

relevant facts to support the PRB's review.

The NRC sent a copy of the proposed director's decision to the Petitioners and to the licensees for comment by letters dated September 18, 2017 (ADAMS Accession Nos. ML17156A197 and ML17156A214, respectively). The Petitioners and the licensees were provided the opportunity to provide comments on any part of the proposed director's decision that was considered to be erroneous or any issues in the petition that were not addressed. The Petitioners provided comments by letter dated October 11, 2017 (ADAMS Accession No. ML17291A040), and the Nuclear Energy Institute (NEI) provided comments, on behalf of licensees, by letter dated October 16, 2017 (ADAMS Accession No. ML17291A846). No new information was provided. To enhance the clarity of the director's decision, the NRC staff revised the description of the NRC's accident sequence precursor (ASP) program provided in Section D of the director's decision, to differentiate between condition and event assessments. The comments from the Petitioners and NEI, along with the NRC staff's responses to the comments, are included as an attachment to the director's decision. The attachment identifies any updates to the director's decision, as a result of comments received from the Petitioners and NEI.

On December 12, 2017, the NRC issued a final director's decision (ADAMS Accession No. ML17304A893). Subsequently, the NRC was informed of a minor error in the final director's decision. Specifically, Section D of the final director's decision refers to a December 2015 open phase condition event at Oconee and states, "Two separate transformers required for safe shutdown of the three operating Oconee nuclear units were identified with open phase conditions." This statement is in error because only one Oconee transformer experienced an open phase condition. Although this error does not change the decision in the director's decision, the NRC revised it, as appropriate, for accuracy.

The Director, Office of Nuclear Reactor Regulation, has determined that the request(s) to issue orders to operating reactor licensees regarding an open phase condition be denied. The reasons for this decision are explained in the Director's Decision DD-17-04, pursuant to 10 CFR 2.206.

The NRC will file a copy of the director's decision with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206. As provided by this regulation, the director's decision will constitute

the final action of the Commission 25 days after the date of the decision unless the Commission, on its own motion, institutes a review of the director's decision in that time.

Dated at Rockville, Maryland, this 23rd day of January, 2018.

For the Nuclear Regulatory Commission.

**Tanya M. Mensah,**

*Senior Project Manager, ROP Oversight and Generic Communications Branch, Division of Inspection and Regional Support, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 52-025 and 52-026; NRC-2008-0252]**

### **Southern Nuclear Operating Company, Inc., Vogtle Electric Generating Plant, Units 3 and 4; Containment Air Filtration Exhaust Rooms West Walls Removal**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Exemption and combined license amendment; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and is issuing License Amendment Nos. 98 and 97 to Combined Licenses (COL), NPF-91 and NPF-92, respectively. The COLs were issued to Southern Nuclear Operating Company, Inc., and Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, Authority of Georgia, and the City of Dalton, Georgia (the licensee); for construction and operation of the Vogtle Electric Generating Plant (VEGP) Units 3 and 4, located in Burke County, Georgia.

The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

**DATES:** The exemption and amendment were issued on November 14, 2017.

**ADDRESSES:** Please refer to Docket ID NRC-2008-0252 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available

information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2008-0252. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection 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 (if it is available in ADAMS) is provided the first time that it is mentioned in this document. The request for the amendment and exemption was submitted by letter dated May 24, 2017 (ADAMS Accession No. ML17144A413), as supplemented by letter dated August 31, 2017 (ADAMS Accession No. ML17243A445).

- *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:** Chandu Patel, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-3025; email: [Chandu.Patel@nrc.gov](mailto:Chandu.Patel@nrc.gov).

## **SUPPLEMENTARY INFORMATION:**

### **I. Introduction**

The NRC is granting an exemption from paragraph B of section III, "Scope and Contents," of appendix D, "Design Certification Rule for the AP1000," to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), and issuing License Amendment Nos. 98 and 97 to COLs, NPF-91 and NPF-92, respectively, to the licensee. The exemption is required by paragraph A.4 of section VIII, "Processes for Changes and Departures," appendix D, to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought proposed changes to the Updated Final Safety Analysis Report in the form of departures from the incorporated

plant-specific Design Control Document Tier 2 information and involves changes to COL Appendix C. The proposed changes revise the COLs to remove the west walls of containment air filtration exhaust rooms A and B in the annex building to facilitate ease of access to equipment in the room during installation and maintenance.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in §§ 50.12, 52.7, and section VIII.A.4 of appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML17283A313.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VEGP Units 3 and 4 (COLs NPF-91 and NPF-92). The exemption documents for VEGP Units 3 and 4 can be found in ADAMS under Accession Nos. ML17283A316 and ML17283A317, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF-91 and NPF-92 are available in ADAMS under Accession Nos. ML17283A314 and ML17283A315, respectively. A summary of the amendment documents is provided in Section III of this document.

## II. Exemption

Reproduced below is the exemption document issued to VEGP Units 3 and Unit 4. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item (1) in order to grant the exemption:

1. In a letter dated May 24, 2017, as supplemented by letter dated August 31, 2017, the licensee requested from the Commission an exemption to allow departures from Tier 1 information in the certified DCD incorporated by reference in 10 CFR part 52, appendix D, as part of license amendment request 17-017, "Containment Air Filtration Exhaust Rooms West Walls Removal."

For the reasons set forth in Section 3.1 of the NRC staff's Safety Evaluation, which can be found in ADAMS under

Accession No. ML17283A313, the Commission finds that:

- A. The exemption is authorized by law;
- B. the exemption presents no undue risk to public health and safety;
- C. the exemption is consistent with the common defense and security;
- D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;
- E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and
- F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1 information, with corresponding changes to Appendix C of the Facility Combined License as described in the request dated May 24, 2017, as supplemented by letter dated August 31, 2017. This exemption is related to, and necessary for the granting of License Amendment No. 98 (Unit 3) and 97 (Unit 4), which is being issued concurrently with this exemption.

3. As explained in Section 5.0 of the NRC staff's Safety Evaluation (ADAMS Accession No. ML17283A313), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of the date of its issuance.

## III. License Amendment Request

By letter dated May 24, 2017 (ADAMS Accession No. ML17144A413), as supplemented by letter dated August 31, 2017 (ADAMS Accession No. ML17243A445), the licensee requested that the NRC amend the COLs for VEGP, Units 3 and 4, COLs NPF-91 and NPF-92. The proposed amendment is described in Section I of this **Federal Register** notice.

The Commission has determined for 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.

A notice of consideration of issuance of amendment to facility operating license or COL, as applicable, proposed no significant hazards consideration

determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on August 8, 2017 (82 FR 37128). No comments were received during the 30-day comment period.

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.

## IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemptions and issued the amendments that the licensee requested on May 24, 2017, as supplemented by letter dated August 31, 2017.

The exemptions and amendments were issued on November 14, 2017, as part of a combined package to the licensee (ADAMS Accession No. ML17283A312).

Dated at Rockville, Maryland, this 22nd day of January, 2018.

For the Nuclear Regulatory Commission.

**Jennifer L. Dixon-Herrity**,  
Chief, Licensing Branch 4, Division of New  
Reactor Licensing, Office of New Reactors.

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 40-9091; NRC-2011-0148]

### Strata Energy, Inc.; Ross Uranium In Situ Recovery Facility; Source and Byproduct Materials License

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final environmental assessment and finding of no significant impact; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is considering an amendment of Source and Byproduct Materials License SUA-1601 to modify a License Condition for the Strata Energy, Inc. (Strata) Ross In Situ Recovery (ISR) Project. Specifically, Strata is requesting that NRC approve a modification to License Condition 11.3(C) for Mine Units Nos. 1 and 2 (MU1 and MU2) that would reduce the number of monitoring wells placed in the underlying aquifer. The NRC has prepared a final environmental assessment (EA) and finding of no significant impact (FONSI) for this licensing action.