

applicant on a material issue of law or fact.<sup>1</sup> Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one that, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

The Commission requests that each contention be given a separate numeric or alpha designation within one of the following groups: (1) Technical (primarily related to safety concerns); (2) environmental; or (3) miscellaneous.

As specified in 10 CFR 2.309, if two or more requestors/petitioners seek to co-sponsor a contention or propose substantially the same contention, the requestors/petitioners will be required to jointly designate a representative who shall have the authority to act for the requestors/petitioners with respect to that contention.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing. A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC, 20555-0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; (3) E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, [HEARINGDOCKET@NRC.GOV](mailto:HEARINGDOCKET@NRC.GOV); or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at 301-415-1101, verification number is 301-415-1966.<sup>2</sup> A copy of the request for hearing and petition for leave to intervene must also be sent to the Office of the General

<sup>1</sup> To the extent that the application contains attachments and supporting documents that are not publicly available because they are asserted to contain safeguards or proprietary information, petitioners desiring access to this information should contact the applicant or applicant's counsel to discuss the need for a protection order.

<sup>2</sup> If the request/petition is filed by e-mail or facsimile, an original and two copies of the document must be mailed within 2 (two) business days thereafter to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; Attention: Rulemaking and Adjudications Staff.

Counsel, U.S. Nuclear Regulatory Commission, Washington, DC, 20555-0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301-415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). A copy of the request for hearing and petition for leave to intervene should also be sent to the attorney for the applicant, Kathryn M. Sutton, Esquire, Morgan, Lewis, & Bockius LLP, 1111 Pennsylvania Avenue, NW., Washington, DC, 20004.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition, request and/or contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(a)(1)(I)-(viii).

Detailed information about the license renewal process can be found under the Nuclear Reactors icon at <http://www.nrc.gov/reactors/operating/licensing/renewal.html> on the NRC's Web site. Copies of the application to renew the operating license for Oyster Creek Nuclear Generating Station are available for public inspection at the Commission's PDR, located at One White Flint North, 11555 Rockville Pike, First Floor, Rockville, Maryland 20852-2738, and at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html>, the NRC's Web site while the application is under review. The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html> under ADAMS accession number ML052080172. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS may contact the NRC Public Document Room (PDR) Reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

The staff has verified that a copy of the license renewal application is also available to local residents near the Oyster Creek Nuclear Generating Station at the Lacey Public Library, 10 East Lacey Road, Forked River, NJ 08731.

Dated at Rockville, Maryland, this 9th day of September, 2005.

For the Nuclear Regulatory Commission.

**Samson S. Lee,**

*Acting Program Director, License Renewal and Environmental Impacts Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-325 AND 50-324]

### Carolina Power & Light Company, Brunswick Steam Electric Plant, Units 1 and 2; Notice of Withdrawal of Applications for Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Carolina Power & Light Company (the licensee) to withdraw its November 12, 2002, application, as supplemented on March 5, 2004, for proposed amendments to Facility Operating License No. DPR-71 and Facility Operating License No. DPR-62 for Brunswick Steam Electric Plant, Units 1 and 2, respectively, located in Brunswick County, North Carolina.

The proposed amendments would have revised the Technical Specifications, as necessary, to support an expansion of the core flow operating range (*i.e.*, Maximum Extended Load Line Limit Analysis Plus (MELLLA+)). As part of the MELLLA+ implementation, Carolina Power & Light Company would implement the Detect and Suppress Solution-Confirmation Density (DSS-CD) approach to automatically detect and suppress neutronic/thermal-hydraulic instabilities.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on February 18, 2003 (68 FR 7813), and renounced on April 27, 2004 (69 FR 22880). However, by letter dated August 25, 2005, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendments dated November 12, 2002, as supplemented March 5, 2004, and the licensee's letter dated August 25, 2005, which withdrew the application for license amendments. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area 01 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be

accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams/html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 8th day of September 2005.

For the Nuclear Regulatory Commission.

**Brenda L. Mozafari,**

*Senior Project Manager, Section 2, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-213]

### Connecticut Yankee Atomic Power Company, Haddam Neck Plant; Partial Exemption from Requirements of 10 CFR Part 50 Appendix A, Criterion 1, 10 CFR Part 50 Appendix B, Criterion XVII, and 10 CFR 50.59(d)(3)

#### 1.0 Background

Connecticut Yankee Atomic Power Company (CY) is the licensee and holder of Facility Operating License No. DPR-61 for the Haddam Neck Plant (HNP), a permanently shutdown decommissioning nuclear plant. Although permanently shutdown, this facility is still subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC).

On December 5, 1996, CY notified NRC that operations had permanently ceased and that all fuel had been permanently removed from the reactor. On July 7, 2000, CY submitted its License Termination Plan (LTP), which the NRC approved on November 25, 2002.

CY began actively decommissioning HNP in April 1999, through a contract with Bechtel Power Corporation. In June 2003, CY began managing the decommissioning using staff augmentation and subcontractors for speciality work.

The nuclear reactor and all associated systems and components necessary for the safe generation of power have been removed from the facility and disposed or sold off-site. Additionally, the structures necessary for safe power

generation are either demolished or in an advanced state of demolition. There are no safety-related structures, systems and components (SSCs) remaining at the HNP. Transfer of the spent fuel (SF) and greater-than-Class C (GTCC) waste from the SF pool to the HNP Independent Spent Fuel Storage Installation (ISFSI) was completed on March 30, 2005, but the SF pool has not yet been drained, so it is not ready for demolition.

On February 16, 2005, CY filed a request for NRC approval of an exemption from the recordkeeping requirements of 10 CFR Part 50 Appendix A, Criterion 1, 10 CFR Part 50 Appendix B, Criterion XVII, and 10 CFR 50.59(d)(3).

#### 2.0 Request/Action

Pursuant to the requirements of 10 CFR 50.12, CY requested the following exemption, to the extent necessary, from the record retention requirements of:

(1) 10 CFR Part 50 Appendix A, Criterion 1, which requires certain records be retained "throughout the life of the unit";

(2) 10 CFR Part 50 Appendix B, Section XVII, which requires certain records be retained consistent with applicable regulatory requirements for a duration established by the licensee; and

(3) 10 CFR Part 50.59(d)(3), which requires certain records be maintained until "termination of a license issued pursuant to" Part 50.

CY proposes to eliminate these records when: (1) The nuclear power unit and associated support systems no longer exist for SSCs associated with safe power generation, or (2) spent nuclear fuel has been completely transferred from the spent fuel pool and the building is ready for demolition.

CY is not requesting any exemption associated with record keeping requirements for storage of spent fuel at its ISFSI under 10 CFR Part 50 or the general license requirements of 10 CFR Part 72.

Most of these records are for SSCs that have been removed from HNP and disposed of offsite. Disposal of these records will not adversely impact the ability to meet other NRC regulatory requirements for the retention of records [e.g., 10 CFR 50.54(a), (p), (q), and (bb); 10 CFR 50.59(d); 10 CFR 50.57(g)]. These regulatory requirements ensure that records from operation and decommissioning activities are maintained for safe decommissioning, spent nuclear fuel storage, completion and verification of final site survey, and license termination.

#### 3.0 Discussion

NRC licensees are required to maintain their records according to the NRC regulatory recordkeeping requirements. Pursuant to the requirements of 10 CFR 50.12, "Specific Exemptions," CY filed a request for a partial exemption from the NRC recordkeeping requirements contained in 10 CFR Part 50 Appendix A, Criterion 1, 10 CFR Part 50 Appendix B, Criterion XVII, and 10 CFR 50.59(d)(3). The NRC recordkeeping requirements at issue in CY's request for exemption are as follows.

10 CFR Part 50, Appendix A, "General Design Criteria for Nuclear Power Plants," establishes the necessary design, fabrication, construction, testing, and performance requirements for structures, systems, and components important to safety. Specifically, CY requests an exemption from Criterion 1, "Quality standards and records," which states in part:

Appropriate records of the design, fabrication, erection, and testing of structures, systems, and components important to safety shall be maintained by or under the control of the nuclear power unit licensee throughout the life of the unit.

10 CFR Part 50, Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," establishes quality assurance requirements for the design, construction, and operation of structures, systems, and components that prevent or mitigate the consequences of postulated accidents that could cause undue risk to the health and safety of the public. Specifically, CY requests an exemption from Criterion XVII, "Quality Assurance Records", which states:

Sufficient records shall be maintained to furnish evidence of activities affecting quality. The records shall include at least the following: Operating logs and the results of reviews, inspections, tests, audits, monitoring of work performance, and materials analyses. The records shall also include closely-related data such as qualifications of personnel, procedures, and equipment. Inspection and test records shall, as a minimum, identify the inspector or data recorder, the type of observation, the results, the acceptability, and the action taken in connection with any deficiencies noted. Records shall be identifiable and retrievable. Consistent with applicable regulatory requirements, the applicant shall establish requirements concerning record retention, such as duration, location, and assigned responsibility.

CY also requests an exemption from 10 CFR 50.59(d)(3), which states: "The records of changes in the facility must be maintained until the termination of a license issued pursuant to this part or