

[FR Doc. 2015-08566 Filed 4-13-15; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[NRC-2015-0088]

### Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Biweekly notice.

**SUMMARY:** Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from March 19, 2015 to April 1, 2015. The last biweekly notice was published on March 31, 2015.

**DATES:** Comments must be filed by May 14, 2015. A request for a hearing must be filed by June 15, 2015.

**ADDRESSES:** You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- Federal Rulemaking Web site: Go to <http://www.regulations.gov> and search for Docket ID NRC-2015-0088. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

- Mail comments to: Cindy Bladey, Office of Administration, Mail Stop: OWFN-12-H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Angela Baxter, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-415-2976, email: [Angela.Baxter@nrc.gov](mailto:Angela.Baxter@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Obtaining Information and Submitting Comments

###### A. Obtaining Information

Please refer to Docket ID NRC-2015-0088 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- Federal rulemaking Web site: Go to <http://www.regulations.gov> and search for Docket ID NRC-2015-0088.

- 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 (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.

- 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.

##### B. Submitting Comments

Please include Docket ID NRC-2015-0088, facility name, unit number(s), application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

##### II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license