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*Federal Rulemaking Web site:* Public comments and supporting materials related to this notice can be found at <http://www.regulations.gov> by searching on Docket ID: NRC-2010-0344.

**FOR FURTHER INFORMATION CONTACT:**

Donald Helton, Division of Risk Analysis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: 301-251-7594, e-mail: [Donald.Helton@nrc.gov](mailto:Donald.Helton@nrc.gov).

**SUPPLEMENTARY INFORMATION:** NUREG-1953, "Confirmatory Thermal-Hydraulic Analysis to Support Specific Success Criteria in the Standardized Plant Analysis Risk Models—Surry and Peach Bottom, Draft Report for Comment," investigates specific thermal-hydraulic aspects of the Surry and Peach Bottom Standardized Plant Analysis Risk models, with the goal of further strengthening the technical basis for decisionmaking that relies on the SPAR models. This analysis employs the MELCOR computer code to analyze a number of scenarios with different assumptions.

Dated at Rockville, Maryland, this 15th day of December, 2010.

For the Nuclear Regulatory Commission.

**Kevin A. Coyne,**

*Chief, Probabilistic Risk Assessment Branch, Division of Risk Analysis, Office of Nuclear Regulatory Research.*

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**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-261; NRC-2010-0062]

**Carolina Power & Light Company; H.B. Robinson Steam Electric Plant, Unit No. 2; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption pursuant to Title 10 of the Code of Federal Regulations (10 CFR) Section 73.5, "Specific exemptions," from the

implementation date for certain new requirements of 10 CFR Part 73, "Physical protection of plants and materials," for Facility Operating License No. DPR-23, issued to Carolina Power & Light Company (the licensee), for operation of the H. B. Robinson Steam Electric Plant, Unit 2 (HBRSEP), located in Darlington County, South Carolina. In accordance with 10 CFR 51.21, "Criteria for and identification of licensing and regulatory actions requiring environmental assessments," the NRC staff prepared an environmental assessment documenting its finding. The NRC staff concluded that the proposed action will have no significant environmental impact.

**Environmental Assessment**

*Identification of the Proposed Action*

The proposed action would exempt the licensee from the required implementation date of March 31, 2010, for one specific requirement of 10 CFR Part 73. Specifically, HBRSEP would be granted a second exemption, further extending the date for full compliance with one remaining item of the requirements contained in 10 CFR 73.55, from December 30, 2010, (the date specified in a prior exemption granted by NRC on March 3, 2010), until September 16, 2011. The proposed action, an extension of the schedule for completion of certain actions required by the revised 10 CFR Part 73, does not result in any additional physical changes to the reactor, fuel, plant structures, support structures, water, or land at the HBRSEP site.

The proposed action is in accordance with the licensee's application dated September 30, 2010.

*The Need for the Proposed Action*

The proposed exemption is needed to provide the licensee with additional time, beyond the date granted by the NRC letter dated March 3, 2010, to implement one remaining item of the two requirements in the previous exemption that involves important physical modifications to the HBRSEP security system. The licensee has performed an extensive evaluation of the revised 10 CFR Part 73 and has achieved compliance with a vast majority of the revised rule by the March 31, 2010, compliance date. However, the licensee has determined that implementation of one specific provisions of the rule will require more time to implement because they involve upgrades to the security system that require significant physical modifications (e.g., the relocation of certain security assets to a new security

building that will be constructed, and the addition of certain power supplies). There are several issues which have delayed the work to this point and impacted the projected schedule: (1) The complexity of the design and construction of the projects which lead to unforeseen scope growth; (2) a better understanding of the time necessary for transition and testing for the new systems; and (3) due to a fire in an electrical switchgear room, the spring refueling outage was extended beyond that originally anticipated when schedules were first developed. These issues were revealed as the design evolved from the conceptual state to a detailed design. Additional time, beyond that previously approved, is needed due the extensive redesign and review effort that was unforeseen at the conceptual design stage.

*Environmental Impacts of the Proposed Action*

The NRC staff has completed its environmental assessment of the proposed exemption and has concluded that the proposed action to extend the implementation deadline would not significantly affect plant safety and would not have a significant adverse effect on the probability or consequences of an accident.

The proposed action would not result in an increased radiological hazard beyond those previously analyzed in the environmental assessment and finding of no significant impact made by the Commission in promulgating its revisions to 10 CFR Part 73 as discussed in a **Federal Register** notice dated March 27, 2009 (74 FR 13967). There will be no change to radioactive effluents that affect radiation exposures to plant workers and members of the public. Therefore, no changes or different types of radiological impacts are expected as a result of the proposed exemption.

The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents. No changes to the National Pollution Discharge Elimination System permit are needed. No effects on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or impacts to essential fish habitat covered by the Magnuson-Stevens Act are expected. There are no impacts to the air or ambient air quality.

There are no impacts to historical and cultural resources. There would be no impact to socioeconomic resources. Therefore, no changes to or different types of non-radiological environmental

impacts are expected as a result of the proposed exemption.

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

With its request to extend the implementation deadline, the licensee currently maintains a security system acceptable to the NRC and that will continue to provide acceptable physical protection of HBRSEP in lieu of the new requirements in 10 CFR Part 73.

Therefore, the extension of the implementation date for one element of the new requirements of 10 CFR Part 73 to September 16, 2011, would not have any significant environmental impacts.

The NRC staff's safety evaluation will be provided as part of a letter to the licensee approving the exemption to the regulation, if granted.

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

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (*i.e.*, the "no action" alternative). Denial of the exemption request would result in no change in current environmental impacts. If the proposed action was denied, the licensee would have to comply with the existing implementation deadline of December 30, 2010, for one remaining item of the two requirements, as granted on March 3, 2010. The environmental impacts of the proposed exemption and the "no action" alternative are similar.

#### *Alternative Use of Resources*

The action does not involve the use of any different resources than those considered in the Final Environmental Statement for the HBRSEP, dated April 1975, as supplemented through the "Generic Environmental Impact Statement for License Renewal of Nuclear Plants: H.B. Robinson Steam Electric Plant, Unit 2—Final Report (NUREG—1437, Supplement 13)."

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on December 15, 2010, the NRC staff consulted with the South Carolina State official, Susan Jenkins of the South Carolina Bureau of Land and Waste Management, regarding the environmental impact of the proposed action. The State official had no comments.

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

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the

human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated September 30, 2010. Portions of the September 30, 2010, submittal contain proprietary and security-related information, and accordingly, a redacted version of this letter is available for public review in the Agencywide Documents Access and Management System (ADAMS), Accession No. ML102770306. This document may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>.

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Dated at Rockville, Maryland, this 16th day of December 2010.

For the Nuclear Regulatory Commission.

**Farideh E. Saba,**

*Senior Project Manager, Plant Licensing Branch II-2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

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## **NUCLEAR REGULATORY COMMISSION**

[ Docket Nos. 50-280 and 50-281; NRC-2010-0283]

### **Virginia Electric and Power Company; Surry Power Station Unit Nos. 1 and 2; Exemption**

#### **1.0 Background**

Virginia Electric and Power Company (the licensee) is the holder of Facility Operating License Nos. DPR-32 and DPR-37 which authorizes operation of the Surry Power Station (SURRY) Unit Nos. 1 and 2. The license provides, among other things, that the facility is subject to all rules, regulations, and Orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of a pressurized-water reactor located in Surry County, Virginia.

#### **2.0 Request/Action**

Pursuant to Title 10 of the Code of Federal Regulations (10 CFR), Section 50.12, "Specific exemptions," the Virginia Electric and Power Company (VEPCO), by letter dated February 10, 2010,<sup>1</sup> requested an exemption from certain requirements of 10 CFR 50.46, "Acceptance criteria for emergency core cooling systems [ECCS] for light-water nuclear power reactors," and Appendix K to 10 CFR Part 50, "ECCS Evaluation Models" (Appendix K). The regulations in 10 CFR 50.46 contain acceptance criteria for the ECCS for reactors fueled with zircaloy or ZIRLO™ cladding. In addition, Appendix K to 10 CFR Part 50 requires that the Baker-Just equation be used to predict the rates of energy release, hydrogen concentration, and cladding oxidation from the metal/water reaction. The Baker-Just equation assumed the use of a zirconium alloy different than Optimized ZIRLO™. The exemption request relates solely to the specific types of cladding material specified in these regulations. As written, the regulations presume the use of zircaloy or ZIRLO™ fuel rod cladding. Thus, an exemption from the requirements of 10 CFR 50.46 and Appendix K is needed to support the use of different fuel rod cladding material. Therefore, the licensee requested an exemption that would allow the use of Optimized ZIRLO™ fuel rod cladding at SURRY. The NRC staff will prepare a separate safety evaluation, fully addressing VEPCO's application for a related license amendment.

#### **3.0 Discussion**

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. Under 10 CFR 50.12(a)(2), special circumstances include, among other things, when application of the specific regulation in the particular circumstance would not serve, or is not necessary to achieve, the underlying purpose of the rule.

<sup>1</sup> VEPCO letter to NRC, Agencywide Documents Access and Management System (ADAMS) Accession No. ML100470738.