

support the issuance of an exemption. Thus, the granting of the proposed exemption is consistent with the Atomic Energy Act of 1954, as amended, and the Commission's regulations. Therefore, the exemption is authorized by law.

No Undue Risk to Public Health and Safety

As described above, the requested exemption is procedural in nature and does not alter any substantive safety requirements regarding the content of a construction permit application. Due to the procedural nature of this request, no new accident precursors are created by allowing an applicant to submit a construction permit application in two parts; thus, the probability of postulated accidents is not increased. Similarly, the consequences of postulated accidents are not increased by an exemption that authorizes an application to be submitted in two parts. Therefore, there is no undue risk³ to public health and safety.

Consistent With Common Defense and Security

As discussed above, the proposed exemption would allow NWMI to submit its application for a 10 CFR part 50 construction permit application in two parts as provided for in 10 CFR 2.101(a)(5). The timing of submitting a construction permit application 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, 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, pursuant to 10 CFR 50.12, the Commission hereby grants NWMI an exemption from the 10 CFR 2.101(a)(5) requirement that limits the regulation's applicability to licensing and regulatory actions requiring environmental impact statements, as described in the provisions of 10 CFR 51.20(b). The exemption granted allows NWMI to submit the construction permit application for its medical radioisotope production facility in two parts, in

accordance with the remainder of the provisions of 10 CFR 2.101(a)(5).

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 as it is procedural in nature. Furthermore, the Commission has determined that this exemption request meets the criteria in 10 CFR 51.22(c)(25) for a licensing action that is categorically excluded from the requirement to prepare an environmental assessment because the granting of this exemption: (1) Does not involve a significant increase in the probability or consequences of an accident previously evaluated, does not create the possibility of a new or different kind of accident from that previously evaluated, and does not involve a significant reduction in the margin of safety and, thus there is no significant hazards consideration; (2) does not authorize the release of effluents, thus there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (3) neither authorizes new radiological hazards nor increases existing radiological hazards, thus there is no significant increase in individual or cumulative public or occupational radiation exposure; (4) does not authorize construction, thus there is no significant construction impact; (5) does not authorize any placement of radiological components at a facility or create any new accident precursors, thus there is no significant increase in the potential for or consequences from radiological accidents; and (6) allows the submission of a construction permit application in two parts, and thus involves a scheduling requirement in accordance with 10 CFR 51.22(c)(25)(vi)(G). This exemption is effective upon issuance to NWMI.

Dated at Rockville, Maryland, this 7th day of October, 2013.

For the Nuclear Regulatory Commission.

Lawrence E. Kokajko,

*Director, Division of Policy and Rulemaking,
Office of Nuclear Reactor Regulation.*

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52-027 and 52-028; NRC-2008-0441]

Virgil C. Summer Nuclear Station, Units 2 and 3; South Carolina Electric and Gas; Changes to the Primary Sampling System

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 issuing License Amendment No. 8 to Combined Licenses (COL), NPF-93 and NPF-94. The COLs were issued to South Carolina Electric and Gas (SCE&G) and South Carolina Public Service Authority (Santee Cooper) (the licensee), for construction and operation of the Virgil C. Summer Nuclear Station (VCSNS), Units 2 and 3 located in Fairfield County, South Carolina. The amendment requests to modify the Primary Sampling System (PSS) design, including changes to Tier 1 information located in Tables 2.2.1-2, 2.3.13-1, and 2.3.13-3, Figures 2.2.1-1 "Containment System" and 2.3.13-1 "Primary Sampling System," and Subsection 2.3.13, "Primary Sampling System" of the Updated Final Safety Analysis Report (UFSAR). 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.

ADDRESSES: Please refer to Docket ID NRC-2008-0441 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-2008-0441. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: 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 access publicly

³ Risk is defined as the probability of an accident multiplied by the consequences of an accident. More information on risk as it applies to NRC regulatory activities can be found in the Commission White Paper on Risk-Informed and Performance Based Regulation, SECY-98-144 (ADAMS Accession No. ML003753601).

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. 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. The request for the amendment and exemption were submitted by letter dated February 7, 2013 (ADAMS Accession No. ML13042A004). The licensee supplemented this request on July 11, 2013 (ADAMS Accession No. ML13197A431).

- 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:

Denise McGovern, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-0681; email: Denise.McGovern@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 No. 8 to COLs, NPF-93 and NPF-94, 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 to modify the design of the PSS. As part of this request, the licensee needed to change Tier 1 information located in Tables 2.2.1-2, 2.3.13-1, and 2.3.13-3, Figures 2.2.1-1 "Containment System" and 2.3.13-1 "Primary Sampling System," and Subsection 2.3.13, "Primary Sampling System" of the UFSAR. These changes were necessary as part of a design modification which changes the type of valve used as the air return check valve from a check valve to a solenoid-operated valve (SOV); redesigns the PSS inside-containment header; and adds a PSS containment penetration.

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 10 CFR 50.12, 10 CFR 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. ML13212A242.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VCSNS Units 2 and 3 (COLs NPF-93 and NPF-94). These documents can be found in ADAMS under Accession Nos. ML13212A226 and ML13212A228. 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-93 and NPF-94 are available in ADAMS under Accession Nos. ML13212A208 and ML13212A211. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to VCSNS Units 2 and 3. 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 February 7, 2013, and supplemented by a letter dated July 11, 2013, the licensee requested from the Commission an exemption from the provisions of 10 CFR Part 52, Appendix D, Section III.B, "Design Certification Rule for the AP1000 Design, Scope, and Contents," as part of license amendment request 13-06, "Changes to the Primary Sampling System."

For the reasons set forth in Section 3.1, "Evaluation of Exemption," of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML13212A242, 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 to the provisions of 10 CFR Part 52, Appendix D, Section III.B, to allow deviations from the certified DCD Tier 1 Section 2.3.13, Tables 2.2.1-2, 2.3.13-1, and 2.3.13-3, and Figures 2.2.1-1 and 2.3.13-1, as described in the licensee's request dated February 7, 2013, and as supplemented on July 11, 2013. This exemption is related to, and necessary for the granting of License Amendment No. 8, which is being issued concurrently with this exemption.

3. As explained in Section 5.0, "Environmental Consideration," of the NRC staff Safety Evaluation (ADAMS Accession No. ML13212A242), 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 August 22, 2013.

III. License Amendment Request

By letter dated February 7, 2013, the licensee requested that the NRC amend the COLs for VCSNS Units 2 and 3, COLs NPF-93 and NPF-94. The licensee supplemented this application on July 11, 2013. The proposed amendment would depart from Tier 2 Material previously incorporated into the UFSAR. Additionally, these Tier 2 changes involve changes to Tier 1 Information in the UFSAR, and the proposed amendment would also revise the associated material that has been included in Appendix C of each of the VCSNS, Units 2 and 3 COLs. The requested amendment will revise the Tier 2 UFSAR information pertaining to the PSS air return valve, and various Tier 2 tables and sections regarding the PSS design. These Tier 2 changes require modifications to particular Tier 1 information located in Tables 2.2.1-2, 2.3.13-1, and 2.3.13-3, Figures 2.2.1-1 "Containment System" and 2.3.13-1 "Primary Sampling System," and Subsection 2.3.13, "Primary Sampling System" of the UFSAR, as well as the corresponding information in Appendix C. These changes were necessary as part of a design modification which changes

the type of valve used as the air return check valve from a check valve to a SOV; redesigns the PSS inside-containment header; and adds a PSS containment penetration.

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 combined license, 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 March 4, 2013 (78 FR 14126). No comments were received during the 60-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 exemption and issued the amendment that the licensee requested on February 7, 2013, and supplemented by letter dated July 11, 2013. The exemption and amendment were issued on August 22, 2013 as part of a combined package to the licensee. (ADAMS Accession No. ML13212A108).

Dated at Rockville, Maryland, this 7th day of October 2013.

For the Nuclear Regulatory Commission.

Denise McGovern,

Senior Project Manager, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-277 and 50-278; NRC-2013-0232]

Exelon Generation Company, LLC; Peach Bottom Atomic Power Station, Units 2 and 3; Proposed License Amendment To Increase the Maximum Reactor Power Level

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft environmental assessment and draft finding of no significant impact; opportunity to comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of amendments to Renewed Facility Operating License Nos. DPR-44 and DPR-56, issued to Exelon Generation Company, LLC (Exelon, the licensee), for operation of the Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3, located in York and Lancaster Counties, Pennsylvania. The proposed amendments would authorize an increase in the maximum reactor power level from 3514 megawatts thermal (MWt) to 3951 MWt.

DATES: Comments must be filed by November 25, 2013. Any potential party as defined in Section 2.4 of Title 10 of the *Code of Federal Regulations* (10 CFR), who believe access to Sensitive Unclassified Non-Safeguards Information (SUNSI) is necessary to respond to this notice must request document access by November 4, 2013.

ADDRESSES: You may submit comment by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2013-0232. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: Carol.Gallagher@nrc.gov. For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: 3WFN, 06-44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on accessing information and submitting comments, see "Accessing Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Richard B. Ennis, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301-415-1420; email: Rick.Ennis@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC-2013-0232 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-2013-0232.

- *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. The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The application for amendment is dated September 28, 2012, and is supplemented by letters dated February 15, 2013, May 7, 2013, May 24, 2013, June 4, 2013, June 27, 2013, July 30, 2013, July 31, 2013, August 5, 2013, August 22, 2013, August 29, 2013, and September 13, 2013 (ADAMS Accession Nos. ML122860201, ML13051A032, ML13129A143, ML13149A145, ML13156A368, ML13182A025, ML13211A457, ML13213A285, ML13217A431, ML13240A002, ML13241A418, and ML13260A076, respectively). The application and some of the supplements contain SUNSI (proprietary information) and, accordingly, the proprietary information has been withheld from public disclosure. Redacted versions of the documents containing proprietary information have been made publicly available and can be accessed via the applicable ADAMS accession numbers listed above.

- *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.