

**Week of November 26, 2007—Tentative**

*Tuesday, November 27, 2007*

9:30 a.m.

Discussion of Security Issues  
(Closed—Ex. 1 & 3).

1:30 p.m.

Briefing on Equal Employment  
Opportunity (EEO) Programs  
(Public Meeting) (Contact: Sandra  
Talley, 301-415-8059).

This meeting will be webcast live at  
the Web address—<http://www.nrc.gov>.

**Week of December 3, 2007—Tentative**

*Tuesday, December 4, 2007*

9:30 a.m.

Briefing on Threat Environment  
Assessment (Closed—Ex. 1).

*Friday, December 7, 2007*

10 a.m.

Discussion of Intragovernmental  
Issues (Closed—Ex. 1 & 9).

**Week of December 10, 2007—Tentative**

*Wednesday, December 12, 2007*

9:30 a.m.

Discussion of Management Issues  
(Closed—Ex. 2).

*Thursday, December 13, 2007*

9:30 a.m.

Discussion of Management Issues  
(Closed—Ex. 2).

\* The schedule for Commission  
meetings is subject to change on short  
notice. To verify the status of meetings,  
call (recording)—(301) 415-1292.  
Contact person for more information:  
Michelle Schroll, (301) 415-1662.

The NRC Commission Meeting  
Schedule can be found on the Internet  
at: <http://www.nrc.gov/about-nrc/policy-making/schedule.html>.

The NRC provides reasonable  
accommodation to individuals with  
disabilities where appropriate. If you  
need a reasonable accommodation to  
participate in these public meetings, or  
need this meeting notice or the  
transcript or other information from the  
public meetings in another format (e.g.,  
braille, large print), please notify the  
NRC's Disability Program Coordinator,  
Rohn Brown, at 301-492-2279, TDD:  
301-415-2100, or by e-mail at  
[REB3@nrc.gov](mailto:REB3@nrc.gov). Determinations on  
requests for reasonable accommodation  
will be made on a case-by-case basis.

This notice is distributed by mail to  
several hundred subscribers; if you no  
longer wish to receive it, or would like  
to be added to the distribution, please  
contact the Office of the Secretary,  
Washington, DC 20555 (301-415-1969).  
In addition, distribution of this meeting  
notice over the Internet system is

available. If you are interested in  
receiving this Commission meeting  
schedule electronically, please send an  
electronic message to [dkw@nrc.gov](mailto:dkw@nrc.gov).

Dated: November 1, 2007.

**R. Michelle Schroll,**

*Office of the Secretary.*

[FR Doc. 07-5570 Filed 11-6-07; 11:05 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

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

#### **Background**

Pursuant to section 189a. (2) of the  
Atomic Energy Act of 1954, as amended  
(the Act), the U.S. Nuclear Regulatory  
Commission (the Commission or NRC  
staff) is publishing this regular biweekly  
notice. The Act requires the  
Commission 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 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 October 11,  
2007, to October 24, 2007. The last  
biweekly notice was published on  
October 23, 2007 (72 FR 60032).

#### **Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing**

The Commission has made a  
proposed determination that the  
following amendment requests involve  
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. 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. Within 60 days after the  
date of publication of this notice, the  
licensee may file a request for a hearing  
with respect to issuance of the  
amendment to the subject facility  
operating license and any person whose  
interest may be affected by this  
proceeding and who wishes to  
participate as a party in the proceeding  
must file a written request for a hearing  
and a petition for leave to intervene.

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  
amendment before expiration of the 60-  
day period provided that its final  
determination is that the amendment  
involves no significant hazards  
consideration. In addition, the  
Commission may issue the amendment  
prior to the expiration of the 30-day  
comment period should circumstances  
change during the 30-day comment  
period such that failure to act in a  
timely way would result, for example in  
derating or shutdown of the facility.  
Should the Commission take action  
prior to the expiration of either the  
comment period or the notice period, it  
will publish in the **Federal Register** a  
notice of issuance. Should the  
Commission make a final No Significant  
Hazards Consideration Determination,  
any hearing will take place after  
issuance. The Commission expects that  
the need to take this action will occur  
very infrequently.

Written comments may be submitted  
by mail to the Chief, Rulemaking,  
Directives and Editing Branch, Division  
of Administrative Services, Office of  
Administration, U.S. Nuclear Regulatory  
Commission, Washington, DC 20555-  
0001, and should cite the publication  
date and page number of this **Federal  
Register** notice. Written comments may  
also be delivered to Room 6D44, Two  
White Flint North, 11545 Rockville  
Pike, Rockville, Maryland, from 7:30  
a.m. to 4:15 p.m. Federal workdays.  
Copies of written comments received  
may be examined at the Commission's  
Public Document Room (PDR), located  
at One White Flint North, Public File  
Area O1F21, 11555 Rockville Pike (first  
floor), Rockville, Maryland. The filing of  
requests for a hearing and petitions for  
leave to intervene is discussed below.

Within 60 days after the date of  
publication of this notice, person(s) may  
file a request for a hearing with respect

to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request via electronic submission through the NRC E-Filing system for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases

for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner/requestor intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner/requestor intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner/requestor to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for hearing or a petition for leave to intervene must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in August 28, 2007, (72 FR 49139). The E-Filing process requires participants to submit and serve documents over the internet or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least five (5) days prior to the filing deadline, the

petitioner/requestor must contact the Office of the Secretary by e-mail at [HEARINGDOCKET@NRC.GOV](mailto:HEARINGDOCKET@NRC.GOV), or by calling (301) 415-1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at <http://www.nrc.gov/site-help/e-submittals/install-viewer.html>. Information about applying for a digital ID certificate is available on NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>.

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the "Contact Us" link located on the NRC Web site at <http://www.nrc.gov/site-help/e-submittals.html> or by calling the NRC

technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The help line number is (800) 397-4209 or locally, (301) 415-4737.

Participants who believe that they have a good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, *Attention: Rulemaking and Adjudications Staff*; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville, Pike, Rockville, Maryland, 20852, *Attention: Rulemaking and Adjudications Staff*. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii). To be timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at [http://ehd.nrc.gov/EHD\\_Proceeding/home.asp](http://ehd.nrc.gov/EHD_Proceeding/home.asp), unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, Participants are requested not to include copyrighted materials in their submission.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of

the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(a)(1)(i)-(viii).

For further details with respect to this amendment action, see the application for amendment which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1 (800) 397-4209, (301) 415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

*Detroit Edison Company, Docket No. 50-341, Fermi 2, Monroe County, Michigan Date of amendment request: July 12, 2007, as supplemented by letter dated September 21, 2007.*

*Description of amendment request:* The proposed amendment would revise Surveillance Requirement (SR) 3.3.3.1.2 in Technical Specification (TS) 3.3.3.1, "Post Accident Monitoring Instrumentation." Specifically, the proposed amendment would delete the note which excludes radiation detectors from calibration requirements.

*Basis for proposed no significant hazards consideration determination:* 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. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Primary Containment Radiation Monitors are part of the post accident monitoring instrumentation. Deleting the note excluding radiation detectors from the channel calibration requirement in TS 3.3.3.1 surveillance requirement does not adversely affect any of the parameters in accident analyses. Revising the detectors calibration requirement does not affect the probability or consequences of previously evaluated accidents. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Deleting the note excluding the radiation detectors from channel calibration requirement in SR 3.3.3.1.2 restores the calibration of the primary containment high

range radiation monitors to the requirements in NUREG-0737 ["Clarification of TMI Action Plan Requirements"], Table II.F.1-3. The revision of the primary containment high range radiation monitor calibration provides an improved assurance of the accuracy and function of the monitor during and following an accident. These monitors provide indication of high-range radiation and are primarily used by emergency response personnel for evaluating protective action recommendations. These monitors are provided for indication only and do not initiate any automatic action. Removing the exclusion of radiation detectors from the channel calibration requirement in SR 3.3.3.1.2 cannot create a new or different kind of accident from previously evaluated accidents. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in the margin of safety.

This proposed license amendment involves a change in the channel calibration surveillance of primary containment high range radiation monitor in TS 3.3.3.1. The surveillance frequency is unchanged. The change in the high range radiation monitor channel calibration only removes the exclusion of the detectors from SR 3.3.3.1.2. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

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.

*Attorney for licensee:* David G. Pettinari, Legal Department, 688 WCB, Detroit Edison Company, 2000 2nd Avenue, Detroit, Michigan 48226-1279.  
*NRC Acting Branch Chief:* Travis L. Tate.

*Entergy Nuclear Operations, Inc., Docket No. 50-255, Palisades Plant, Van Buren County, Michigan*

*Date of amendment request:* August 21, 2007.

*Description of amendment request:* The proposed amendment would modify technical specification (TS) requirements related to control room envelope (CRE) habitability in TS 3.7.10, "Control Room Ventilation Filtration," and TS Section 5.5, "Administrative Controls—Programs and Manuals." The NRC staff issued a notice of opportunity for comment in the **Federal Register** on October 17, 2006 (71 FR 61075), on possible amendments in accordance with TSTF-448-A, Revision 3, to revise the plant specific TS to strengthen requirements regarding CRE habitability by changing

the action and surveillance requirements for the CRE emergency ventilation system, and by adding a new TS administrative controls program on CRE habitability.

The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on January 17, 2007 (72 FR 2022). The licensee affirmed the applicability of the following no significant hazards determination in its application dated August 21, 2007.

*Basis for proposed no significant hazards consideration determination:* 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:

**Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated**

The proposed change does not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, or configuration of the facility. The proposed change does not alter or prevent the ability of structures, systems, and components to perform their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed change revises the TS for the CRE emergency ventilation system, which is a mitigation system designed to minimize unfiltered air leakage into the CRE and to filter the CRE atmosphere to protect the CRE occupants in the event of accidents previously analyzed. An important part of the CRE emergency ventilation system is the CRE boundary. The CRE emergency ventilation system is not an initiator or precursor to any accident previously evaluated. Therefore, the probability of any accident previously evaluated is not increased. Performing tests to verify the operability of the CRE boundary and implementing a program to assess and maintain CRE habitability ensure that the CRE emergency ventilation system is capable of adequately mitigating radiological consequences to CRE occupants during accident conditions, and that the CRE emergency ventilation system will perform as assumed in the consequence analyses of design[-]basis accidents. Thus, the consequences of any accident previously evaluated are not increased. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

**Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Accident Previously Evaluated**

The proposed change does not impact the accident analysis. The proposed change does not alter the required mitigation capability of the CRE emergency ventilation system, or its

functioning during accident conditions as assumed in the licensing basis analyses of design[-]basis accident radiological consequences to CRE occupants. No new or different accidents result from performing the new surveillance or following the new program. The proposed change does not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a significant change in the methods governing normal plant operation. The proposed change does not alter any safety analysis assumptions and is consistent with current plant operating practice. Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

**Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety**

The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined. The proposed change does not affect safety analysis acceptance criteria. The proposed change will not result in plant operation in a configuration outside the design basis for an unacceptable period of time without compensatory measures. The proposed change does not adversely affect systems that respond to safely shut down the plant and to maintain the plant in a safe shutdown condition. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

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.

*Attorney for licensee:* Mr. William Dennis, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Ave., White Plains, NY 10601.  
*NRC Acting Branch Chief:* Travis L. Tate.

*Entergy Operations, Inc., Docket No. 50-368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas*

*Date of amendment request:* October 5, 2007.

*Description of amendment request:* The proposed amendment changes the containment sump buffering agent in Technical Specification (TS) 3.6.2.2, "Trisodium Phosphate (TSP)," from TSP to sodium tetraborate (NaTB).

*Basis for proposed no significant hazards consideration determination:* 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.

There are no changes to the design or operation of the plant that could affect system, component, or accident functions as a result of replacing trisodium phosphate (TSP) with sodium tetraborate (NaTB). Buffering agents are used to minimize the potential consequences of an accident and do not represent an accident initiator. Utilizing NaTB as a buffering agent ensures the post-loss-of-coolant accident (LOCA) containment sump mixture will have an equilibrium pH  $\geq 7.0$ . Replacing TSP with NaTB, which achieves comparable pH buffering results, will maintain the iodine retention and corrosion inhibition required by the safety analyses.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

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

Response: No.

No new accident scenarios, failure mechanisms, or single failures are introduced as a result of the proposed change. Structures, systems, and components previously required for mitigation of an event remain capable of fulfilling their intended design function with this change to the TS. The proposed change has no new adverse effects on safety-related systems or components and does not challenge the performance or integrity of safety-related systems. The replacement buffering agent has been evaluated and no new accident scenarios or single failures are introduced.

Therefore, the proposed change does 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 safety analyses assume a post-LOCA equilibrium pH  $\geq 7.0$  to minimize iodine re-evolution and to minimize corrosion of components within containment. Changing the containment sump buffering agent requirement from TSP to NaTB and revising the required volume of NaTB continues to ensure a containment sump equilibrium pH  $\geq 7.0$ . The margin for pH control is not altered by the proposed changes.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

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.

*Attorney for licensee:* Terence A. Burke, Associate General Counsel—Nuclear Entergy Services, Inc., 1340 Echelon Parkway, Jackson, Mississippi 39213.

*NRC Branch Chief:* Thomas G. Hiltz.  
*FPL Energy Seabrook, LLC, Docket No.* 50-443, *Seabrook Station, Unit No. 1, Rockingham County, New Hampshire*  
*Date of amendment request:* July 17, 2007.

*Description of amendment request:*  
 The proposed amendment would revise the Seabrook Station, Unit No. 1 Technical Specifications (TSs) related to control room envelope (CRE) habitability consistent with Technical Specification Task Force (TSTF) change traveler TSTF-448, Revision 3, "Control Room Habitability."

The NRC staff issued a notice of availability of a model safety evaluation, a model no significant hazards consideration (NSHC) determination, and a model license amendment request in the **Federal Register** on January 17, 2007 (72 FR 2022). In its application dated July 17, 2007, the licensee affirmed the applicability of the model NSHC determination, which is presented below.

*Basis for proposed no significant hazards consideration determination:*  
 As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration, is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change does not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, or configuration of the facility. The proposed change does not alter or prevent the ability of structures, systems, and components (SSCs) to perform their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed change revises the TS for the CRE emergency ventilation system, which is a mitigation system designed to minimize unfiltered air leakage into the CRE and to filter the CRE atmosphere to protect the CRE occupants in the event of accidents previously analyzed. An important part of the CRE emergency ventilation system is the CRE boundary. The CRE emergency ventilation system is not an initiator or precursor to any accident previously evaluated. Therefore, the probability of any accident previously evaluated is not increased. Performing tests to verify the operability of the CRE boundary and implementing a program to assess and maintain CRE habitability ensure that the CRE emergency ventilation system is capable of adequately mitigating radiological consequences to CRE occupants during accident conditions,

and that the CRE emergency ventilation system will perform as assumed in the consequence analyses of design basis accidents. Thus, the consequences of any accident previously evaluated are not increased. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change does not impact the accident analysis. The proposed change does not alter the required mitigation capability of the CRE emergency ventilation system, or its functioning during accident conditions as assumed in the licensing basis analyses of design basis accident radiological consequences to CRE occupants. No new or different accidents result from performing the new surveillance or following the new program. The proposed change does not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a significant change in the methods governing normal plant operation. The proposed change does not alter any safety analysis assumptions and is consistent with current plant operating practice. Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed changes do not involve a significant reduction in the margin of safety. The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined. The proposed change does not affect safety analysis acceptance criteria. The proposed change will not result in plant operation in a configuration outside the design basis for an unacceptable period of time without compensatory measures. The proposed change does not adversely affect systems that respond to safely shutdown the plant and to maintain the plant in a safe shutdown condition. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Attorney for licensee:* M.S. Ross, Florida Power & Light Company, P.O. Box 14000, Juno Beach, FL 33408-0420.

*NRC Branch Chief:* Harold K. Chernoff.

*Nuclear Management Company, LLC, Docket No. 50-263, Monticello Nuclear Generating Plant (MNGP), Wright County, Minnesota*

*Date of amendment request:*  
 September 17, 2007.

*Description of amendment request:*  
 The proposed amendment would revise the MNGP Technical Specifications (TS) by adding an Action Statement to the Limiting Condition for Operation (LCO) for Specification 3.7.5, "Control Room Ventilation System." The new Action Statement will allow a finite time (72 hours) to restore one control room ventilation subsystem to operable status when both ventilation subsystems are inoperable, provided the control room temperature is verified to be less than 90 degrees once every 4 hours.

The proposed amendment is consistent with the NRC's approved Technical Specification Task Force (TSTF) Improved Standard Technical Specifications Change Traveler, TSTF-477, Revision 3 (March 26, 2007; 72 FR 14143).

*Basis for proposed no significant hazards consideration determination:*  
 As required by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration (NSHC) by referencing the NRC staff's model NSHC analysis published on December 18, 2006 (71 FR 75774). The NRC staff's model NSHC analysis is reproduced below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change is described in Technical Specification Task Force (TSTF) Standard TS Change Traveler TSTF-477; it adds an action statement for two inoperable control room subsystems.

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed). The proposed changes add an action statement for two inoperable control room subsystems. The equipment qualification temperature of the control room equipment is not affected. Future changes to the Bases or licensee-controlled document will be evaluated pursuant to the requirements of 10 CFR 50.59, "Changes, test and experiments," to ensure that such changes do not result in more than a minimal increase in the probability or consequences of an accident previously evaluated.

The proposed changes do not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, and configuration of the facility or the manner in which the plant is operated and maintained. The proposed changes do not adversely affect the ability of structures, systems and

components (SSCs) to perform their intended safety function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed changes do not affect the source term, containment isolation, or radiological consequences of any accident previously evaluated. Further, the proposed changes do not increase the types and the amounts of radioactive effluent that may be released, nor significantly increase individual or cumulative occupation/public radiation exposures.

Therefore, the changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

**Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated**

The proposed changes add an action statement for two inoperable control room subsystems. The changes do not involve a physical altering of the plant (i.e., no new or different type of equipment will be installed) or a change in methods governing normal plant operation. The requirements in the TS continue to require maintaining the control room temperature within the design limits.

Therefore, the changes do not create the possibility of a new or different kind of accident from any previously evaluated.

**Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety**

The proposed changes add an action statement for two inoperable control room subsystems. Instituting the proposed changes will continue to maintain the control room temperature within design limits. Changes to the Bases or licensee controlled document are performed in accordance with 10 CFR 50.59. This approach provides an effective level of regulatory control and ensures that the control room temperature will be maintained within design limits.

The proposed changes maintain sufficient controls to preserve the current margins of safety. Based upon the reasoning above, the NRC staff concludes that the amendment request involves no significant hazards consideration.

The NRC staff has reviewed the licensee's referenced analysis, and has found that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the proposed amendment involves no significant hazards consideration.

*Attorney for licensee:* Jonathan Rogoff, Esquire, Vice President, Counsel & Secretary, Nuclear Management Company, LLC, 700 First Street, Hudson, WI 54016.

*NRC Acting Branch Chief:* Travis L. Tate.

*Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska*

*Date of amendment request:*  
September 21, 2007.

*Description of amendment request:*  
The proposed amendment will revise the Technical Specifications (TS) safety limit (SL) requirements related to the use of a non-cycle specific peak linear heat rate (PLHR) SL of 22 kilowatts per foot (kW/ft) to fuel centerline melt. The proposed change is consistent with the Technical Specification Task Force (TSTF) 445-A, Revision 1. Because these Limiting Safety System Setting (LSSS) values appear in the Fort Calhoun Station, Unit 1 (FCS), TS Bases section of TS 1.3, "Limiting Safety System Settings, Reactor Protective System," TS 1.0, "Safety Limits and Limiting Safety System Settings," will be revised to more clearly align with the Combustion Engineering (CE) Standard Technical Specifications (STS) 2.0 in content. Therefore, TS Section 1.1, "Safety Limits—Reactor Core," will be revised to incorporate the TSTF-445-A, Revision 1, peak fuel centerline temperature (PFCT) criteria, and TS 1.2, "Safety Limits—Reactor Coolant System Pressure," will be revised to incorporate the SL violation action which is currently delineated in administrative control TS 5.7.1. TS Section 1.3 will be relocated to the currently unused TS Section 2.13 to be more consistent with the content of the CE STS (i.e., the LSSS will be located in the Limiting Conditions for Operation (LCO) section of the FCS TS which is similar to the LCO/Surveillance Requirements Section 3.0 of the STS). As noted above, the administrative control in TS 5.7.1, "Safety Limit Violation," will be relocated to TS Section 2.13. Also, administrative control TS 5.9.5, "Core Operating Limits Report (COLR)," item a., will be revised to add TS 2.13, "RPS Limiting Safety System Settings," Table 2-11, Items 6, 8, and 9, to the list of items that shall be documented in the COLR. The TS table of contents (TOC) will be updated to reflect the deletion and subsequent renumbering of TS 1.3 and Table 1-1 to TS 2.13 and Table 2-11, respectively. In addition, the TOC will be updated to delineate the new TS subsections 1.1.1 and 1.1.2, provide the revised titles for TS 1.0, 1.1, 1.2, and 2.13, and to reflect TS 5.7.1 as "Not used."

*Basis for proposed no significant hazards consideration determination:*  
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 amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change does not require any physical change to any plant systems, structures, or components nor does it require any change in systems or plant operations. The proposed change does not require any change in safety analysis methods or results. The change to establish the PFCT as the safety limit is consistent with the FCS licensing basis for ensuring that the fuel design limits are met. Operations and analysis will continue to be in compliance with NRC regulations.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

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

Response: No.

The accident analyses indicate that the peak linear heat rate may exceed the present Limiting Safety System Setpoint of 22 kW/ft during the Control Element Assembly (CEA) Drop, Excess Load, and Loss of Feedwater Heating events. The analyses for these [anticipated operational occurrences] indicate that the PFCT is not significantly challenged or exceeded. The existing analyses remain unchanged and do not affect any accident initiators that would create a new accident.

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

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

Response: No.

The proposed change does not require any change in accident analysis methods or results. Therefore, by changing the SL from PLHR to peak fuel centerline melt temperature, the margin, as established in the current licensing basis, remains unchanged. The proposed administrative change relocates descriptive information from one section of the TS to another TS section, thereby maintaining the information in the FCS TS, which has no effect on safety margins.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

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.

*Attorney for licensee:* James R. Curtiss, Esq., Winston & Strawn, 1700 K Street, NW., Washington, DC 20006-3817.

*NRC Branch Chief:* Thomas G. Hiltz.

*Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-321 and 50-366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia*

*Date of amendment request:* October 3, 2007.

*Description of amendment request:* The Edwin I. Hatch Nuclear Plant, Units 1 and 2, requests adoption of an approved change to the Standard Technical Specifications (STSs) for Boiling Water Reactor (BWR) plants (NUREG-1433 and NUREG-1434) and plant-specific technical specifications (TSs), to allow the use of the improved banked position withdrawal sequence (BPWS) during shutdowns in accordance with NEDO-33091-A, Revision 2, "Improved BPWS Control Rod Insertion Process," dated July 2004. The changes are consistent with NRC-approved Industry/Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler, TSTF-476, Revision 1.

The Nuclear Regulatory Commission (NRC) staff published a notice of availability of a model safety evaluation and model no significant hazards consideration (NSHC) determination for referencing in license amendment applications in the **Federal Register** on May 23, 2007, (72 FR 29004) as part of the consolidated line-term improvement process (CLIIP), and a correction on May 30, 2007, (72 FR 30043). The licensee affirmed the applicability of the model NSHC determination in its application dated October 3, 2007.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

**Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated**

The proposed changes modify the TS to allow the use of the improved banked position withdrawal sequence (BPWS) during shutdowns if the conditions of NEDO-33091-A, Revision 2, "Improved BPWS Control Rod Insertion Process," July 2004, have been satisfied. The staff finds that the licensee's justifications to support the specific TS changes are consistent with the approved topical report and TSTF-476, Revision 1. Since the change only involves changes in control rod sequencing, the probability of an accident previously evaluated is not significantly increased, if at all. The consequences of an accident after adopting TSTF-476 are no different than the

consequences of an accident prior to adopting TSTF-476. Therefore, the consequences of an accident previously evaluated are not significantly affected by this change.

Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

**Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated**

The proposed change will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose consequences exceed the consequences of accidents previously evaluated. The control rod drop accident (CRDA) is the design basis accident for the subject TS changes. This change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

**Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety**

The proposed change, TSTF-476, Revision 1, incorporates the improved BPWS, previously approved in NEDO-33091-A, into the improved TS. The control rod drop accident (CRDA) is the design basis accident for the subject TS changes. In order to minimize the impact of a CRDA, the BPWS process was developed to minimize control rod reactivity worth for BWR plants. The proposed improved BPWS further simplifies the control rod insertion process, and in order to evaluate it, the staff followed the guidelines of Standard Review Plan Section 15.4.9, and referred to General Design Criterion 28 of Appendix A to 10 CFR part 50 as its regulatory requirement. The TSTF stated the improved BPWS provides the following benefits: (1) Allows the plant to reach the all-rods-in condition prior to significant reactor cool down, which reduces the potential for re-criticality as the reactor cools down; (2) reduces the potential for an operator reactivity control error by reducing the total number of control rod manipulations; (3) minimizes the need for manual scrams during plant shutdowns, resulting in less wear on control rod drive (CRD) system components and CRD mechanisms; and (4) eliminates unnecessary control rod manipulations at low power, resulting in less wear on reactor manual control and CRD system components. The addition of procedural requirements and verifications specified in NEDO-33091-A, along with the proper use of the BPWS will prevent a control rod drop accident (CRDA) from occurring while power is below the low power setpoint (LPSP). The net change to the margin of safety is insignificant. Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the 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.

*Attorney for licensee:* Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

*NRC Branch Chief:* Evangelos C. Marinos.

*Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-321 and 50-366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia*

*Date of amendment request:* October 5, 2007.

*Description of amendment request:* The proposed amendments would add a 72-hour Completion Time (CT) for an inoperable swing diesel generator. Currently, the Technical Specifications (TSs) provide a 14-day CT which may be used provided that planned maintenance on certain plant components is restricted prior to entering, and for the duration of, the 14-day CT. The 72-hour CT and the 14-day CT are explicitly addressed in the TS Limiting Condition for Operation (LCO) for four of the five emergency diesel generators. In addition, the 14-day CT is explicitly addressed in the TS LCO for the fifth diesel generator, the swing diesel generator. Further, the existing 14-day CT and the proposed 72-hour CT are currently described in the TS Bases for LCO 3.8.1. This proposed change will provide an explicit reference to the 72-hour CT in the actual TS for the swing diesel.

*Basis for proposed no significant hazards consideration determination:* 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?

The proposed change will explicitly add, to the Technical Specifications (TS), a 72 hour CT for the swing diesel generator in addition to the 14 day CT already listed. The 72 hour CT is currently imposed on the swing DG until it can be verified that planned maintenance restrictions are in place. Mention of the planned restrictions is also being added to the specifications for the dedicated DGs for consistency. This TS change does not propose any physical changes to systems or components that are important to safety, including those systems that are designed to prevent previously evaluated accidents, or to mitigate the consequences of those accidents.

Additionally, this proposed TS change does not change any safety analyses for LOCA/LOSP [loss-of-coolant accident/loss-

of-offsite power] with respect to diesel generator availability or capabilities. This change does not request an increase to the diesel generator out of service CT, in fact, it acts to enforce a 72 hour CT for the swing diesel.

Consequently, this TS change does not significantly increase the probability or consequences of a previously evaluated accident.

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

This proposed TS change explicitly adds a 72 hour CT to the swing diesel generator "Completion Time" column of LCO 3.8.1, and adds mention of the planned maintenance restrictions to the same column for the dedicated DGs as well. These TS changes will reflect the current practices of the operating staff with respect to the handling of inoperable diesel generators. No requests are being made to increase the CTs for the diesel generators; instead, the more restrictive 72 hour CT for the swing diesel is being explicitly added to the TS, which currently only includes the 14 day CT.

No changes are being made to the operations, maintenance, or testing of plant equipment. No new modes of operation are proposed and therefore, no new failure modes are introduced.

Consequently, the proposed change does 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 the margin of safety?

This TS change will include a more restrictive 72 hour CT for the swing diesel generator in addition to the 14 day CT currently listed in the TS. The 72 hour CT will reflect that planned maintenance restrictions must be in place before using the 14 day CT on the swing DG. For consistency, mention of the maintenance restrictions is being added to the CT for the dedicated DGs as well. These changes are more restrictive than what is currently included in the TS. Accordingly, the changes do not involve a significant reduction in the margin of safety.

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.

*Attorney for licensee:* Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

*NRC Branch Chief:* Evangelos C. Marinos.

#### Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of 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.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, 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. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1 (800) 397-4209, (301) 415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

*AmerGen Energy Company, LLC, Docket No. 50-289, Three Mile Island Nuclear Station, Unit 1 (TMI-1), Dauphin County, Pennsylvania*

*Date of application for amendment:* March 22, 2007, as supplemented by letter dated July 25, 2007.

*Brief description of amendment:* The amendment consists of changes to various technical specifications (TSs) related to the variable low reactor coolant system pressure-temperature

core protection safety limit, which is being changed to accommodate the introduction of AREVA NP's Mark-B-HTP fuel design in the TMI-1 cycle 17 reload (fall 2007).

*Date of issuance:* October 15, 2007.

*Effective date:* As of the date of issuance and shall be implemented within 30 days.

*Amendment No.* 262.

*Facility Operating License No.* DPR-50. Amendment revised the license and the TSs.

*Date of initial notice in Federal Register:* April 24, 2007 (72 FR 20377). The supplement dated July 25, 2007, provided additional information that clarified the application, did not expand the scope of the application as originally noticed and did not change the NRC staff's original proposed no significant hazards determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 15, 2007.

No significant hazards consideration comments received: No.

*Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Entergy Mississippi, Inc., Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi*

*Date of application for amendment:* November 1, 2006, as supplemented by letters dated November 22, 2006, April 4, May 7, August 16, and September 21, 2007.

*Brief description of amendment:* The change revised the Grand Gulf Nuclear Station, Unit 1, Technical Specification Surveillance Requirement 3.3.1.1.7 for the surveillance interval of the local power range monitor calibrations from 1000 megawatt-days per ton (MWD/T) (approximately every 36 days) to 2000 MWD/T (approximately every 72 days).

*Date of issuance:* October 24, 2007.

*Effective date:* As of the date of issuance and shall be implemented within 60 days of issuance.

*Amendment No.* 177.

*Facility Operating License No.* NPF-29: The amendment revises the Facility Operating License and Technical Specifications.

*Date of initial notice in Federal Register:* December 5, 2006 (71 FR 70559). The supplements dated November 22, 2006, April 4, May 7, August 16, and September 21, 2007, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 24, 2007.

No significant hazards consideration comments received: No.

*Exelon Generation Company, LLC, Docket Nos. 50-373 and 50-374, LaSalle County Station (LSCS), Units 1 and 2, LaSalle County, Illinois*

*Date of application for amendments:* November 17, 2006.

*Brief description of amendments:* The proposed amendment would modify the technical specifications (TS) to replace references to Section XI of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) with a reference to the ASME Code of Operation and Maintenance of Nuclear Power Plants in TS 5.5.7, "Inservice Testing Program." These changes are consistent with the implementation of the LSCS, Units 1 and 2, for the third 10-year IST program.

*Date of issuance:* October 12, 2007.

*Effective date:* As of the date of issuance and shall be implemented within 30 days.

*Amendment Nos.:* 185/172.

*Facility Operating License Nos. NPF-11 and NPF-18:* The amendments revised the Technical Specifications and License.

*Date of initial notice in Federal Register:* April 10, 2007 (72 FR 17948). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 12, 2007.

No significant hazards consideration comments received: No.

*Florida Power and Light Company, et. al., Docket Nos. 50-335 and 50-389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida*

*Date of application for amendments:* October 19, 2006.

*Brief description of amendments:* The amendments revise various technical specifications (TSs) to address requirements that should have been changed as part of amendments previously approved by the NRC, as well as to correct some typographical errors.

*Date of Issuance:* October 22, 2007.

*Effective Date:* As of the date of issuance and shall be implemented within 60 days.

*Amendment Nos.:* 202 and 149.

*Renewed Facility Operating License Nos. DPR-67 and NPF-16:* Amendments revised TSs.

*Date of initial notice in Federal Register:* January 3, 2007 (72 FR 00153).

The Commission's related evaluation of the amendments is contained in a

Safety Evaluation dated October 22, 2007.

No significant hazards consideration comments received: No.

*FirstEnergy Nuclear Operating Company, et. al., Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio*

*Date of application for amendment:* February 12, 2007.

*Brief description of amendment:* This amendment revised Technical Specification 3/4.9.4, "Containment Penetrations," to allow containment penetrations that provide direct access from the containment atmosphere to the outside to be open during refueling activities if appropriate administrative controls are established.

*Date of issuance:* October 17, 2007.

*Effective date:* As of the date of issuance and shall be implemented within 60 days.

*Amendment No.:* 277.

*Facility Operating License No. NPF-3:* Amendment revised the Technical Specifications and License.

*Date of initial notice in Federal Register:* April 10, 2007 (72 FR 17949).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 17, 2007.

No significant hazards consideration comments received: No.

*FPL Energy Point Beach, LLC, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Units 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin*

*Date of application for amendments:* December 14, 2006, as supplemented by letter dated June 13, 2007.

*Brief description of amendments:* The amendments revised Technical Specification 5.6.5 (Reactor Coolant System (RCS) Pressure and Temperature Limits Report) to add the FERRET Code as an approved methodology for determining RCS pressure and temperature limits.

*Date of issuance:* October 18, 2007.

*Effective date:* As of the date of issuance and shall be implemented within 45 days.

*Amendment Nos.:* 229 and 234.

*Renewed Facility Operating License Nos. DPR-24 and DPR-27:* Amendments revised the Technical Specifications/ License.

*Date of initial notice in Federal Register:* January 16, 2007 (72 FR 1780).

The June 13, 2007, supplement, contained clarifying information and did not change the staff's initial proposed finding of no significant hazards consideration.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 18, 2007.

No significant hazards consideration comments received: No.

*Indiana Michigan Power Company, Docket Nos. 50-315, Donald C. Cook Nuclear Plant, Units 1 and 2 (DCCNP-1 and DCCNP-2), Berrien County, Michigan*

*Date of application for amendments:* June 27, 2007, as supplemented on September 21, 2007.

*Brief description of amendments:* The amendments made changes to Sections 3.3.3, "Post Accident Monitoring Instrumentation," 3.5, "Emergency Core Cooling Systems," and 3.6.14, "Containment Recirculation Drains," of the DCCNP-1 and DCCNP-2 Technical Specifications to reflect resolution of issues raised by Generic Letter (GL) 2004-02, "Potential Impact of Debris Blockage on Emergency Recirculation during Design Basis Accidents at Pressurized-Water Reactors."

*Date of issuance:* October 18, 2007.

*Effective date:* As of the date of issuance, and shall be implemented prior to entry into Mode 4 following the DCCNP-1 spring 2008 refueling outage, and prior to entry into Mode 4 following the DCCNP-2 fall 2007 refueling outage.

*Amendment No.:* 282 and 299.

*Facility Operating License Nos. DPR-58 and DPR-74:* Amendments revise the Technical Specifications.

*Date of initial notice in Federal Register:* July 31, 2007 (72 FR 41786).

The supplemental letter contained clarifying information, did not change the initial no significant hazards consideration determination, and did not expand the scope of the original **Federal Register** notice. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 18, 2007.

No significant hazards consideration comments received: No.

*PSEG Nuclear LLC, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey*

*Date of application for amendment:* July 26, 2007.

*Brief description of amendment:* The amendment removes values for turbine first stage pressure associated with  $P_{\text{bypass}}$  from the Technical Specifications (TSs).  $P_{\text{bypass}}$  is the reactor power level below which the turbine stop valve closure and the turbine control valve fast closure reactor protection system trip functions and the end-of-cycle

recirculation pump trip are bypassed automatically.

*Date of issuance:* October 16, 2007.

*Effective date:* As of the date of issuance, to be implemented within 60 days.

*Amendment No.:* 172.

*Facility Operating License No. NPF-57:* The amendment revised the TSs and the License.

*Date of initial notice in Federal Register:* August 14, 2007 (72 FR 45460).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 16, 2007.

No significant hazards consideration comments received: No.

*Virginia Electric and Power Company, et. al., Docket Nos. 50-280 and 50-281, Surry Power Station, Units 1 and 2, Surry County, Virginia*

*Date of application for amendments:* October 3, 2006, as supplemented on March 28 and June 19, 2007.

*Brief Description of amendments:* These amendments revised the Technical Specification Surveillance Requirements (SRs) to: (1) Change the required frequency of containment sump inspections, and (2) replace specific terminology associated with the existing sump screen design with generic terminology applicable to both the existing design and the replacement strainer being installed in response to the Nuclear Regulatory Commission's Generic Letter 2004-02, "Potential Impact of Debris Blockage on Emergency Recirculation during Design Basis Accidents at Pressurized-Water Reactors."

*Date of issuance:* October 15, 2007.

*Effective date:* As of date of issuance and shall be implemented at the completion of Unit 1 fall 2007 refueling outage.

*Amendment Nos.:* 255, 254.

*Renewed Facility Operating License Nos. DPR-32 and DPR-37:* Amendments changed the licenses and the technical specifications.

*Date of initial notice in Federal Register:* November 7, 2006 (71 FR 65146). The supplements dated March 28 and June 19, 2007, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staffs' original proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 15, 2007.

No significant hazards consideration comments received: No.

**Notice of Issuance of Amendments to Facility Operating Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)**

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment 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.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an

opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, 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. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1 (800) 397-4209, (301) 415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. Within 60 days after the date of publication of this notice, person(s) may file a request for a hearing with respect to issuance of

the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request via electronic submission through the NRC E-Filing system for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and electronically on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. If there are problems in accessing the document, contact the PDR Reference staff at 1 (800) 397-4209, (301) 415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall

provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact.<sup>1</sup> Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Each contention shall be given a separate numeric or alpha designation within one of the following groups:

1. *Technical*—primarily concerns/ issues relating to technical and/or health and safety matters discussed or referenced in the applications.
2. *Environmental*—primarily concerns/issues relating to matters discussed or referenced in the environmental analysis for the applications.
3. *Miscellaneous*—does not fall into one of the categories outlined above.

As specified in 10 CFR 2.309, if two or more petitioners/requestors seek to co-sponsor a contention, the petitioners/requestors shall jointly designate a representative who shall have the authority to act for the petitioners/requestors with respect to that contention. If a petitioner/requestor seeks to adopt the contention of another sponsoring petitioner/requestor, the petitioner/requestor who seeks to adopt the contention must either agree that the sponsoring petitioner/requestor shall act as the representative with respect to that contention, or jointly designate with the sponsoring petitioner/requestor a representative who shall have the authority to act for the petitioners/requestors with respect to that contention.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to

<sup>1</sup> To the extent that the applications contain attachments and supporting documents that are not publicly available because they are asserted to contain safeguards or proprietary information, petitioners desiring access to this information should contact the applicant or applicant's counsel and discuss the need for a protective order.

intervene, and have the opportunity to participate fully in the conduct of the hearing. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for hearing or a petition for leave to intervene must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated on August 28, 2007, (72 FR 49139). The E-Filing process requires participants to submit and serve documents over the internet or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least five (5) days prior to the filing deadline, the petitioner/requestor must contact the Office of the Secretary by e-mail at [HEARINGDOCKET@NRC.GOV](mailto:HEARINGDOCKET@NRC.GOV), or by calling (301) 415-1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at <http://www.nrc.gov/site-help/e-submittals/install-viewer.html>. Information about applying for a digital ID certificate is available on NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>.

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m.

Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the "Contact Us" link located on the NRC Web site at <http://www.nrc.gov/site-help/e-submittals.html> or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The help line number is (800) 397-4209 or locally, (301) 415-4737.

Participants who believe that they have a good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii). To be timely,

filings must be submitted no later than 11:59 p.m. Eastern Time on the due date.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at [http://ehd.nrc.gov/EHD\\_Proceeding/home.asp](http://ehd.nrc.gov/EHD_Proceeding/home.asp), unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, Participants are requested not to include copyrighted materials in their submission.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer or the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(a)(1)(i)-(viii).

*Tennessee Valley Authority, Docket Nos. 50-328, Sequoyah Nuclear Plant, Unit 2, Hamilton County, Tennessee*

*Date of application for amendment:* September 17, 2007.

*Brief description of amendment:* The amendment revises technical specification 3.6.1.9 on a one-time basis to allow an increase in the annual limit for purging and venting containment from 1000 hours to 1400 hours during 2007.

*Date of issuance:* October 11, 2007.

*Effective date:* As of the date of issuance and shall be implemented within 45 days.

*Amendment Nos.:* 308.

*Facility Operating License Nos. DPR-79:* Amendment revised the technical specifications.

*Public comments requested as to proposed no significant hazards consideration (NSHC):* Yes. 72 FR 54691, published September 26, 2007. The notice provided an opportunity to submit comments on the Commission's proposed NSHC determination. No comments have been received. The notice also provided an opportunity to request a hearing within 60 days after the date of publication of the notice, but indicated that if the Commission makes a final NSHC determination, any such hearing would take place after issuance of the amendment.

The Commission's related evaluation of the amendment, finding of exigent

circumstances, state consultation, and final NSHC determination are contained in a safety evaluation dated October 11, 2007.

*Attorney for licensee:* General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11A, Knoxville, Tennessee 37902.

*NRC Branch Chief:* Thomas H. Boyce.

Dated at Rockville, Maryland, this 25th day of October 2007.

For the Nuclear Regulatory Commission.

**Catherine Haney,**

*Director, Division of Operating Reactor Licensing Office of Nuclear Reactor Regulation.*

[FR Doc. E7-21435 Filed 11-5-07; 8:45 am]

**BILLING CODE 7590-01-P**

## OFFICE OF PERSONNEL MANAGEMENT

### Excepted Service

**AGENCY:** U.S. Office of Personnel Management (OPM).

**ACTION:** Notice.

**SUMMARY:** This gives notice of OPM decisions granting authority to make appointments under Schedules A, B, and C in the excepted service as required by 5 CFR 6.6 and 213.103.

**FOR FURTHER INFORMATION CONTACT:** C. Penn, Group Manager, Executive Resources Services Group, Center for Human Resources, Division for Human Capital Leadership and Merit System Accountability, 202-606-2246.

**SUPPLEMENTARY INFORMATION:** Appearing in the listing below are the individual authorities established under Schedules A, B, and C between September 1, 2007, and September 30, 2007. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30 is published each year.

### Schedule A

No Schedule A appointments were approved for September 2007.

### Schedule B

No Schedule B appointments were approved for September 2007.

### Schedule C

The following Schedule C appointments were approved during September 2007.

### Section 213.3303 Executive Office of the President

*Office of Management and Budget*

BOGS70020 Confidential Assistant to the Administrator, Office of Federal