

Effective regulatory cooperation is about more than just regulations. It is possible that identical regulations could still contain duplicative requirements and verifications that hinder trade and increase costs. Regulatory cooperation must consider all facets of the regulatory system including regulatory policy, related programs and guidance, inspection and testing methods, and compliance and enforcement activities.

Work on the initial Regulatory Cooperation Council (RCC) Action Plan has helped to identify a number of areas where we believe deeper cooperation would generate significant benefit for regulated parties, citizens, and regulators. For example:

*Standard Setting:* aligning standards or sharing information concerning the standards development activities in which regulators will play an active role.

*Product Reviews and Approvals:* joint applications and aligned requirements, sharing in work to inform approvals.

*Reliance on Outcomes of the Other Regulatory System:* working together in advancing regulatory systems to achieve common outcomes, and then increasing reliance on the work conducted in the other jurisdiction.

*Managing 3rd Country Import Risk:* coordinating import programs and sharing information about third country technical requirements, increasing our reliance on assessment and inspection work done off-shore by the other country and at our external borders at the point of first entry into Canada or the United States.

*Improving Confidence in Conformity Assessment:* aligning conformity assessment practices, and reliance on international conformity assessment standards and acceptance mechanisms to achieve greater confidence in inspection and testing results.

The current range of authorities, policies, and administrative practices that support strong regulatory systems in the United States and Canada were developed in a much less integrated time. In order to maintain the strength of these systems and to meet the realities and expectations of Canadian and American citizens and industry, new and increased levels of cooperation must be considered. We therefore ask that comments and suggestions consider the full range of cooperation possibilities.

The objective is to make regulatory cooperation a cornerstone of an enhanced regulatory relationship between Canada and the United States, while leveraging the expertise and efforts of regulators in each country. We

welcome stakeholder input on considerations for ongoing alignment.

**Howard A. Shelanski,**

*Administrator, Office of Information and Regulatory Affairs.*

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## **NUCLEAR REGULATORY COMMISSION**

**[Docket Nos. 50-458; NRC-2013-0190]**

### **Entergy Operations, Inc., River Bend Station, Unit 1; Exemption**

#### **1.0 Background**

Entergy Operations Inc. (Entergy, the licensee) is the holder of Facility Operating License No. NPF-47, which authorizes operation of the River Bend Station, Unit 1 (RBS). 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) now or hereafter in effect.

The facility consists of a boiling-water reactor located in West Feliciana Parish, Louisiana.

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

Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), appendix J, "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors," requires that components which penetrate containment be periodically leak tested at the "P<sub>a</sub>," defined as the "calculated peak containment internal pressure related to the design basis accident specified either in the technical specification or associated bases." In October 2011, Entergy was contacted by the NRC concerning the station's use of the appendix J definition of P<sub>a</sub>. The NRC noted a conflict between Entergy's interpretation of that definition of P<sub>a</sub> and the literal reading of the definition of P<sub>a</sub> in the regulations. Entergy stated it was defining P<sub>a</sub> based on the long-term calculated pressure peak for the containment as a whole and not on the short-term localized pressure spike in wetwell.

By letter dated August 23, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12241A250), Entergy submitted a request for an exemption from the definition of the P<sub>a</sub> as stated in 10 CFR part 50, appendix J, and substitute an alternate definition. The value of P<sub>a</sub> is determined by calculating the pressure response in containment over time after a main steam line break.

The original containment analysis for RBS had determined P<sub>a</sub> to be 7.6 pounds per square inch gauge (psig). In July 1999, RBS submitted a license amendment request to increase the licensed thermal power of the station by 5 percent from 2,894 megawatts thermal (MWth) to 3,039 MWth. As part of the extended power uprate review, new calculations were performed and determined that a localized pressure spike in the wetwell occurs within a few seconds of the accident and with a pressure peak at 9.3 psig. However, the localized pressure in the wetwell quickly drops by several psig as the pressure equalizes throughout containment. This calculation also determined that the long-term peak containment pressure is 3.6 psig. To avoid a large number of procedure changes, which would be required if the value was changed, RBS elected to maintain P<sub>a</sub> at the original (pre-extended power uprate) value of 7.6 psig, which is conservative to the calculated long-term peak value of 3.6 psig. The exemption would allow Entergy to continue to use the previously calculated value of 7.6 psig for P<sub>a</sub> for RBS instead of the localized pressure spike in the wetwell calculated value of 9.3 psig.

The NRC staff has concluded that the use of the alternate definition for P<sub>a</sub> meets the intent of 10 CFR part 50, appendix J because it provides testing of the primary containment parameters at a pressure that would exist throughout containment over the long term following a design basis accident.

#### **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. The staff accepts the licensee's determination that an exemption would be required to continue to use the alternate definition of P<sub>a</sub> from that defined in 10 CFR part 50, appendix J.

The NRC staff examined the licensee's rationale to support the exemption request and concluded that the use of the value of 7.6 psig for P<sub>a</sub> would meet the underlying purpose of 10 CFR part 50, appendix J. Supporting the use of this alternate value is:

(1) The time for the pressure spike to occur and fall to equilibrium is 6 seconds, which is not sufficient time to release source terms from the core,

(2) the pressure spike is also localized to the wetwell area which makes up roughly 10 percent of containment,

(3) the number of containment penetrations in this area is limited. Therefore, the current  $P_a$  value of 7.6 psig meets the intent of 10 CFR part 50, appendix J by bounding the peak bulk containment pressure (3.6 psig) and assuring that leakage through the primary containment does not exceed allowable leakage rate values,

(4) the calculated peak bulk containment pressure is 3.6 psig so the Technical Specification (TS) value of 7.6 is conservative for the use of determining containment leakage, and

(5) this request is consistent with the determination that the NRC staff has reached for other licensees under similar conditions based on the same considerations.

The application for exemption may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC's Web site, <http://www.nrc.gov> (the Electronic Reading Room).

Therefore, the NRC staff concludes that requesting exemption under the special circumstances of 10 CFR 50.12(a)(2)(ii) is appropriate and that the alternate definition of  $P_a$  may be used for the appendix J testing.

#### *Authorized by Law*

This exemption would allow Entergy to use a  $P_a$  value of 7.6 psig for appendix J testing at the RBS as discussed above. As stated above, 10 CFR 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR part 50, appendix J. The NRC staff has determined that granting of the licensee's proposed exemption is in accordance with the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

#### *No Undue Risk to Public Health and Safety*

The underlying purposes of 10 CFR part 50, appendix J are stated in section (I) "Introduction." The purpose is to conduct tests to assure that a) leakage through the primary reactor containment does not exceed allowable leakage rate values and b) to conduct periodic surveillance of reactor containment penetrations to support proper maintenance. No new accident precursors are created because the testing is conducted at a  $P_a$  value

calculated to be representative of peak conditions throughout containment during a design basis accident. No new accident precursors are created by use of a  $P_a$  of 7.6 psig instead of 9.3 psig, thus, the probability of postulated accidents is not increased. Therefore, there is no undue risk to public health and safety.

#### *Consistent With Common Defense and Security*

The exemption would permit exclusion of the short duration spike in wetwell pressure as  $P_a$  for Appendix J testing purposes. This change to the interpretation of  $P_a$  as defined in Appendix J has no relation to security issues. Therefore, the common defense and security is not impacted by this exemption.

#### **4.0 Conclusion**

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants Entergy Operations, Inc., an exemption from the definition for  $P_a$  in 10 CFR part 50, appendix J for River Bend Station, Unit 1 and alternatively to continue to use a  $P_a$  value of 7.6 psig.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (78 FR 50454; August 19, 2013).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 20th day of August 2013.

For the Nuclear Regulatory Commission.

**Michele G. Evans,**

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

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#### **NUCLEAR REGULATORY COMMISSION**

[Docket No. 052-00025; NRC-2008-0252]

#### **Inspections, Tests, Analyses, and Acceptance Criteria; Vogtle Electric Generating Plant, Unit 3**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Determination of inspections, tests, analyses, and acceptance criteria (ITAAC) completion.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) staff has determined that the inspections, tests, and analyses have been successfully completed, and that the specified acceptance criteria are met for ITAAC E.2.5.04.05.05.02, for the Vogtle Electric Generating Plant, Unit 3.

**ADDRESSES:** Please refer to Docket ID NRC-2008-0252 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2008-0252. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Ravindra Joshi, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6191, email: [Ravindra.Joshi@nrc.gov](mailto:Ravindra.Joshi@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **Licensee Notification of Completion of ITAAC**

On May 31, 2013, Southern Nuclear Operating Company, Inc. (the licensee) submitted an ITAAC closure notification (ICN) under § 52.99(c)(1) of Title 10 of the *Code of Federal Regulations* (10 CFR), informing the NRC that the licensee has successfully performed the required inspections, tests, and analyses for ITAAC E.2.5.04.05.05.02, and that the specified acceptance criteria are met for Vogtle