

corrected to read from "October 12, 2004," to "October 21, 2004".

Dated in Rockville, Maryland, this 25th day of February 2005.

For the Nuclear Regulatory Commission.

**Allen G. Howe,**

*Chief, Section 1, Project Directorate IV,  
Division of Licensing Project Management,  
Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-321, 50-366, 50-348, 50-364, 50-424, and 50-425]

### **Southern Nuclear Operating Company, Inc., Edwin I. Hatch Nuclear Plant, Units 1 and 2, Joseph M. Farley Nuclear Plant, Units 1 and 2, Vogtle Electric Generating Plant, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the Code of Federal Regulations (10 CFR) part 50, appendix E, and from 10 CFR 50.47(b)(3) for Facility Operating License Nos. DPR-57, NPF-5, NPF-2, NPF-8, NPF-68, and NPF-81, issued to Southern Nuclear Operating Company, Inc. (the licensee), for operation of the Edwin I. Hatch Nuclear Plant, Units 1 and 2 (Hatch), Joseph M. Farley Nuclear Plant, Units 1 and 2 (Farley), and Vogtle Electric Generating Plant, Units 1 and 2 (Vogtle), respectively. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

#### **Environmental Assessment**

##### *Identification of the Proposed Action*

The proposed action would provide an exemption from the requirements of 10 CFR part 50, appendix E, and 10 CFR 50.47(b)(3) to permit the licensee to relocate the near-site emergency operations facilities (EOFs) for each plant identified above to a common EOF located at the licensee's corporate headquarters in Birmingham, Alabama.

The need for the proposed exemption was identified by the NRC staff during its review of the licensee's request for approval to relocate the EOFs dated October 16, 2003.

##### *The Need for the Proposed Action*

The proposed action provides relief from the requirements that (1) adequate provisions shall be made and described for emergency facilities and equipment, including a licensee near-site EOF from

which effective direction can be given and effective control can be exercised during an emergency, and (2) that arrangements to accommodate State and local staff at the licensee's near-site EOF have been made. The licensee proposed to locate the EOFs in Birmingham, AL, which is 1½ to 2½ times farther than any previous NRC-approved distance. At this distance, the NRC staff believes that it cannot reasonably consider the proposed location to be "near-site." Therefore, the NRC staff determined that an exemption to the regulations that require an EOF to be near-site is required prior to consolidation of the near-site EOFs in Birmingham, AL. In order to ensure that NRC actions are timely, effective, and efficient, the staff is issuing an exemption under 10 CFR 50.12.

##### *Environmental Impacts of the Proposed Action*

The NRC has completed its safety evaluation of the proposed action and concludes, as set forth below, that there are no significant environmental impacts associated with relocating the Hatch, Farley, and Vogtle near-site EOFs to a common EOF located in Birmingham, AL.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released off site. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

##### *Environmental Impacts of the Alternatives to the Proposed Action*

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

##### *Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the following documents: "Final Environmental Statement related to the operation of the Edwin I. Hatch Nuclear Plant, Unit 1," dated October 1972; "Final Environmental Statement related to the operation of the Edwin I. Hatch Nuclear Plant, Unit 2," dated March 1978; "Final Environmental Statement related to the operation of the Joseph M. Farley Nuclear Plant, Units 1 and 2," dated December 1974; and "Final Environmental Statement related to the operation of the Vogtle Electric Generating Plant, Units 1 and 2," NUREG-1087, dated December 1985.

##### *Agencies and Persons Consulted*

In accordance with its stated policy, on November 17, 2004, the staff consulted with the Alabama State official, Kirk Whatley of the Office of Radiation Control, Alabama Department of Public Health, regarding the environmental impact of the proposed action for Farley. In addition, on November 18, 2004, the staff consulted with the Georgia State official, James Hardeman, of the Department of Natural Resources, regarding the environmental impact of the proposed action for Vogtle and Hatch. Neither State official had comments.

##### **Finding of No Significant Impact**

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated October 16, 2003, as supplemented by letters dated April 15 and August 16, 2004. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. (**Note:** Public access to ADAMS has been temporarily suspended so that security reviews of publicly available documents may be performed and potentially sensitive information removed. Please check the NRC Web

site for updates on the resumption of ADAMS Access.) 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 or 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 25th day of February.

For the Nuclear Regulatory Commission.

**Christopher Gratton,**

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**POSTAL RATE COMMISSION**

[Docket No. MC2005-2; Order No. 1431]

**Negotiated Service Agreement**

**AGENCY:** Postal Rate Commission.

**ACTION:** Notice and order on new negotiated service agreement case.

**SUMMARY:** This document establishes a docket for consideration of the Postal Service's request for approval of a negotiated service agreement with HSBC North America Holdings Inc. It identifies key elements of the proposed agreement, its relationship to the Capital One Services, Inc. negotiated service agreement, and addresses preliminary procedural matters.

**DATES:** Key dates are:

1. March 16, 2005: Deadline for filing notices of intervention.
2. March 18, 2005: Deadline for filing statements on need for hearing, objections to limiting issues, and objections to rule 196 [39 CFR 3001.196] procedures.
3. March 24, 2005: Prehearing conference (10 a.m.), followed immediately by a settlement conference.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, general counsel, at 202-789-6818.

**SUPPLEMENTARY INFORMATION:**

**Procedural History**

Capital One Services, Inc. Negotiated Service Agreement, 67 FR 61355 (September 30, 2002).

Negotiated Service Agreement Proposed Rule, 68 FR 52546 (September 4, 2003).

Negotiated Service Agreement Final Rule, 69 FR 7574 (February 19, 2004).

Negotiated Service Agreement Proposed Rule, 70 FR 7704 (February 15, 2005).

On February 23, 2005, the United States Postal Service filed a request seeking a recommended decision from the Postal Rate Commission approving a Negotiated Service Agreement with HSBC North America Holdings Inc.<sup>1</sup> The Negotiated Service Agreement is proffered as functionally equivalent to the Capital One Services, Inc. Negotiated Service Agreement (baseline agreement) as recommended by the Commission in Docket No. MC2002-2. The Request, which includes six attachments, was filed pursuant to chapter 36 of the Postal Reorganization Act, 39 U.S.C. 3601 *et seq.*<sup>2</sup>

The Postal Service has identified HSBC North America Holdings Inc. (HSBC), along with itself, as parties to the Negotiated Service Agreement. This identification serves as notice of intervention by HSBC. It also indicates that HSBC shall be considered a co-proponent, procedurally and substantively, of the Postal Service's Request during the Commission's review of the Negotiated Service Agreement. Rule 191(b) (39 CFR 3001.191(b)). An appropriate Notice of Appearance and Filing of Testimony as Co-Proponent by HSBC North America Holdings Inc., February 23, 2005, also was filed.

In support of the direct case, the Postal Service has filed Direct Testimony of Jessica A. Dauer on Behalf of the United States Postal Service, February 23, 2005 (USPS-T-1). HSBC has separately filed Direct Testimony of John H. Harvey on Behalf of HSBC North America Holdings Inc., February 23, 2005 (HSBC-T-1). The Postal Service has reviewed the HSBC testimony and, in accordance with rule 192(b) (39 CFR 3001.192(b)), states that such testimony may be relied upon in presentation of the Postal Service's direct case.<sup>3</sup>

<sup>1</sup> Request of the United States Postal Service for a Recommended Decision on Classifications, Rates and Fees to Implement a Functionally Equivalent Negotiated Service Agreement with HSBC North America Holdings Inc., February 23, 2005 (Request).

<sup>2</sup> Attachments A and B to the Request contain proposed changes to the Domestic Mail Classification Schedule and the associated rate schedules; Attachment C is a certification required by Commission rule 193(i) specifying that the cost statements and supporting data submitted by the Postal Service, which purport to reflect the books of the Postal Service, accurately set forth the results shown by such books; Attachment D is an index of testimony and exhibits; Attachment E is a compliance statement addressing satisfaction of various filing requirements; and Attachment F is a copy of the Negotiated Service Agreement.

<sup>3</sup> Request at 2-3, fn. 2.

The Request relies substantially on record evidence entered in the baseline docket, Docket No. MC2002-2. The Postal Service's Compliance Statement, Request Attachment E, identifies the baseline docket material on which it proposes to rely.

Requests that are proffered as functionally equivalent to baseline Negotiated Service Agreements are handled expeditiously, until a final determination has been made as to their proper status. The Postal Service's Compliance Statement, Request Attachment E, is noteworthy in that it provides valuable information to facilitate rapid review of the Request to aid participants in evaluating whether or not the procedural path suggested by the Postal Service is appropriate.

The Postal Service submitted several contemporaneous related filings with its Request. The Postal Service has filed a proposal for limitation of issues in this docket.<sup>4</sup> Rule 196(a)(6) (39 CFR 3001.196(a)(6)). The proposal identifies issues that were previously decided in the baseline docket, and key issues that are unique to the instant Request.

Rule 196(b) (39 CFR 3001.196(b)) requires the Postal Service to provide written notice of its Request, either by hand delivery or by First-Class Mail, to all participants of the baseline docket, MC2002-2. This requirement provides additional time, due to an abbreviated intervention period, for the most likely participants to decide whether or not to intervene. A copy of the Postal Service's notice was filed with the Commission on February 23, 2005.<sup>5</sup>

The Postal Service has filed a conditional request to establish settlement procedures.<sup>6</sup> The Postal Service believes that there is a distinct possibility that no party will identify any need for a hearing, thus there would be no need to engage in settlement discussions. However, if the parties do have issues that they want to explore, settlement discussions might provide a convenient forum to resolve those issues.

The Postal Service's Request, the accompanying testimonies of witnesses Dauer (USPS-T-1) and Harvey (HSBC-T-1), the baseline Docket No. MC2002-2 material, and other related material are available for inspection at the

<sup>4</sup> United States Postal Service Proposal for Limitation of Issues, February 23, 2005.

<sup>5</sup> Notice of the United States Postal Service Concerning the Filing of a Request for a Recommended Decision on a Functionally Equivalent Negotiated Service Agreement, February 23, 2005.

<sup>6</sup> Conditional Request of the United States Postal Service for Establishment of Settlement Procedures, February 23, 2005.