

NRC Form 237: 75.

NRC Form 277: 2.

6. *The number of hours needed annually to complete the requirement or request:*

NRC Form 136: 23.

NRC Form 237: 84.

NRC Form 277: 1.

7. *Abstract:* The NRC Form 136 affects the employees of licensees and contractors who have been granted an NRC access authorization. When access authorization is no longer needed, the completion of the form apprizes the respondents of their continuing security responsibilities. The NRC Form 237 is completed by licensees, NRC contractors or individuals who require an NRC access authorization. The NRC Form 277 affects the employees of contractors who have been granted an NRC access authorization and require verification of that access authorization and need-to-know in conjunction with a visit to NRC or another facility.

Submit, by April 9, 2007, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Margaret A. Janney (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by telephone at 301-415-7245, or by Internet electronic mail to INFOCOLLECTS@NRC.GOV.

Dated at Rockville, Maryland, this 31st day of January 2007.

For the Nuclear Regulatory Commission.

Margaret A. Janney,

NRC Clearance Officer, Office of Information Services.

[FR Doc. E7-2037 Filed 2-6-07; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-245]

Dominion Nuclear Connecticut, Inc.; Millstone Power Station Unit 1 Partial Exemption From Requirements

1.0 Background

Dominion Nuclear Connecticut, Inc. (Dominion, the licensee) is the licensee and holder of Facility Operating License No. DPR-21 for the Millstone Power Station Unit 1 (Millstone Unit 1), 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).

Millstone Unit 1 was a single-cycle, boiling water reactor with a Mark I containment which was designed, furnished and constructed by General Electric Company as prime contractor for the licensee. Millstone Unit 1 had a reactor thermal output of 2011 megawatts and a net electrical output of 652.1 megawatts. The Millstone site is located in the town of Waterford, New London County, Connecticut, on the north shore of Long Island Sound.

Construction of Millstone Unit 1 was authorized by a provisional construction permit CPPR-20, on May 19, 1966, in AEC Docket 50-245. Millstone Unit 1 was completed and ready for fuel loading during October 1970. The plant went into commercial operation on December 28, 1970. On July 21, 1998, pursuant to 10 CFR 50.82(a)(1)(i) and 10 CFR 50.82(a)(1)(ii), the licensee certified to the NRC that, as of July 17, 1998, Millstone Unit No. 1 had permanently ceased operations and that fuel had been permanently removed from the reactor vessel. The issuance of this certification fundamentally changed the licensing basis of Millstone Unit 1 in that the NRC issued 10 CFR Part 50 license no longer authorizes operation of the reactor or emplacement or retention of fuel in the reactor vessel.

Safety related structures, systems, and components (SSCs) and SSCs important to safety remaining at Millstone Unit 1 are associated with the spent fuel pool island where the Millstone Unit 1 spent fuel is stored. Other than non-essential systems supporting the balance of plant facilities, the remaining plant equipment has been de-energized, disabled and abandoned in place or removed from the unit and can no longer be used for power generation.

2.0 Request/Action

By letter dated June 8, 2006, Dominion is requesting an exemption from the record retention requirements of: 10 CFR 50.59(d)(3) which requires certain records be maintained until termination of a license issued pursuant to Part 50; 10 CFR 50.71(c) which requires records required by the regulations, by license condition, or by technical specifications must be retained for the period specified by the appropriate regulation, license condition, or technical specification and if a retention period is not otherwise specified, these records must be retained until the Commission terminates the facility license; 10 CFR 50 Appendix A Criterion 1 which requires certain records be retained throughout the life of the unit; and 10 CFR 50 Appendix B Criterion XVII which requires certain records be retained consistent with regulatory requirements for a duration established by the licensee.

Dominion proposes to eliminate record retention requirements for Millstone Unit 1 SSCs associated with safe power generation that have been de-energized, disabled, and abandoned in place or removed from the unit. Dominion is not requesting an exemption associated with record keeping requirements for storage of spent fuel in the Millstone Unit 1 spent fuel pool or for systems required to support the safe storage of spent fuel.

3.0 Discussion

The records that the licensee proposes to eliminate are for SSCs associated with safe power generation that have been de-energized, disabled, and abandoned in place or removed from the unit. Examples of such records include procedures, strip charts, other recorder charts, and radiographs. 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 50.75(g); etc.]. 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.

Specific Exemption Is Authorized by Law

10 CFR 50.71(d)(2) allows for the granting of specific exemptions to the record retention requirements specified in the regulations.

NRC regulation 10 CFR 50.71(d)(2) states, in part:

* * * the retention period specified in the regulations in this part for such records shall apply unless the Commission, pursuant to § 50.12 of this part, has granted a specific exemption from the record retention requirements specified in the regulations in this part.

Based on 10 CFR 50.71(d)(2), if the specific exemption requirements of 10 CFR 50.12 are satisfied, the exemption from the record keeping requirements of 10 CFR 50.59(d)(3); 10 CFR 50.71(c); 10 CFR Part 50, Appendix A, Criterion 1; and 10 CFR Part 50, Appendix B, Criterion XVII, is authorized by law.

Specific Exemption Will Not Present an Undue Risk to the Public Health and Safety

The partial exemption from the record keeping requirements of 10 CFR 50.59(d)(3); 10 CFR 50.71(c); 10 CFR Part 50, Appendix A, Criterion 1; and 10 CFR Part 50, Appendix B, Criterion XVII, for the records described above is administrative in nature and will have no impact on any remaining decommissioning activities or on radiological effluents. The exemption will merely advance the schedule for destruction of the specified records. Considering the content of these records, the elimination of these records on an advanced timetable will have no reasonable possibility of presenting any undue risk to the public health and safety.

Specific Exemption Consistent With the Common Defense and Security

The partial exemption from the record keeping requirements of 10 CFR 50.59(d)(3); 10 CFR 50.71(c); 10 CFR Part 50, Appendix A, Criterion 1; and 10 CFR Part 50, Appendix B, Criterion XVII, for the types of records described above is consistent with the common defense and security as defined in the Atomic Energy Act (42 U.S.C. 2014, Definitions) and in 10 CFR 50.2 "Definitions."

The partial exemption requested does not impact remaining decommissioning activities and does not involve information or activities that could potentially impact the common defense and security of the United States.

Rather, the exemption requested is administrative in nature and would merely advance the current schedule for destruction of the specified records. Considering the content of these records, the elimination of these records on an advanced timetable has no reasonable possibility of having any impact on national defense or security. Therefore, the partial exemption from the recordkeeping requirements of 10 CFR 50.59(d)(3); 10 CFR 50.71(c); 10

CFR Part 50, Appendix A, Criterion 1; and 10 CFR Part 50, Appendix B, Criterion XVII, for the types of records described above is consistent with the common defense and security.

Special Circumstances

NRC regulation 10 CFR 50.12(a)(2) states, in part:

"(2) The Commission will not consider granting an exemption unless special circumstances are present. Special circumstances are present whenever—
(ii) Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule."

Given the status of Millstone Unit 1 decommissioning, special circumstances exist which will allow the NRC to consider granting the partial exemption requested. Consistent with 10 CFR 50.12(a)(2)(ii), applying the recordkeeping requirements of 10 CFR 50.59(d)(3); 10 CFR 50.71(c); 10 CFR Part 50, Appendix A, Criterion 1; and 10 CFR Part 50, Appendix B, Criterion XVII, to the continued storage of the records described previously is not necessary to achieve the underlying purpose of the rules.

The NRC's Statements of Consideration for final rulemaking, effective July 26, 1988 (53 FR 19240 dated May 27, 1988) "Retention Periods for Records," provides the underlying purpose of the regulatory record keeping requirements. In response to several public comments leading up to this final rulemaking, the NRC supported the need for record retention requirements by stating that records: "* * * must be retained * * * so that they will be available for examination by the Commission in any analysis following an accident, incident, or other problem involving public health and safety * * * [and] * * * for NRC to ensure compliance with the safety and health aspects of the nuclear environment and for the NRC to accomplish its mission to protect the public health and safety."

The underlying purpose of the subject record keeping regulations is to ensure that the NRC staff has access to information that, in the event of an accident, incident, or condition that could impact public health and safety, would assist in the recovery from such an event and could also help prevent future events or conditions that could adversely impact public health and safety.

Given the current status of Millstone Unit 1 decommissioning, the records that would be subject to early destruction would not provide the NRC

with information that would be pertinent or useful. The types of records that would fall under the exemption would include radiographs, vendor equipment technical manuals, and recorder charts associated with operating nuclear power plant SSCs that had been classified as important to safety during power operations, but that are no longer classified as important to safety, are no longer operational, or have been removed from the Millstone Unit 1 site for disposal.

As indicated in the excerpts cited above under the heading "NRC Regulatory record keeping Requirements to be Exempted," the regulations include wording that states that records of activities involving the operation, design, fabrication, erection, and testing of SSCs that are classified as quality-related and/or important to safety should be retained "until the Commission terminates the facility license" or "throughout the life of the unit."

As stated in 10 CFR Part 50, Appendix A:

"A nuclear power unit means a nuclear power reactor and associated equipment necessary for electric power generation and includes those structures, systems, and components required to provide reasonable assurance the facility can be operated without undue risk to the health and safety of the public."

With the majority of the plant systems formerly supporting power operations at Millstone Unit 1, having been de-energized, disabled, abandoned in place or removed from the site, the Millstone Unit 1 site no longer houses a nuclear power reactor and associated equipment necessary for electric power generation. Thus, with respect to the underlying intent of the record keeping rules cited above, Millstone Unit 1 is not able to generate electricity and is no longer a nuclear power unit as defined in 10 CFR Part 50, Appendix A.

All of the Millstone Unit 1 spent nuclear fuel has been transferred to the spent fuel pool and the required support systems related to safely storing the spent nuclear fuel have been isolated to a spent fuel pool island. The records related to this activity are still required by the regulations and the licensee specified that they were "* * * not requesting an exemption associated with record keeping requirements for storage of spent fuel in the [Millstone Unit 1] spent fuel pool or for systems required to support the safe storage of spent fuel."

Based on the above, it is clear that application of the subject record keeping requirements to the Millstone

Unit 1 records specified above is not required to achieve the underlying purpose of the rule. Thus, special circumstances are present which the NRC may consider, pursuant to 10 CFR 50.12(a)(2)(ii), to grant the requested exemption.

4.0 Conclusion

The staff has determined that 10 CFR 50.71(d)(2) allows the Commission to grant specific exemptions to the record retention requirements specified in regulations provided the requirements of 10 CFR 50.12 are satisfied.

The staff has determined that the requested partial exemption from the record keeping requirements of 10 CFR 50.59(d)(3); 10 CFR 50.71(c); 10 CFR Part 50, Appendix A, Criterion 1; and 10 CFR Part 50, Appendix B, Criterion XVII, will not present an undue risk to the public health and safety. The destruction of the identified records will not impact remaining decommissioning activities; plant operations, configuration, and/or radiological effluents; operational and/or installed SSCs that are quality-related or important to safety; or nuclear security.

The staff has determined that the destruction of the identified records is administrative in nature and does not involve information or activities that could potentially impact the common defense and security of the United States.

The staff has determined that the purpose for the record keeping regulations is to ensure that the NRC Staff has access to information that, in the event of any accident, incident, or condition that could impact public health and safety, would assist in the protection of public health and safety during recovery from the given accident, incident, or condition, and also could help prevent future events or conditions adversely impacting public health and safety.

Further, since most of the Millstone Unit 1 SSCs that were safety-related or important-to-safety have been de-energized, disabled, abandoned in place or removed from the site, the staff agrees that the records identified in the partial exemption would not provide the NRC with useful information during an investigation of an accident or incident.

Therefore, the Commission grants Dominion the requested partial exemption to the record keeping requirements of 10 CFR 50.59(d)(3); 10 CFR 50.71(c); 10 CFR Part 50, Appendix A, Criterion 1; and 10 CFR Part 50, Appendix B, Criterion XVII, as described in the June 8, 2006, letter.

Pursuant to 10 CFR Part 51.31, the Commission has determined that the

granting of this exemption will not have a significant effect on the quality of the human environment as documented in **Federal Register** notice Vol. 72, No. 4048, dated January 29, 2007.

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 30th day of January, 2007.

For the Nuclear Regulatory Commission.

Keith I. McConnell,

Deputy Director, Decommissioning and Uranium Recovery, Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Program.

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NUCLEAR REGULATORY COMMISSION

[DOCKET NO. 030-12998]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 37-07438-15, for the Unrestricted Release of the Philadelphia Health & Education Corporation's Facility in Philadelphia, PA

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

FOR FURTHER INFORMATION CONTACT:

Dennis Lawyer, Health Physicist, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region 1, 475 Allendale Road, King of Prussia, Pennsylvania; telephone (610)-337-5366; fax number (610)-337-5393; or by e-mail: drl1@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Byproduct Materials License No. 37-07438-15. This license is held by Philadelphia Health & Education Corporation, d/b/a/ Drexel University College of Medicine (the Licensee), for the area leased to the Licensee at the Woman's Medical Hospital, located at 3300 Henry Avenue in Philadelphia, Pennsylvania (the Facility). Issuance of the amendment would authorize release of the Facility for unrestricted use. The Licensee requested this action in a letter

dated August 7, 2006. The NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of Title 10, Code of Federal Regulations (CFR), Part 51 (10 CFR Part 51). Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate with respect to the proposed action. The amendment will be issued to the Licensee following the publication of this FONSI and EA in the **Federal Register**.

II. Environmental Assessment

Identification of Proposed Action

The proposed action would approve the Licensee's August 7, 2006, license amendment request, resulting in release of the Facility for unrestricted use. License No. 37-07438-15 was issued on July 17, 1977, pursuant to 10 CFR Part 30 and has been amended periodically since that time. This license authorized the Licensee to use unsealed byproduct material for purposes of conducting research and development activities on laboratory bench tops and in hoods.

The Facility is a 600,000 square foot building complex and consists of office space and laboratories. The Facility is located in a mixed residential/commercial area. Within the Facility, use of licensed materials was confined to laboratories leased to the Licensee totaling 30,000 square foot.

On July 7, 2006, the Licensee ceased licensed activities and initiated a survey and decontamination of the Facility. Based on the Licensee's historical knowledge of the site and the conditions of the Facility, the Licensee determined that only routine decontamination activities, in accordance with their NRC-approved, operating radiation safety procedures, were required. The Licensee was not required to submit a decommissioning plan to the NRC because worker cleanup activities and procedures are consistent with those approved for routine operations. The Licensee conducted surveys of the Facility and provided information to the NRC to demonstrate that it meets the criteria in Subpart E of 10 CFR Part 20 for unrestricted release.

Need for the Proposed Action

The Licensee has ceased conducting licensed activities at the Facility, and seeks release of the Facility for unrestricted use.

Environmental Impacts of the Proposed Action

The historical review of licensed activities conducted at the Facility shows that such activities involved use