

or defense on or before January 16, 2002.

ADDRESSES: The materials will be made available to the public at the National Archives at College Park research room, located at 8601 Adelphi Road, College Park, Maryland, beginning at 8:45 a.m. on February 28, 2002.

In accordance with 36 CFR 1275.44, petitions asserting a legal or constitutional right or privilege which would prevent or limit access must be sent to the Archivist of the United States, National Archives at College Park, 8601 Adelphi Road, College Park, Maryland 20740-6001.

FOR FURTHER INFORMATION CONTACT: Karl Weissenbach, Director, Nixon Presidential Materials Staff, 301-713-6950.

SUPPLEMENTARY INFORMATION: NARA is proposing to open approximately 4,125 conversations which were recorded at the Nixon White House from January 1972 to June 1972. These tape segments total approximately 425 hours of listening time. In addition, the National Archives is proposing to open 360 declassified segments of conversations recorded in the Cabinet Room at the Nixon White House from February 1971-July 1973. These segments total approximately 69 hours of listening time. These previously restricted segments were reviewed for release and declassified in accordance with the mandatory review provisions of Executive Order 12958 and 36 CFR 1275.56 (Public Access Regulations.).

This is the ninth opening of Nixon White House tapes since 1980. Previous releases included conversations constituting "abuses of governmental power" and conversations recorded in the Cabinet Room of the Nixon White House. The tapes now being proposed for opening consist of the third of five segments comprising the remaining hours of conversations, processed for release in chronological order starting with February 1971.

There are no transcripts for these tapes. Tape logs, prepared by NARA, are offered for public access as a finding aid to the tape segments and a guide for the listener. There is a separate tape log entry for each segment of conversation released. Self-service copying of the tapes will be permitted. Researchers must bring their own recording equipment and blank tapes. Each tape log entry includes the names of participants; date, time, and location of the conversation; and an outline of the content of the conversation.

The tape recordings will be made available to the general public in the research room at 8601 Adelphi Road,

College Park, Maryland, Monday through Friday between 8:45 a.m. and 4:30 p.m. Researchers must have a NARA researcher card, which they may obtain when they arrive at the facility. Listening stations will be available for public use on a first come, first served basis. NARA reserves the right to limit listening time in response to heavy demand. Copies of the tape log will be available for a fee in accordance with 36 CFR 1258.12.

Dated: December 11, 2001.

John W. Carlin,

Archivist of the United States.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-277 and 50-278]

Exelon Generation Company, LLC, PSEG Nuclear LLC, Peach Bottom Atomic Power Station, Units 2 and 3; Exemption

1.0 Background

Exelon Generation Company, LLC (Exelon) and PSEG Nuclear LLC (the licensees) are the holders of Facility Operating Licenses Nos. DPR-44 and DPR-56, which authorize operation of the Peach Bottom Atomic Power Station, Units 2 and 3 (Peach Bottom or the facilities). The licenses provide, among other things, that the facilities are subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC or the Commission) now or hereafter in effect.

The facilities consist of two boiling water reactors located at the licensees' site in York County, Pennsylvania.

2.0 Request/Action

Section III.F of Appendix R to Title 10 of the Code of Federal Regulations (10 CFR), part 50, requires that automatic fire detection systems (capable of operating with or without offsite power) be installed in all areas of the plant that contain or present an exposure fire hazard to safety-related or safe shutdown systems or components. By letter dated June 15, 2001, Exelon requested an exemption from Section III.F of Appendix R regarding the provisions for an automatic fire detection capability in room 222, a Unit 2 feedwater heater room in the turbine building, and room 429, the Unit 2 and Unit 3 turbine generator hall in the turbine building.

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. Under 10 CFR 50.12(a)(2)(ii), special circumstances are present when application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. The underlying purpose of the rule is to reasonably assure the capability to achieve and maintain safe shutdown in the event of a fire.

The NRC staff examined Exelon's rationale to support the exemption request and concluded that notwithstanding the absence of an automatic fire detection system in rooms 222 and 429, given the circumstances discussed below, the underlying purpose of 10 CFR 50, Appendix R, section III.F would still be met with respect to those rooms.

Room 222

Room 222 is a feedwater heater room located in the Unit 2 turbine building on elevation 135. Exelon has determined that the only safe shutdown or safety-related systems or components located in this room susceptible to fire damage are circuits associated with offsite power. This room has not been provided with automatic fire detection in accordance with the provisions specified in section III.F of Appendix R. The fire hazards in this room consist solely of electrical cables located in three cable trays that are, or will be provided with metal covers. There are no transient combustibles stored in this area during plant operation. When hot work is performed in this room, a continuous fire watch is stationed in the room. The cables located in the trays are either qualified in accordance with the flame test provisions specified in Institute of Electrical and Electronics Engineers (IEEE) Standard 383, "Standard for Type Test of Class 1E Electric Cables, Field Splices, and Connections for Nuclear Power Generating Stations," or qualified to a flame test equivalent to the one adopted by IEEE-383. There are no fire protection systems or features provided in this room. Due to the high radiation field present in this area during plant operation, this room is normally locked

with restricted personnel access. The cable associated with offsite power is routed in a cable tray which passes vertically through the room along the north wall. This cable tray (2BV080) is separated from the other cable trays (2BV070 & 2BV090) by a minimum horizontal distance of 24 inches. Exelon has determined that the failure of the cables in this room will not adversely impact the availability of offsite power to the 4kV safeguard switchgear required to achieve and maintain safe shutdown following a fire event. Exelon has determined that the only combustibles located in this room consist of a limited quantity of cables qualified in accordance with the criteria specified in IEEE 383 or a test equivalent to that specified in IEEE 383. Cables qualified in accordance with the provisions specified in IEEE-383 are less susceptible to self-ignition or ignition from an external source and have a lower flame spread than non-qualified cables. These qualified cables also remain operable at a higher temperature than non-qualified cables. In the event of a fire involving the adjacent cable trays (2BV070 & 2BV090), the spatial separation of the trays (24 inches to 96 inches) and the metal covers provided on all the trays reduces the potential for damage to the cables located in tray 2BV080. The addition of fire detection in this room would provide little benefit for a self-ignited cable fire in tray 2BV080, as damage would likely occur prior to the response of the plant fire brigade. In the event that damage does occur, either due to a self-ignited cable fire in tray 2BV080 or an exposure fire from the other trays due to hot work, Exelon has determined that an alternate offsite power supply to the 4kV safeguard switchgear is available and will remain free of fire damage. The transfer from the #343-SU offsite power located in room 222 to the #2-SU offsite power is automatic; therefore the transfer does not require any additional operator actions. Hot work performed in this area requires a continuous fire watch, in accordance with plant procedures, which can provide for rapid detection of a fire in this room and the prompt notification of the plant fire brigade. Based on the lack of significant fire hazards in this room (IEEE-383 qualified cables only), the separation of the cable trays in the room, the enclosure of the cables in the tray with metal covers, and the restricted access during plant operation, the NRC staff concludes that the lack of fire detection in room 222 does not present an undue risk to the public health and safety, fire detection

specified by the rule is not necessary to achieve the underlying purpose of Section III.F of Appendix R, and that the NRC's principles of defense-in-depth are satisfied without the addition of fire detection capability.

Room 429

Room 429 is located in the common area of the Peach Bottom turbine building, elevation 165, and Exelon has determined that the only safe shutdown and/or safety-related systems or components located in this room susceptible to fire damage are circuits associated with the #343-SU offsite power to the 4kV safeguard switchgear, and reactor vessel pressure and level instrumentation. This room has not been provided with full area automatic fire detection in accordance with the provisions specified in Section III.F of Appendix R. The fire hazards in this area consist of turbine lube oil, hydrogen used for generator cooling, two maintenance office/shop structures, electrical cabinets and cable trays. The circuits associated with offsite power are located in three conduits routed along the west wall of room 429. Exelon has determined that the circuits in this room related to reactor vessel pressure and level instrumentation identified in a previous submittal dated December 31, 1998, as supplemented on January 14 and April 14, 2000, are "associated circuits" as defined in Generic Letter 81-12, "Fire Protection Rule," dated February 20, 1981, and Exelon has committed to perform an analysis to ensure that the failure of these circuits (i.e. hot shorts, open circuits, or shorts to ground) will not adversely impact the operation of the instrumentation required to achieve and maintain safe shutdown following a fire event. Exelon has committed to make a physical plant change if necessary to assure safe shutdown capability following the completion of the analysis. However, the instrumentation circuits are not within the scope of Section III.F of Appendix R and thus are not being assessed by the NRC staff in this exemption request. Fire protection systems and features in this room include sprinkler protection on the turbine bearings, smoke detection over each turbine bearing lift pump, hydrogen pressure monitoring, and sprinkler systems in the maintenance office and shops. The conduits containing the offsite power cables are located at least 30 feet horizontally from the significant fire hazards in this room. Exelon has determined that in the event that fire damages the conduits located in this room, a separate offsite power source is available to achieve and

maintain safe shutdown. The conduits of interest in this area are adjacent to the entrance to the main control room and this is a high-traffic area for plant personnel. Due to the personnel passing through, a fire would not go undetected for very long. The spatial separation of over 30 feet from the conduits to the significant fire hazards present in this room, the high ceilings and large volume above the turbine operating floor, the fire protection provided on the significant hazards present in this room (i.e. turbine bearings, lift pumps, offices/shops and hydrogen system), and the high-personnel traffic through the area provide reasonable assurance that a fire that has the potential to damage the conduits associated with offsite power located on the west wall will be detected by the existing fire protection systems, or plant personnel prior to damaging the offsite power cables. The existing fire suppression systems in conjunction with the plant fire brigade should be effective in controlling and extinguishing fires prior to damage occurring to the conduits located on the west wall of room 429. In the event that the existing fire suppression systems, or the plant fire brigade is not able to prevent damage to the conduits containing the cables related to offsite power, Exelon has determined that an alternate offsite power supply to the 4kV safeguard switchgear is available and will remain free of fire damage. The transfer from the #343-SU offsite power located in room 429, to the #2-SU offsite power is automatic; therefore the transfer does not require any additional operator actions. Therefore, based on the information provided by Exelon, the NRC staff concludes that pursuant to 10 CFR 50.12(a)(2)(ii) additional fire detection in room 429 is not necessary to achieve the underlying purpose of section III.F of Appendix R, the NRC's principles of defense-in-depth are satisfied without the addition of full area fire detection capability, and the lack of full area fire detection in room 429 does not present an undue risk to the public health and safety.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, 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 in that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. Therefore, the

Commission hereby grants Exelon an exemption from the requirements of 10 CFR part 50, Appendix R, section III.F, for rooms 222 and 429, for Peach Bottom Units 2 and 3, with the provision that metal covers are installed on all cable trays in room 222.

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 (66 FR 50696).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 7th day of December 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-272]

PSEG Nuclear LLC; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-70, issued to PSEG Nuclear LLC (the licensee), for operation of the Salem Nuclear Generating Station, Unit No. 1 (Salem Unit 1), located in Salem County, New Jersey.

The proposed amendment would allow a one-time change to the Technical Specification (TS) Action Statement for the Service Water System (SWS). The proposed change would revise TS 3/4.7.4, "Service Water System," by increasing the allowed outage time for one nuclear header out of service from 72 hours to 10 days. The proposed amendment would modify the present Action Statement for TS 3.7.4.1, to include a note that would allow operation with only the 11 SWS loop for up to 10 days. This note would be applicable for one-time use during Salem Unit 1, Cycle 15.

The licensee has requested that this amendment be approved under exigent circumstances. On November 30, 2001, PSEG operations personnel noted water rising up through the gravel in front of the Service Water intake structure. The water was located approximately 5 feet

from the building. The 12 SWS nuclear header is located below the location where the water was observed, and was considered to be a likely source of the leak.

The licensee subsequently determined that the leak is associated with the 12 SWS nuclear supply header. PSEG is currently postulating that the leak is coming from an underground mechanical joint or mechanical connection associated with the buried portion of the 12 SWS nuclear supply header located near the service water structure. In the area where the leak is suspected, the service water nuclear supply header is 24" nominal diameter buried piping. This piping design is pre-stressed concrete cylindrical water pipe, which uses either standard flanged fittings, or flexible tied extensible bell bolt type joints for the major connections.

While the 12 SWS nuclear supply header is currently considered operable, PSEG believes that repairs will be required before the next scheduled refueling outage. Approval of this license amendment request under exigent circumstances would allow the licensee to repair the leaking header during more advantageous weather and river water temperature conditions. This, in turn, would likely minimize the duration that the 12 SWS header would be inoperable.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, 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. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The Service Water System (SWS) will remain capable of performing its required safety function. The proposed change results in an insignificant increase in the incremental conditional core damage probability and so does not involve a significant increase in the probability of an accident. The proposed change to extend the allowed outage time from 72 hours to 10 days does not significantly increase consequences of an accident previously evaluated, since the capability of SWS is maintained.

Therefore, the proposed change will not significantly increase the probability or consequences of any accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously analyzed?

Response: No.

The completion of the maintenance activity, the post maintenance testing, and the surveillance testing associated with demonstrating OPERABILITY of 12 service water nuclear header will not result in the plant being operated in a manner that will create the possibility of a new or different kind of accident from any previously evaluated. While repair to the buried portion of the 12 service water nuclear header is in progress, the service water system will be operated as described in the Updated Final Safety Analysis Report. This configuration does not create a new failure mechanism, malfunction or accident initiator.

Therefore, the proposed change will not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The 11 service water nuclear header will remain operational and capable of performing its required safety functions. Sufficient safety-related equipment and systems will remain available to ensure that the consequences of design basis transients and accidents are mitigated as assumed in the Salem UFSAR. Preventive maintenance activities that could adversely affect the reliability of the Unit 1 service water system, Emergency Diesel Generators, 4kv vital buses or offsite A.C. electrical power sources will be controlled during the extended allowed outage time.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 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