

control air to the speed controllers for the charging pumps during a postulated fire requiring an alternative shutdown method.” The installed backup nitrogen gas bottle bank (for the charging pump speed controllers) meets the requirements of the regulation, with the exception that it is of limited capacity. This means that the hot shutdown conditions could not be maintained indefinitely while relying only on the installed bottle bank. However, the 8 to 14 hour capacity of the bottle banks is ample time to extinguish the fire, achieve stable plant conditions in hot shutdown, augment staff with personnel from the emergency response organization, and connect dedicated power cabling and hoses to the dedicated compressor using the furnished plugs and quick connect fittings (*i.e.*, no tools required).

Because the bottle banks, hoses, cables, and compressor are all located in areas that would not be affected by the fires of concern, none would be damaged. The installed backup bottle banks are normally isolated from the charging pump pneumatic controls by the bottle stop-cocks, a manual valve on the bottle manifold, and an in-line manual isolation valve. These valves must be opened to bring the backup nitrogen on line. In contrast, the (staged) dedicated air compressor must be connected to its power supply by retrieving the staged cable and hose(s) from their storage locations in the same fire area (Turbine Hall), laying them out from the compressor to the selected power supply and to the affected unit’s backup bottle bank manifold, and then connecting the cable and hoses using the installed plugs and quick connect fittings before starting the compressor.

Although this activity could be considered a “hot standby repair,” connection of these undamaged components to support continued hot shutdown conditions within 8 hours of the initiating event is reasonably achievable. This can be performed without invoking extraordinary action and without perturbing the stable plant conditions. Therefore, strict application of the interpretation proscribing any hot standby repair is not necessary to achieve and maintain hot shutdown conditions while relying only on the operating shift personnel, without undue encumbrances, and without having to resort to significant time consuming “repairs.” The NRC staff concludes that application of Section III.G.1.a under these circumstances is not necessary to achieve the underlying purpose of the rule.

The NRC staff examined the licensee’s rationale to support the exemption

request and concluded that sufficient time (8 hours) is available to make the necessary connections to operate the backup air compressor. The NRC staff is satisfied that on-site and augmented response resources will be available to complete the repair. The appropriate equipment for this evolution is pre-staged. The NRC staff considered the location of the air compressor, the transformer, the pre-staging locations and routing of the electrical cables, and the pre-staging locations and routing of the pneumatic hoses. Equipment is pre-staged such that no single fire will affect permanent plant equipment and the repair equipment. The repair steps are feasible and reliable. The actions requested, hooking up power cables and connecting pneumatic fittings for the air compressor, are repairs as commonly implemented by appendix R [but would not meet the requirements of] Section III.G.1.a (achieving and maintaining hot standby). The NRC staff agrees, therefore, that an exemption is appropriate to meet the underlying purpose of Section III.G.1.a, and that the 10 CFR 50.12.(a)(2)(ii) criterion applicable to this request.

#### 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 NMC an exemption from the requirements of 10 CFR Part 50, appendix R, Part III.G.1.a, for Point Beach 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 (70 FR 30819).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 2nd day of June, 2005.

For the Nuclear Regulatory Commission.

**Ledyard B. Marsh,**

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

[FR Doc. E5-2915 Filed 6-7-05; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 72-42]

### Southern Nuclear Operating Company, Incorporated; Notice of Docketing of Request for Exemption for the Joseph M. Farley Nuclear Plant, Unit 1 and Unit 2

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of request for exemption from the requirements of 10 CFR 72.212(a)(2) and 10 CFR 72.214.

#### FOR FURTHER INFORMATION CONTACT:

Christopher M. Regan, Senior Project Manager, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415-1179; fax number: (301) 415-1179; e-mail: [cmr1@nrc.gov](mailto:cmr1@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering a request dated May 20, 2005, from Southern Nuclear Operating Company, Inc. (applicant or SNC) for exemption from the requirements of 10 CFR 72.212(a)(2) and 10 CFR 72.214 pursuant to 10 CFR 72.7, for the Joseph M. Farley Nuclear Plant (FNP), Unit 1 and Unit 2, facility located in Houston County, Alabama. If granted, the exemption will authorize the applicant to load spent nuclear fuel in accordance with proposed Amendment 2 to Certificate of Compliance (CoC) 1014 granted to Holtec International (Holtec) for the HI-STORM 100 system. This request was docketed under 10 CFR Part 72; the Independent Spent Fuel Storage Installation Docket No. is 72-42.

An NRC administrative review, documented in a letter to SNC dated June 2, 2005, found that the application contains sufficient information for the NRC staff to begin its technical review. Prior to issuance of the requested exemption, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission’s regulations. These findings will be documented in a Safety Evaluation Report. The issuance of the exemption will not be approved until the NRC has reviewed the application and has concluded that granting of the request will not be inimical to the common defense and security and will not constitute an unreasonable risk to the health and safety of the public. The NRC will complete an environmental

assessment, in accordance with 10 CFR part 51. This action will be the subject of a subsequent notice in the **Federal Register**.

## II. Further Information

In accordance with 10 CFR 2.390 of NRC's "Rules of Practice," final NRC records and documents regarding this proposed action, including the exemption request dated May 20, 2005, are publically available in the records component of NRC's Agencywide Documents Access and Management System (ADAMS). These documents may be inspected at NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee. 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 2nd day of June, 2005.

For The Nuclear Regulatory Commission.  
**Christopher M. Regan,**  
*Senior Project Manager, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. E5-2918 Filed 6-7-05; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-305; License No. DPR-43]

### In the Matter of Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Nuclear Management Company, LLC (Kewaunee Nuclear Power Plant, Unit No. 1); Order Extending the Effectiveness of the Approval of the Transfer of License and Conforming Amendment

Wisconsin Public Service Corporation (WPSC), Wisconsin Power and Light Company (WPL), and Nuclear Management Company, LLC (NMC) (the licensees) are the holders of Facility Operating License No. DPR-43, which authorizes operation of Kewaunee Nuclear Power Plant, Unit No. 1 (Kewaunee or the facility). The facility is located at the licensees' site in Kewaunee County, Wisconsin. The

license authorizes WPSC and WPL to possess, and NMC to use and operate, Kewaunee.

By order dated June 10, 2004, the Commission approved the transfer of the license for Kewaunee to Dominion Energy Kewaunee, Inc. (Dominion Energy Kewaunee). By its terms, the order of June 10, 2004, becomes null and void if the license transfer is not completed by June 30, 2005, unless upon application and for good cause shown, the Commission extends the effectiveness of the approval.

By letter dated May 4, 2005, NMC, on behalf of itself, WPSC, and WPL, submitted a request to extend the effectiveness of the order of June 10, 2004, until December 31, 2005. According to the letter, Kewaunee is currently in an extended unit shutdown to address certain recently identified design issues. Based on the current asset sales agreement between the owners and Dominion Energy Kewaunee, the license transfer will not occur until the unit has been returned to full power operation. The licensee's present schedule for addressing the plant design issues, returning the unit to full power operation, and completing the license transfer shows that all of these items will be done before June 30, 2005. However, Dominion Energy Kewaunee and NMC consider it prudent to request an extension of the order approving the license transfer if unforeseen circumstances make an extension necessary. Therefore, NMC requests an extension of the order until December 31, 2005, to permit completion of the Kewaunee license transfer. In its May 4, 2005, letter, NMC also stated that no conditions under which the NRC order was granted have been significantly changed or detrimentally affected since the order was issued.

The NRC staff has considered the licensee's May 4, 2005, request and has determined that the licensee has shown good cause for extending the effectiveness of the order of June 10, 2004, as requested.

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b), 2201(i), and 2234, and 10 CFR 50.80, it is hereby ordered that the effectiveness of the herein described order of June 10, 2004, is extended such that if the subject license transfer from NMC, WPSC, and WPL to Dominion Energy Kewaunee referenced above is not completed by December 31, 2005, the order of June 10, 2004, shall become null and void, unless upon application and for good cause shown, the Commission further extends the effectiveness of the order.

This Order is effective upon issuance. For further details with respect to this action, see the submittal dated May 4, 2005, which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and is accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 1st day of June, 2005.

For The Nuclear Regulatory Commission.

**J. Dyer,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. E5-2916 Filed 6-7-05; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Notice of Availability of Interim Staff Guidance Documents for Fuel Cycle Facilities

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

#### FOR FURTHER INFORMATION CONTACT:

Wilkins Smith, Project Manager, Technical Support Group, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20005-0001. Telephone: (301) 415-5788; fax number: (301) 415-5370; e-mail: [wrs@nrc.gov](mailto:wrs@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The Nuclear Regulatory Commission (NRC) is preparing and issuing Interim Staff Guidance (ISG) documents for fuel cycle facilities. These ISG documents provide clarifying guidance to the NRC staff when reviewing licensee integrated safety analyses, license applications or amendment requests or other related licensing activities for fuel cycle facilities under Subpart H of 10 CFR Part 70. The NRC is soliciting public comments on one ISG Draft document (ISG-08) which will be considered in the final version or subsequent revision.

##### II. Summary

The purpose of this notice is to provide the public an opportunity to review and comment on the Interim Staff Guidance document for fuel cycle facilities. Draft Interim Staff Guidance-08, Version 0, provides guidance to NRC staff relative to evaluation of natural