

law, regulations, and orders issued by the Commission, subject to the conditions set forth below. The NRC staff has further found that the applications for the proposed license amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR chapter I; the facilities will operate in conformity with the applications, the provisions of the Act and the rules and regulations of the Commission; there is reasonable assurance that the activities authorized by the proposed license amendments can be conducted without endangering the health and safety of the public and that such activities will be conducted in compliance with the Commission's regulations; the issuance of the proposed license amendments will not be inimical to the common defense and security or to the health and safety of the public; and the issuance of the proposed amendments will be in accordance with 10 CFR part 51 of the Commission's regulations and all applicable requirements have been satisfied.

The findings set forth above are supported by an NRC safety evaluation dated May 30, 2006.

### III

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Act, 42 U.S.C. §§ 2201(b), 2201(i), and 2234; and 10 CFR 50.80, *it is hereby ordered* that the direct transfers of the licenses as described herein are approved, subject to the following conditions:

1. At the time of the closing of the transfers of the licenses from PSEG Nuclear to EGC, PSEG Nuclear shall transfer to EGC all of PSEG Nuclear's respective decommissioning funds accumulated as of such time, and EGC shall deposit such funds in external decommissioning trust(s) established by EGC for the respective units.

2. Before completion of the transfers of the interests in the subject facilities to it, EGC shall provide to the Director of the Office of Nuclear Reactor Regulation satisfactory documentary evidence that EGC has obtained the appropriate amount of insurance required of licensees under 10 CFR part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations.

*It is further ordered* that, consistent with 10 CFR 2.1315(b), license amendments that make changes, as indicated in Enclosures 2 through 6 to the cover letter forwarding this Order, to conform the licenses to reflect the

subject direct license transfers are approved. The amendments shall be issued and made effective at the time the proposed direct license transfers are completed.

*It is further ordered* that EGC shall inform the Director of the Office of Nuclear Reactor Regulation in writing of the date(s) of closing of the direct transfers no later than 5 business days prior to closing. Should the transfers of the licenses not be completed by May 30, 2007, this Order shall become null and void, provided, however, that upon written application and for good cause shown, such date may be extended by Order.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial applications dated March 3 and March 4, 2005, and supplemental letters dated May 24 (two), October 5, and October 6, 2005, and the non-proprietary safety evaluation dated May 30, 2006, which are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01 F21, 11555 Rockville Pike (first floor), Rockville, Maryland and accessible electronically from the Agencywide Documents Access and Management System (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, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland this 30th day of May 2006.

For the Nuclear Regulatory Commission.

**J.E. Dyer,**

*Director, Office of Nuclear Reactor Regulation.*

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## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 50-263]**

### **Nuclear Management Company, LLC; Monticello Nuclear Generating Plant; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License No. DPR-22, issued to the Nuclear Management Company (the licensee) for operation of the

Monticello Nuclear Generating Plant (MNGP), located in Wright County, Minnesota. Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Sections 51.21 and 51.32, the NRC is issuing this environmental assessment and finding of no significant impact.

### **Environmental Assessment**

#### *Identification of the Proposed Action*

The proposed action would be a conversion from the current Technical Specifications (CTSs) to the Improved Technical Specifications (ITSs) format based on NUREG-1433, "Standard Technical Specifications General Electric Plants BWR/4," Revision 3, dated June 2004. The proposed action is in accordance with the licensee's application dated June 29, 2005, as supplemented by letters dated April 25 (two letters), May 4, and May 12, 2006.

#### *The Need for the Proposed Action*

The Commission's "Proposed Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors" (52 FR 3788), dated February 6, 1987, contained an Interim Policy Statement that set forth objective criteria for determining which regulatory requirements and operating restrictions should be included in the technical specifications (TSs) for nuclear power plants. When it issued the Interim Policy Statement, the Commission also requested comments on it. Subsequently, to implement the Interim Policy Statement, each reactor vendor owners group and the NRC staff began developing standard TSs (STs) for reactors supplied by each vendor. The Commission then published its "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors" (58 FR 39132), dated July 22, 1993, in which it addressed comments received on the Interim Policy Statement, and incorporated experience in developing the STs. The Final Policy Statement formed the basis for a revision to 10 CFR 50.36 (60 FR 36953), dated July 19, 1995, that codified the criteria for determining the content of TSs. The NRC Committee to Review Generic Requirements reviewed the STs, made note of their safety merits, and indicated its support of conversion by operating plants to the STs. For MNGP, NUREG-1433 documents the STs and forms the basis for the MNGP conversion to the ITSs.

The proposed changes to the CTSs are based on NUREG-1433 and the guidance provided in the Final Policy Statement. The objective of this action is to rewrite, reformat, and streamline

the CTSs (*i.e.*, to convert the CTSs to the ITSs). Emphasis was placed on human factors principles to improve clarity and understanding.

Some specifications in the CTSs would be relocated. Such relocated specifications would include those requirements which do not meet the 10 CFR 50.36 selection criteria. These requirements may be relocated to the TS Bases document, the MNGP Updated Safety Analysis Report, the Core Operating Limits Report, the operational quality assurance plan, plant procedures, or other licensee-controlled documents. Relocating requirements to licensee-controlled documents does not eliminate them, but rather places them under more appropriate regulatory controls (*i.e.*, 10 CFR 50.54(a)(3), and 10 CFR 50.59) to manage their implementation and future changes.

#### *Environmental Impacts of the Proposed Action*

The NRC staff has completed its evaluation of the proposed action and concludes that the conversion to ITSs would not increase the probability or consequences of accidents previously analyzed and would not affect facility radiation levels or facility radiological effluents. The proposed action will not increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released off site. There is no significant increase in the amount of any effluent released off site. 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 non-radiological impacts, the proposed action does not have a potential to affect any historic sites because no previously undisturbed area will be affected by the proposed amendment. The proposed action does not affect non-radiological plant effluents and has no other effect on the environment. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC staff concludes that there are no significant environmental impacts associated with the proposed action and, thus, the proposed action will not have any significant impact to the human environment.

#### *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 application would result in no change in current environmental impacts. Thus, the environmental impacts of the proposed action and the alternative action are similar.

#### *Alternative Use of Resources*

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for MNGP dated November 1974.

#### *Agencies and Persons Consulted*

On April 18, 2006, the NRC staff consulted with Mr. Steve Rakow of the Minnesota Department of Commerce regarding the environmental impact of the proposed action. The State official agreed with the conclusions of the NRC.

#### **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.

For further details with respect to the proposed action, see the licensee's letter dated June 29, 2005, as supplemented by letters dated April 25 (two letters), May 4, and May 12, 2006, and the information provided to the NRC staff through the joint NRC-Monticello Nuclear Power Plant ITS Conversion Web page. 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 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams/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 25th day of May 2006.

For the Nuclear Regulatory Commission.

**Terry A. Beltz,**

*Project Manager, Plant Licensing Branch III-1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

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## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 72-31]

### **Yankee Atomic Electric Company; Yankee Atomic Independent Spent Fuel Storage Installation; Issuance of Environmental Assessment and Finding of No Significant Impact**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Issuance of environmental assessment and finding of no significant impact.

#### **FOR FURTHER INFORMATION CONTACT:**

Stewart W. Brown, Senior Project Manager, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415-8531; Fax number: (301) 415-8555; E-mail: [swb1@nrc.gov](mailto:swb1@nrc.gov).

#### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of exemptions to Yankee Atomic Electric Company (the licensee), pursuant to Title 10 of the Code of Federal Regulations (10 CFR) 72.7, from specific provisions of 10 CFR 72.212(a)(2), 72.212(b)(2)(i), 72.212(b)(7), and 72.214. The licensee is storing spent nuclear fuel under the general licensing provisions of 10 CFR part 72 in the NAC-MPC System at an independent spent fuel storage installation (ISFSI) located at the Yankee Atomic Electric Station in Rowe, Massachusetts. The requested exemptions would allow the licensee to deviate from requirements of the NAC-MPC Certificate of Compliance (CoC) No. 1025, Amendment 3, Appendix A, Technical Specifications for the NAC-MPC System, Section A 5.1, Training Program, and Section A 5.4, Radioactive Effluent Control Program. Specifically, the exemptions would relieve the licensee from the requirements to: (1) Develop training modules under its systems approach to training (SAT) program that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-MPC System; and (2) submit an annual report “pursuant to 10 CFR 72.44(d)(3) or 10 CFR 50.36(a).”

#### **II. Environmental Assessment (EA)**

*Identification of Proposed Action:* The proposed action is to exempt the licensee from regulatory requirements to develop certain training and submit an annual report. By letter dated January 9, 2006, the licensee requested exemptions