

September 11, 2001) scheduled for Thursday, September 13, 2001.

1. Administrative Action under section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).

The Board voted unanimously that agency business required that this item be removed from the closed agenda. Earlier announcement of this change was not possible.

The previously announced items were:

1. Administrative Action under section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).

2. Two (2) Administrative Actions under part 704 of NCUA's Rules and Regulations. Closed pursuant to exemption (8).

3. Corporate Examination Review Task Force Report and Recommendations. Closed pursuant to exemption (8).

4. One (1) Personnel Matter. Closed pursuant to exemptions (2) and (6).

In addition, it has been determined that an item on the NCUA Board's Open Agenda for September 13, 2001, was inadvertently placed in the wrong category. One of the requests listed under open agenda item number 2 was, in fact, a request to add an underserved community to an existing field of membership. It should have been listed as:

Request from a Federal Credit Union to Add an Underserved Community to its Field of Membership.

The previously announced items were:

1. Requests from Three (3) Federal Credit Unions to Convert to Community Charters.

2. Requests from Three (3) Federal Credit Unions to Expand their Community Charters.

3. Proposed Rule: Amendment to part 704, NCUA's Rules and Regulations, Corporate Credit Unions.

4. Final Rule: Amendment to section 701.31(d), NCUA's Rules and Regulations, Nondiscrimination in Advertising.

5. Interim Final Rule: Amendment to part 707, NCUA's Rules and Regulations, Truth in Savings.

**FOR FURTHER INFORMATION CONTACT:** Becky Baker, Secretary of the Board, Telephone (703) 518-6304.

**Becky Baker,**

*Secretary of the Board.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-352 and 50-353]

### Exelon Generation Company, LLC; Limerick Generating Station, Unit Nos. 1 and 2; Exemption

#### 1.0 Background

Exelon Generation Company, LLC, (the licensee) is the holder of Facility Operating License Nos. NPF-39 and NPF-85 which authorize operation of the Limerick Generating Station (LGS), Unit Nos. 1 and 2. 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, the Commission) now or hereafter in effect.

The facility consists of dual unit boiling water reactors located in Montgomery County in Pennsylvania.

#### 2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR), Section 50.71 "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "Subsequent revisions [to the Updated Final Safety Analysis Report (UFSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates [to the UFSAR] does not exceed 24 months." The two units at LGS share a common UFSAR, therefore, this rule requires the licensee to update the same document annually or within 6 months after each unit's refueling outage. Since each unit is on a staggered 24 month refueling cycle, updating after each refueling outage also results in an annual update. Single unit sites using a 24 month refueling cycle would only be required to update the UFSAR on a 24 month periodicity. The proposed exemption would allow updates to the combined UFSAR for LGS, Unit Nos. 1 and 2, to be submitted within 6 months following completion of each LGS Unit 1 refueling outage, not to exceed 24 months from the previous submittal.

In summary, the licensee has requested an exemption that would allow updates to the LGS UFSAR at a periodicity not to exceed 24 months, similar to the periodicity permitted for single unit sites.

#### 3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by one 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 last change to 10 CFR 50.71(e)(4) was published in the **Federal Register** (57 FR 39358) on August 31, 1992, and became effective on October 1, 1992. The underlying purpose of the rule change was to relieve licensees of the burden of filing annual UFSAR revisions, especially if there had been no refueling outages since the previous revision. Most of the changes which lead to revision of the UFSAR occur during refueling outages. The revised 10 CFR 50.71(e)(4) also assured that such revisions are made at least every 24 months. However, as written, the burden reduction can only be realized by single-unit facilities, or multiple-unit facilities that maintain separate UFSARs for each unit. In the Summary and Analysis of Public Comments accompanying the 10 CFR 50.71(e)(4) rule change published in the **Federal Register** (57 FR 39355, 1992), the NRC acknowledged that the final rule did not provide burden reduction to multiple-unit facilities sharing a common UFSAR. The NRC stated: "With respect to the concern about multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis." Granting this exemption would provide burden reduction to LGS while still assuring that revisions to the LGS UFSAR are made at least every 24 months.

The NRC staff examined the licensee's rationale to support the exemption request and concluded that updating the LGS UFSAR within 6 months following completion of each LGS Unit 1 refueling outage, not to exceed 24 months from the previous submittal, meets the underlying purpose of 10 CFR 50.71(e)(4), since the LGS UFSAR would be updated at least every 24 months, similar to the UFSAR at a single unit site. The requirement to revise the UFSAR annually or within 6 months after the refueling outages for each unit, therefore, is not necessary to achieve the underlying purpose of the rule. In addition, the NRC previously acknowledged that the revision to 10 CFR 50.71(e)(4) did not directly address burden reduction for multiple-unit facilities that share a common UFSAR, but that such situations could be addressed on a case-by-case basis. The NRC staff has reviewed the licensee's request and has concluded that application of the regulation in these circumstances is not necessary to

achieve the underlying purpose of the rule.

Therefore, the NRC staff concludes that pursuant to 10 CFR 50.12(a)(2)(ii) special circumstances are present.

In addition, 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.

#### 4.0 Conclusion

Accordingly, the Commission hereby grants the licensee an exemption from the requirements of 10 CFR 50.71(e)(4) for LGS Unit Nos. 1 and 2, in that updates to the combined UFSAR for LGS, Unit Nos. 1 and 2, may be submitted within 6 months following completion of each LGS Unit 1 refueling outage, not to exceed 24 months from the previous submittal.

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 (66 FR 40300).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 12th day of September, 2001.

For the Nuclear Regulatory Commission.

**Claudia M. Craig,**

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

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-271]

### Vermont Yankee Nuclear Power Corporation; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed no Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corporation (the licensee) for operation of the Vermont Yankee Nuclear Power Station located in Windham County, Vermont.

The proposed amendment would extend the allowed outage time (AOT) for the high pressure coolant injection (HPCI) and reactor core isolation cooling systems from 7 days to 14 days.

Requirements were added to immediately assure the availability of alternate means of high pressure coolant makeup. Also clarifying changes were made to Technical Specification (TS) 3.5.E.2 and TS 3.5.G.2 by reformatting the TSs to make nomenclature consistent regarding HPCI and the automatic depressurization system (ADS) as being systems not subsystems.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's analysis is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated?

The high pressure coolant injection (HPCI) and reactor core isolation cooling (RCIC) systems do not serve any function for preventing accidents, and their unavailability would not affect the probability of accidents previously evaluated. The unavailability of either HPCI or RCIC is not considered to be a potential accident initiator. As such, the inoperability of HPCI or RCIC will not increase the probability of any accident previously evaluated.

Therefore, the proposed change will not increase the probability of any accident previously evaluated.

Emergency core cooling systems (ECCS) are used to mitigate the consequences of an accident. However, RCIC is not an ECCS and is not credited in any accident previously evaluated. HPCI is capable of mitigating small loss-of-coolant accidents, but this function would be met by the available automatic depressurization system (ADS) in conjunction with the low pressure coolant injection or core spray systems, which are the basis for the current 7-day

allowed outage time (AOT). The consequences of an event occurring during the proposed 14-day AOT are the same as the consequences of an event occurring during the existing 7-day AOT. Therefore, adequate core cooling would still be provided and the consequences of accidents previously evaluated are not increased.

Therefore, the proposed change will not increase the consequences of any accident previously evaluated.

2. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated?

This proposed change to the technical specifications will not physically alter the plant. No new or different types of equipment will be installed. Plant operations will remain consistent with current safety analysis assumptions regarding availability of equipment. Thus, no new failure mode not previously analyzed will be introduced.

Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed changes do not involve a significant reduction in a margin of safety?

The proposed change does not involve a significant decrease in a margin of safety because, as in the existing AOT Technical Specifications, the 14-day completion time for restoring HPCI or RCIC is contingent upon the operability of redundant equipment (i.e., for HPCI, RCIC and ADS in conjunction with low-pressure coolant injection/spray subsystems are required to be operable; and for RCIC, HPCI is required to be operable).

Therefore, this change does not involve a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license