

two previous inservice examinations during the first and second 120-month inspection intervals. Implementation of inspection requirements industry-wide, to date, for RPV nozzle-to-vessel welds and nozzle inside radius sections of Class I systems, have not resulted in any findings in any of the identified nozzles with the exception of boiling-water reactor feedwater and control rod drive return line nozzles (NUREG-0619, November 1980). Given that both plant and industry experience shows no evidence of service-induced flaws, the increased risk of extending the inspection interval is minimal. Therefore, an extension of the completion date from the third 120-month inspection interval refueling outage of November 2002 until the fourth 120-month inspection interval refueling outage of January 2005 to achieve the inservice examinations and reduce excessive radiation dose is beneficial. In addition, the requested exemption will only provide temporary relief from the applicable regulation and does not jeopardize the health and safety of the public. The delayed examinations performed during the fourth 10-year interval will be credited to the third 10-year interval. These examinations will be repeated during the fourth 10-year interval in accordance with the fourth 10-year interval inservice inspection program.

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. These circumstances include the special circumstances that the exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation.

The underlying purpose of the regulation is to ensure the structural integrity of the reactor pressure vessel.

The staff examined the licensee's rationale to support the exemption request and concluded that granting it would meet the underlying purpose of 10 CFR part 50. Public health and safety will not be jeopardized by the granting of the delay because the components listed in the licensee's July 10, 2002, exemption request are not the limiting components for RPV embrittlement. Additionally, previous examinations of

the RPV nozzle-to-vessel welds and nozzle inside radius sections have not detected service-induced flaws. The proposed delay of examinations of the components results in no reduction in the number, type, or coverage of the examinations. Finally, the requested exemption is consistent with the common defense and security.

The licensee asserts that under 10 CFR 50.12(a)(2)(iii), the requested schedular exemption "will avoid undue hardship or costs." However, 10 CFR 50.12(a)(2)(iii) requires for special circumstances that compliance would result in hardship or other costs that are significantly in excess of those contemplated or that the requirements are significantly in excess of those incurred by others similarly situated. The staff finds that there are no excessive hardships or costs.

10 CFR 50.12(a)(2)(v) requires that the exemption would offer only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation. All nine nozzles have received a minimum of three ultrasonic examinations in previous outages and each has received a baseline examination along with the two previous inservice examinations during the first and second 120-month inspection intervals. Coordinating the next inservice inspection with chemical decontamination and re-application of NMCA would be advantageous from the perspective of reducing both worker radiation exposure and vulnerability of the affected piping to intergranular stress corrosion cracking. The alternate inservice inspection schedule delays the planned inspections for a maximum of 26 months and results in a significant reduction in radiation exposure of a minimum of 60 person-rem. The staff finds that the licensee merits the required special circumstances under 10 CFR 50.12(a)(2)(v).

Based upon a consideration that the exemption would offer only temporary relief from the regulation and result in a significant reduction in worker radiation exposure, the staff concludes that an extension of the completion date from the third 120-month inspection interval refueling outage of November 2002 until the fourth 120-month inspection interval refueling outage of January 2005 to achieve the inservice examinations is beneficial.

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 Exelon Generation Company, LLC an exemption for Quad Cities, Unit 1, from the requirements of 10 CFR 50.55a(g)(4)(ii) for implementation of inservice examinations of certain reactor pressure vessel (RPV) nozzle-to-vessel welds and nozzle inside radius sections, as listed in the licensee's July 10, 2002, application, per ASME Code, Section XI, Table IWB-2500, Examination Category B-D, Item Nos. B3.90 and B3.100, by the end of the current 120-month inspection interval.

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 (67 FR 56860).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 16th day of September, 2002.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-338, 50-339, 50-280, 50-281, 72-16 and 72-2]

North Anna Power Station, Units 1 and 2 and Surry Power Station, Units 1 and 2; North Anna and Surry Independent Spent Fuel Storage Installations; Exemption

1.0 Background

The Virginia Electric and Power Company (the licensee) is the holder of Facility Operating License Nos. NPF-4, NPF-7, DPR-32, and DPR-37, which authorize operation of the North Anna and Surry Power Stations, Units 1 and 2, respectively. In addition, the licensee is the holder of Special Nuclear Material License Nos. SNM-2507 and SNM-2501 for the Independent Spent Fuel Storage Installations (ISFSIs) at the North Anna and Surry Power Stations, respectively. These licenses provide, among other things, that the facilities are subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

North Anna Power Station consists of two pressurized-water reactors and an ISFSI located in Louisa County in the Commonwealth of Virginia. Surry

Power Station consists of two pressurized-water reactors and an ISFSI located in Surry County in the Commonwealth of Virginia.

2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR), § 40.64(b) requires that each licensee authorized to possess at any one time and location more than 1,000 kilograms of uranium or thorium, or any combination of uranium or thorium, shall submit to the NRC within 30 days after September 30 of each year a statement of its foreign origin source material inventory. This statement is to be submitted to the address specified in the reporting instructions and include the Reporting Identification Symbol assigned by the NRC to the licensee.

The licensee, in its submittal dated November 5, 2001, proposed an exemption from 10 CFR 40.64(b) to allow for the reporting of foreign origin source material inventory to be made in conjunction with their material status reporting. By letter dated December 29, 2000, the staff approved of the licensee's request to submit the material status reports as of June 30 and December 31 of each year and to file these reports within 30 days after the end of the reporting period. This proposed exemption would allow for the annual statement of foreign origin source material inventory to be submitted once each year concurrently with a material status report. The licensee is proposing this reporting schedular change to avoid diverting personnel resources from refueling activities and post-refueling accountability to the preparation of foreign origin source material inventory reports.

3.0 Discussion

Pursuant to 10 CFR 40.14(a), the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 40 when the exemptions are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

The staff has determined that an exemption would be required to approve of the use of the alternate reporting dates for the foreign origin source material inventory. The staff examined the licensee's rationale to support the exemption request and concluded that the alternate dates would meet the underlying purpose of 10 CFR part 40. An alternative reporting date for the foreign origin source material inventory does not present any risk to the public health and safety. In addition, this exemption will not

change the physical inventory of uranium or thorium or any combination of uranium or thorium at the plant, nor will this exemption change the amount or form of data required to be submitted to the staff by 10 CFR 40.64(b). The annual accounting and subsequent statement of foreign origin source material inventory will still be performed and the criteria for performing this accounting will not be affected.

The staff has examined the licensee's rationale to support the exemption request and concludes that the exemption meets the criteria of 10 CFR 40.14(a) and is appropriate and does not reduce the overall effectiveness of the licensee's foreign origin source material tracking program or the information required for submittal in accordance with 10 CFR 40.64(b).

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 40.14(a), the exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby grants the licensee an exemption from the requirements of 10 CFR 40.64(b), for North Anna and Surry Power Stations, Units 1 and 2, and their respective ISFSIs.

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 (67 FR 58437).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 16th day of September, 2002.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Regulation.

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NUCLEAR REGULATORY COMMISSION

Extension of Public Comment Period Environmental Impact Statement for the Mixed Oxide Fuel Fabrication Facility

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of comment period.

SUMMARY: On April 24, 2002, the U.S. Nuclear Regulatory Commission (NRC) published a Notice of Delay in Issuance of the Draft and Final Environmental

Impact Statements for the Mixed Oxide (MOX) Fuel Fabrication Facility (see 67 FR 20183, dated April 24, 2002, for more details). The public was asked to submit comments on or before August 30, 2002, on:

(1) How the immobilization of surplus plutonium as a No Action Alternative should be discussed in the Draft Environmental Impact Statement (DEIS), since the Department of Energy (DOE) has canceled plans to build the Plutonium Immobilization Plant.

(2) Whether there are additional reasonable alternatives not identified during scoping that should be considered in the DEIS, in light of the changes described above. As discussed in the Scoping Summary Report, NRC is considering the environmental impacts of the proposed action (construction and operation of the proposed MOX fuel fabrication facility), continued storage of surplus plutonium at existing DOE sites, and immobilization of surplus plutonium. If the immobilization alternative is not considered, then the DEIS would only evaluate the proposed action and one No Action Alternative.

On August 22, 2002, the NRC announced three mid-September public meetings to discuss changes in the applicant's Environmental Report that resulted from changes in DOE's plans (see 67 FR 54501, dated August 22, 2002, for more details). In that notice, the staff indicated that it will also accept comments on the questions included in the April 24, 2002 **Federal Register** Notice. Consistent with this decision, the NRC is extending the August 30, 2002, deadline to submit responses to the above questions to September 30, 2002.

DATES: The comment period is extended to September 30, 2002.

ADDRESSES: Submit written comments to: Michael T. Lesar, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mail Stop T-6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments will also be accepted by e-mail. Interested parties may e-mail their comments to teh@nrc.gov. Comments will be accepted by fax at (301) 415-5398, Attention: Tim Harris.

AVAILABILITY OF DOCUMENTS FOR REVIEW: Information and documents associated with the MOX project are available for public review through: <http://www.nrc.gov/materials/fuel-cycle-fac/mox/licensing.html>. Documents may also be obtained from NRC's Public Document Room at U.S. Nuclear Regulatory Commission, Public