

relevant issue finality provisions in Part 52.

Dated at Rockville, Maryland, this 2nd day of February 2012.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

*Chief, Regulatory Guide Development Branch,
Division of Engineering, Office of Nuclear
Regulatory Research.*

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-400, NRC-2012-0034]

Environmental Assessment and Finding of No Significant Impact; Carolina Power and Light Company Shearon Harris Nuclear Power Plant, Unit 1

AGENCY: Nuclear Regulatory
Commission.

ACTION: Notice of availability.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Introduction

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) 50.46,
“Acceptance Criteria for Emergency
Core Cooling Systems for Light-Water
Nuclear Power Reactors,” and 10 CFR
part 50, appendix K, “ECCS [Emergency
Core Cooling System] Evaluation
Models,” to allow for the use of M5™
alloy fuel rod cladding for Renewed
Facility Operating License No. NPF-63,
issued to Carolina Power and Light
Company (the licensee), doing business
as Progress Energy Carolinas Inc., for
operation of the Shearon Harris Nuclear
Power Plant, Unit 1 (HNP), located in
New Hill, North 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.

II. Environmental Assessment Summary

Identification of the Proposed Action

The proposed action would exempt
the licensee from certain requirements
of 10 CFR 50.46 and appendix K to 10
CFR part 50. Specifically, 10 CFR 50.46,
paragraph (a)(1)(i) provides
requirements for reactors containing
uranium oxide fuel pellets clad in either
zircaloy or ZIRLO. Additionally,
appendix K to 10 CFR part 50 presumes
the use of zircaloy or ZIRLO fuel
cladding when doing calculations for
energy release, cladding oxidation, and
hydrogen generation after a postulated
loss-of-coolant accident. Therefore, both
of these regulations state or assume that
either zircaloy or ZIRLO is used as the
fuel rod cladding material. The
proposed exemption would allow the
licensee use of M5™ cladding fuel
assemblies into the core of HNP Unit 1.
The proposed action is in accordance
with the licensee’s application dated
January 19, 2011.

The Need for the Proposed Action

The proposed exemption is needed to
allow the licensee the use of M5™ alloy
fuel rod cladding at HNP. The licensee
has requested an exemption from the
requirements of 10 CFR 50.46 and
appendix K to 10 CFR part 50 to allow
for loading of M5™ clad fuel
assemblies, in lieu of zircaloy or ZIRLO,
into the core during Refueling Outage 17
that is currently scheduled for spring
2012.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation
of the proposed action and concludes
that there are no environmental impacts
associated with the proposed
exemption. The details of the NRC
staff’s safety evaluation will be provided
in the exemption that, if approved by
the NRC, will be issued as part of the
letter to the licensee approving the
exemption to the regulation.

The proposed action will not
significantly increase the probability or
consequences of accidents. No changes
are being made in the types of effluents
that may be released offsite. There is no
significant increase in the amount of
any effluent released offsite. There is no
significant increase in occupational or
public radiation exposure. Therefore,
there are no significant radiological
environmental impacts associated with
the proposed action.

With regard to potential
nonradiological impacts, the proposed
action does not result in changes to land
use or water use, or result in changes to

the quality or quantity of
nonradiological effluents. No changes to
the National Pollutant 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. No impacts to the air or
ambient air quality are expected. There
are no impacts to historic and cultural
resources. In addition, there are also no
known socioeconomic or environmental
justice impacts associated with the
proposed action. Therefore, there are no
significant nonradiological
environmental impacts associated with
the proposed action.

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

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 ECCS rules in 10 CFR
50.46 and appendix K to 10 CFR part 50
and would not be able to use M5™ clad
fuel in the HNP core during the
upcoming refueling outage. 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 HNP, NUREG-0972, dated
October 31, 1983, as supplemented
through the “Generic Environmental
Impact Statement for License Renewal
of Nuclear Plants: Regarding Shearon
Harris Nuclear Power Plant, Unit 1—
Final Report (NUREG-1437,
Supplement 33).”

Agencies and Persons Consulted

In accordance with its stated policy,
on January 19, 2012 the NRC staff
consulted with the North Carolina State
official, Mr. Lee Cox of the Division of
Radiation Protection, with the North
Carolina Department of Environment
and Natural Resources, regarding the
environmental impact of the proposed
action. The State official had no
comments.

III. 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.

IV. Further Information

Documents related to this action are available electronically at the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. For further details with respect to the proposed action, see the licensee's letter dated January 19, 2011, located under ADAMS Accession No. ML11313A162. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by email to pdr.resource@nrc.gov.

These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O 1 F21, One White Flint North, 11555 Rockville Pike Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 6th day of February 2012.

For the Nuclear Regulatory Commission.
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*Project Manager, Plant Licensing Branch
 2-2, Division of Operating Reactor Licensing,
 Office of Nuclear Reactor Regulation.*
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NUCLEAR REGULATORY COMMISSION

[NRC-2011-0278; Docket No.: 50-286]

Entergy Nuclear Indian Point 3, LLC.; Entergy Nuclear Operations, Inc., Indian Point Nuclear Generating Unit 3; Exemption

1.0 Background

Entergy Nuclear Operations, Inc. (Entergy or the licensee) is the holder of Facility Operating License No. DPR-64, which authorizes operation of Indian Point Nuclear Generating Unit 3 (IP3). 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 or the Commission) now or hereafter in effect.

IP3 is a pressurized-water reactor located approximately 24 miles north of the New York City boundary line on the east bank of the Hudson River in Westchester County, New York.

2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR) 50.48(b), requires that nuclear power plants that were licensed to operate before January 1, 1979, satisfy the requirements of 10 CFR part 50, Appendix R, "Fire Protection Program for Nuclear Power Facilities

Operating Prior to January 1, 1979," Section III.G, "Fire protection of safe shutdown capability." The circuit separation and protection requirements being addressed in this request for exemption are specified in Section III.G.2. Since IP3 was licensed to operate before January 1, 1979, IP3 is required to meet Section III.G.2 of Appendix R to 10 CFR part 50.

The underlying purpose of Section III.G of Appendix R to 10 CFR part 50 is to establish reasonable assurance that safe shutdown (SSD) of the reactor can be achieved and maintained in the event of a postulated fire in any plant area. Circuits which could cause maloperation or prevent operation of redundant trains of equipment required to achieve and maintain hot shutdown conditions as a result of fire in a single fire area must be protected in accordance with III.G.2. If conformance with the technical requirements of III.G.2 cannot be assured in a specific fire area, an alternative or dedicated shutdown capability must be provided in accordance with Section III.G.3, or an exemption obtained in accordance with 10 CFR 50.12, "Specific exemptions."

By letter dated March 6, 2009, Entergy requested an exemption from the requirements of 10 CFR part 50, Appendix R in accordance with 10 CFR 50.12. Specifically, Entergy requested an exemption to allow the use of Operator Manual Actions (OMAs) in lieu of meeting certain technical requirements of III.G.2 in Fire Areas AFW-6, ETN-4{1}, ETN-4{3}, PAB-2{3}, PAB-2{5}, TBL-5, and YARD-7. The table below provides the dates and topics of the submittals related to this request.

| Subject | Author | Date | Description | ADAMS accession |
|---|---------------|-------------------------|---|-----------------|
| Exemption Request from Appendix R. Revised Exemption Request. | Entergy | March 6, 2009 | Original Submittal | ML090760993 |
| | Entergy | October 1, 2009 | Revision to March 2009, submittal, incorporated changes to Attachment 2, <i>Technical Basis in Support of Exemption Request</i> . | ML092810230 |
| Request for Additional Information (RAI) #1. | NRC | January 20, 2010 | Request for information on the overall defense-in-depth for each fire zone. | ML100150128 |
| RAI Response #1 | Entergy | May 4, 2010 | Response to the staff's January 20, 2010, RAI. | ML101320263 |
| RAI #2 | NRC | August 11, 2010 | RAI on reactor coolant system makeup, separation distances, etc. | ML102180331 |
| RAI Response #2 | Entergy | September 29, 2010 .. | Response to the staff's August 11, 2010, RAI. | ML102930234 |
| RAI #3 | NRC | December 16, 2010 ... | RAI on reactor coolant system makeup | ML103500204 |
| RAI Response #3 | Entergy | January 19, 2011 | Responses to the staff's December 16, 2010, RAI. | ML110310242 |
| Letter to revise previously submitted information. | Entergy | February 10, 2011 | Letter updating tables contained in previous submittals. | ML110540322 |
| Letter to revise previously submitted information. | Entergy | May 26, 2011 | Letter updating tables contained in previous submittals. | ML11158A196 |