

12. Environmental Protection Agency, Office of Research and Development (N1-412-03-18, 1 item, 1 temporary item). Electronic and paper logbooks accumulated in connection with routine activities, such as the maintenance of scientific instruments used in agency laboratories. Notebooks relating to research projects are excluded.

13. Federal Election Commission, Office of Administrative Review (N1-339-03-1, 4 items, 4 temporary items). Records relating to administrative fines imposed by the agency, including electronic copies of records created using electronic mail and word processing.

14. Tennessee Valley Authority, Fossil Power Group (N1-142-04-2, 4 items, 4 temporary items). Calibration records used to ensure quality assurance in the repair, modification, and testing of equipment. Included are electronic copies of records created using electronic mail and word processing.

Dated: December 22, 2003.

Michael J. Kurtz,

*Assistant Archivist for Record Services—
Washington, DC.*

[FR Doc. 03-32254 Filed 12-31-03; 8:45 am]

BILLING CODE 7515-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-335]

Florida Power and Light Company, St. Lucie Plant, Unit No. 1; Exemption

1.0 Background

The Florida Power and Light Company (FPL, the licensee) is the holder of Facility Operating License No. DPR-67, which authorizes operation of the St. Lucie Plant, Unit No. 1. 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 a pressurized water reactor located in St. Lucie County, Florida.

2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR), part 50, appendix R, Section III.G.2.d specifies separation of cables and equipment and associated nonsafety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards as one means of providing adequate fire protection for redundant trains of safe-shutdown equipment located inside noninerted containments.

On February 21, 1985, the NRC approved an exemption from Appendix R to allow redundant trains in the St. Lucie Unit 1 containment to have less than 20 feet horizontal separation. On March 5, 1987, the NRC approved a revision to this exemption to allow minimal intermittent combustibles between the redundant trains. The staff approved the exemptions based, in part, on the redundant trains being separated by more than 7 feet horizontally and 25 feet vertically. The licensee subsequently determined that the assumption of 25 feet vertical separation was incorrect. The proposed action resubmits the exemption request and provides a detailed fire model to demonstrate that, with the existing vertical separation and a minimum of 7 feet horizontal separation, a fire in one train will not damage the redundant train. The revised request limits the exemption to the cable trays in the containment annular region between radial column lines 2 and 6 with the following assumptions:

- (1) Redundant trays are at least 7 feet apart with no intervening combustibles
- (2) Electrical cabinets near the redundant trains are enclosed with no ventilation openings
- (3) Cables crossing redundant trays are in conduit and protected
- (4) The bottom tray in each stack of cable trays is fully enclosed by a noncombustible cover
- (5) Vertical cable trays have noncombustible covers
- (6) Existing cables are covered with fire retardant coating
- (7) New cables added will be IEEE 383 qualified and limited in number by the fire analysis.

In summary, the exemption would be revised to allow separation of cables of redundant trains by a horizontal distance of at least 7 feet with no intervening combustibles inside containment in the annular region between radial column lines 2 and 6.

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) special circumstances are present. These include the special circumstance that application of the regulation is not necessary to achieve the underlying purpose of the rule. The underlying purpose of the rule is to limit fire

damage so that one train of systems necessary to achieve and maintain hot shutdown conditions remains free of fire damage.

The staff examined the licensee's rationale to support the revised exemption request and concluded that granting the exemption to allow less than 20 feet horizontal separation between redundant cable trays would meet the underlying purpose of 10 CFR part 50. The licensee provided a detailed fire model that postulates a self-initiated cable fire, spreading horizontally and vertically in one stack of cable trays until the original combustible material (*i.e.*, cable jacket insulation) is completely consumed. Based on the maximum postulated fire, a maximum radiant heat flux and the heat flux imposed on the redundant cable trays can be calculated to see if ignition of the redundant cables is possible. The model demonstrates that the resulting heat flux from the largest postulated exposure fire is less than half the heat flux needed to ignite the redundant cable trays. There was a degree of conservatism throughout the correlations and, therefore, a larger safety factor probably exists.

Based upon a consideration of the licensee's fire model, which indicates that, with a minimum of 7 feet horizontal separation, a cable fire in one train is highly unlikely to damage cables in the redundant train, the staff concludes that application of the regulation is not necessary to achieve the underlying purpose of the rule.

Therefore, the staff concludes that pursuant to 10 CFR 50.12(a)(2)(ii) special circumstances are present and that an exemption may be granted to allow less than 20 feet horizontal separation between redundant trains.

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 FPL an exemption from the requirements of 10 CFR part 50, appendix G, Section II.G.2.d for St. Lucie Unit No. 1.

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 (68 FR 69728).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 24th day of December 2003.

For the Nuclear Regulatory Commission.

Ledyard B. Marsh,

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

[FR Doc. 03-32252 Filed 12-31-03; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 030-05980, 030-03982 and
EA-03-219]

In the Matter of Safety Light Corporation, Bloomsburg, PA; Demand for Information

Safety Light Corporation (the Licensee) is the holder of Byproduct Material Licenses issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30 for the facility at 4150-A Old Berwick Road in Bloomsburg, Pennsylvania. License No. 37-00030-08 authorizes, in part, the licensee to manufacture self-luminous devices, foils, targets, and pins containing tritium, and to distribute those items to persons specifically licensed by the NRC or an NRC Agreement State. License No. 37-00030-02 authorizes the licensee to characterize and decommission its contaminated facilities, equipment, and land. The Licenses were last renewed on December 28, 1999, and are due to expire on December 31, 2004.

In the December 1999 renewal of License Nos. 37-00030-02 and 37-00030-08, conditions were included in each License that exempted the Licensee from certain of the Commission's financial assurance requirements set forth in 10 CFR 30.32 and 10 CFR 30.35. This exemption was granted in response to the licensee's request to the Commission based on the lack of sufficient funds at the time to assure that adequate financial ability existed to decommission the facility. The NRC specifically approved the exemptions (originally in Condition 16 of Amendment No. 51 for License 37-00030-02 and Condition 20 of Amendment No. 13 for License 37-00030-08), provided that the Licensee make specified monthly payments into an NRC trust fund to support decommissioning activities, including \$8,000 for each month in 2001 and 2002, and \$9,000 for each month in 2003. The NRC granted renewal of each License based on the Licensee's ability to continue to remediate and adequately secure radioactive materials at the facility using the money deposited into the NRC trust fund.

During telephone conversations between Ms. Marie Miller, NRC Region I, and Mr. Larry Harmon, Plant Manager for the Licensee, on November 21, 2003, the NRC learned that the Licensee had neither made some of the required payments into its NRC trust fund, nor notified the NRC that payments were not being made. This failure to make the required payments was confirmed in a subsequent telephone conversation between Mr. William Lynch, Vice President for the Licensee, and Dr. Ronald Bellamy, NRC Region I, on the same day. The bank records for the NRC trust fund period from April 2001 through October 2003, list twenty-four deposits to the fund, rather than the required thirty-one deposits. For the twenty-one month period from April 2001 through December 2002, two of the required \$8,000 monthly deposits had not been made. For the ten month period from January 2003 through October 2003, eight of the required \$9,000 monthly deposits had not been made (no funds were deposited during six of the months, and only \$8,000 was deposited during January and February 2003). In addition, the NRC has since learned that the required \$9,000 deposit was not made in November 2003. The failure to make these deposits resulted in a total deficit of \$81,000 (plus interest) to the NRC trust fund. However, the NRC was subsequently informed, during a telephone conversation between Ms. Marie Miller and Mr. Larry Harmon on December 9, 2003, that the Licensee had deposited \$13,500 to the NRC trust fund on December 9, 2003. Based on the last deposit, it appears that the NRC trust fund is \$67,500 in arrears, not including the interest that would have accrued had the required monthly payments been made.

By not making the required monthly deposits to the NRC trust fund, the Licensee has violated Condition 16 of License No. 37-00030-02 and Condition 20 of License No. 37-00030-08 as well as 10 CFR 30.32 and 10 CFR 30.35. This violation is significant because these deposits are necessary to fund ongoing decommissioning activities, including the disposition of radioactive waste presently stored at the facility. The NRC is concerned that without payment of these funds into the NRC trust fund, no funds will be available for decontamination of the facility and proper disposal of radioactive waste stored at the site.

Therefore, further information is needed, to determine whether the Commission can have reasonable assurance that the Licensee will adhere to all License requirements and

otherwise conduct its activities in accordance with the Commission's requirements.

Accordingly, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR part 30, in order for the Commission to determine whether your licenses should be modified, suspended or revoked, or other enforcement action taken to ensure compliance with NRC regulatory requirements, the Licensee is required to submit to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within 30 days of the date of this Demand For Information, in writing and under oath or affirmation:

A. The detailed schedule for making all overdue payments, with interest, to the trust fund;

B. The reasons why the Licensee did not make the required payments, as scheduled, to the NRC trust fund;

C. The reasons why the NRC should have confidence that the Licensee will, in the future, make the monthly deposits to the NRC trust fund as required by License Condition 16 of Amendment No. 53 for License 37-00030-02 and License Condition 20 of Amendment No. 13 for License 37-00030-08;

D. Assurance from the Licensee, should it encounter any difficulty making required monthly deposits in the future, that it will promptly notify the NRC that there will be a delay in making a specific deposit, and provide the reasons for the delay;

E. The reasons why the NRC should have confidence that in the future, the Licensee will adhere to license conditions and applicable NRC requirements;

F. The reasons why, in light of the Licensee's past failure to make all required payments to the trust fund, License Nos. 37-00030-02 and 37-00030-08 should not be modified, suspended, or revoked.

Copies also shall be sent to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, and to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania, 19406.

After reviewing your response, the NRC will determine whether further action is necessary to ensure compliance with regulatory requirements.

For the Nuclear Regulatory Commission.