

for an exhausting fan site, the portals were not cleaned back out.

(3) On closure of the mine, two water pipes were inserted into two different openings and the portals were backfilled 25 feet back into the mine and then 4 feet over the portals. Due to the dip of the coal seam, the water in this area drains to another set of portals that have pipes and water drains to allow the water to exit, and no water has come out at this site.

(4) The petitioner proposes to reclaim this site using coarse refuse over the backfilled portals. To contend with the eventuality that water might exit the mine through these portals, the petitioner will construct a durable rock underdrain across the front of the backfill spanning all the portals.

(5) Two pipes inserted back into the mine will tie into the rock underdrain so that any water seeping through the coarse refuse or coming out of the underground mine will travel through this rock underdrain. The rock underdrain will be constructed of durable rock and wrapped in filter fabric.

(6) On completion of the coarse refuse fill, the fill will be covered with noncombustible materials. Drawings detailing the construction methods used to seal the openings are provided with this petition.

To examine or obtain a copy of the petition, map, and drawings, contact MSHA using the information in the "For Further Information Contact" section of this notice.

*Docket Number:* M-2012-004-M.

*Petitioner:* Troy Mine, Inc., 1099 18th Street, Suite 2150, Denver, Colorado 80202.

*Mine:* Troy Mine Inc., MSHA I.D. No. 24-01467, Highway 56 South Asarco Mine Road, Troy, Montana, 59935, located in Lincoln County, Montana.

*Regulation Affected:* 30 CFR 57.11055 (Inclined escapeways).

*Modification Request:* The petitioner requests a modification of the existing standard for underground metal and nonmetal mines to permit the use of a 317-foot portion of a designated secondary escapeway that is steel-encased with secure landings and equipped with a leaky feeder communication system. The petition pertains to a secondary escapeway/raisebore from the Upper C Bed to the Lower Quartzite area. The petitioner states that:

(1) The secondary escapeway/raisebore from the C Bed to the Lower Quartzite area is 42 inches in diameter and steel-encased.

(2) The escapeway/raisebore from the C Bed to the Lower Quartzite area is

equipped with a ladder and secure landings at least every 30 feet, which conforms with MSHA's standard for surface travelways in 30 CFR 57.11025.

(3) The secondary escapeway/raisebore from the C Bed to the Lower Quartzite area consists of two sections. The first section is 114 feet beginning at the C Bed and ending at the Upper C Bed. The second section is 317 feet beginning at the Upper C Bed and ending at the Lower Quartzite area.

As an alternative method to the existing standard, the petitioner proposes to:

(1) Install a leaky feeder communication system in the steel-encased secondary escapeway from the C Bed to the Lower Quartzite area to provide the miners in the escapeway with continuous communication with the surface, and allow for notification that personnel are in the raise and on their way out.

(2) Use steel encasement of the escapeway/raisebore to protect the leaky feeder system from damage and protect the miners from exposure to falling rocks in the escapeway.

(3) Configure landings so that they are spaced at a maximum of 30-foot intervals to protect resting miners and prevent them from falling down the escapeway.

(4) Modify the escape and evacuation plan required by 30 CFR 57.11053 to provide for ventilation changes in the event of a fire when using the secondary escapeway, using the following procedures as appropriate:

(a) Reversing the fan direction at the top of the secondary escapeway.

(b) Closing ventilation tubes in the air-walls at the access drifts in each level.

(5) Install radio boxes in the secondary escapeway/raisebore from the C bed to the Lower Quartzite area. The radio boxes will contain several radios, a charging station for the radios, and extra batteries.

(6) Install clear and legible markings at 30-foot intervals denoting the remaining distance to the surface in the secondary escapeway/raisebore.

Within 45 days after the Proposed Decision and Order becomes final, the petitioner will submit proposed revisions to the escape and evacuation plan as required in 30 CFR 57.11053. Within 60 days after the Proposed Decision and Order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. In addition to the requirements specified in this petition, the proposed revisions will specify initial and refresher training regarding the terms

and conditions stated in the Proposed Decision and Order.

The petitioner further states that the proposed alternative method provides additional protection above and beyond the requirements of the existing standard by allowing miners in the secondary escapeway to know their exact location in the raise, while they are traveling out of the mine. With this information and the radios provided, exact information on miner locations can be communicated to personnel on the surface to aid in emergency evacuation and rescue.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection as that afforded by the existing standard.

Dated: June 20, 2012.

**George F. Triebisch,**

*Director, Office of Standards, Regulations and Variances.*

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**BILLING CODE 4510-43-P**

## **NUCLEAR REGULATORY COMMISSION**

**[NRC-2012-0044; Docket No. 50-423]**

### **Central Vermont Public Service Corporation, Gaz Métro Limited Partnership, Dominion Nuclear Connecticut, Inc. (Millstone Power Station, Unit 3); Order Approving Application Regarding Proposed Merger of Central Vermont Public Service Corporation and Gaz Métro Limited Partnership and Indirect Transfer of License**

#### **I**

Dominion Nuclear Connecticut, Inc. (DNC or the licensee) is authorized to act as the agent for the joint owners of the Millstone Power Station, Unit 3 (MPS3), and has exclusive responsibility and control over the physical construction, operation, and maintenance of the facility as reflected in the Renewed Facility Operating License No. NPF-49. Central Vermont Public Service Corporation (CVPS), one of the joint owners, holds a 1.7303% minority interest in MPS3. MPS3 is located in the town of Waterford, Connecticut.

#### **II**

By letter dated September 9, 2011, as supplemented on November 4, 2011, April 6, 2012, and May 4, 2012 (collectively, the application), CVPS and Gaz Métro Limited Partnership (Gaz Métro) submitted an application requesting that the U.S. Nuclear

Regulatory Commission (NRC or the Commission) consent, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 50.80, to the indirect transfer of control of the operating license for MPS3 to the extent held by CVPS, resulting from the acquisition of CVPS by Gaz Métro.

The application states that on July 11, 2011, CVPS, Gaz Métro, and Danaus Vermont Corp., an independent wholly owned subsidiary of Gaz Métro formed as a merger subsidiary, entered into an Agreement and Plan of Merger. The merger agreement provides that Danaus Vermont Corp. will merge with and into CVPS, with CVPS continuing as the surviving corporation and an indirect wholly owned subsidiary of Gaz Métro. As a result of the transaction, CVPS will become a direct subsidiary of Northern New England Energy Corporation, a Gaz Métro subsidiary and holding company organized and existing under the laws of the State of Vermont and formed to own Gaz Métro's energy-company investments in the United States.

According to the application, CVPS is a Vermont corporation and the largest electric utility in Vermont. Gaz Métro is a Canadian energy company. The merger of Gaz Métro with CVPS will result in the indirect transfer of control of CVPS' 1.7303% interest in the license for MPS3. The principal owner and operator of MPS3 is DNC, which owns 93.4707%. The remaining 4.7990% of the license is owned by Massachusetts Municipal Wholesale Electric Company. This transfer does not affect Massachusetts Municipal Wholesale Electric Company's ownership or DNC's ownership and operation of the facility.

No physical changes to the MPS3 facility or operational changes are being proposed in the application.

Notice of the request for approval and opportunity for a hearing was published in the **Federal Register** on February 27, 2012 (77 FR 11596). No comments or hearing requests were received.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. Upon review of the information in the application as supplemented and other information before the Commission, and relying upon the representations and agreements in the application, the NRC staff has determined that the proposed merger between CVPS and Gaz Métro, as described in the application, will not affect the qualifications of DNC as a holder of the Renewed Facility Operating License No. NPF-49, and that the indirect transfer of the license, to the

extent affected by the proposed acquisition, is otherwise consistent with applicable provisions of law, regulations, and Orders issued by the Commission, pursuant thereto, subject to the conditions set forth herein. The foregoing findings are supported by a safety evaluation (SE) dated June 15, 2012.

### III

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended (the Act), 42 U.S.C. 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80, *it is hereby ordered* that the application regarding the indirect license transfers related to the proposed corporate merger, as described herein, is approved, subject to the following conditions:

1. The Negation Action Plan provided to the NRC for review on April 6, 2012 may not be modified in any respect concerning decision-making authority over "safety issues" as defined therein without the prior written consent of the Director, Office of Nuclear Reactor Regulation.

2. At least half the members of CVPS' Board of Directors shall be U.S. citizens.

3. The Chief Executive Officer (CEO), Chief Nuclear Officer (CNO) and Chairman of the Board of Directors of CVPS shall be U.S. citizens. These individuals shall have the responsibility and exclusive authority to ensure and shall ensure that the business and activities of CVPS with respect to the MPS3 license is at all times conducted in a manner consistent with the public health and safety and common defense and security of the United States.

4. The CVPS Board of Directors will establish a Special Nuclear Committee (SNC) composed of U.S. citizens, a majority of whom are not officers, directors, or employees of CVPS, Gaz Métro, or any Gaz Métro subsidiaries. The SNC will report to the CVPS Board of Directors on a quarterly basis for informational purposes. The SNC will make available to the NRC for review these and any other reports regarding foreign ownership and control of nuclear operations.

5. Should the proposed corporate merger not be completed within 1 year from the date of this Order, this Order shall become null and void, provided, however, upon written application and 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 application dated September 9, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No.

ML11256A051), as supplemented by letters dated November 4, 2011 (under ADAMS Accession No. ML11311A148), April 6, 2012 (under ADAMS Accession No. ML12100A017), and May 4, 2012 (under ADAMS Accession No. ML12128A433) and the SE dated June 15, 2012, which are available for public inspection at the NRC's Public Document Room (PDR), located at One White Flint North, Room O1-F21, 11555 Rockville Pike (first floor), Rockville, MD. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at <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 email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Dated at Rockville, Maryland, this 15th day of June 2012.

For the Nuclear Regulatory Commission.

**Louise Lund,**

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

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 72-10; NRC-2012-0145]

### License Renewal Application for Prairie Island Nuclear Generating Plant Independent Spent Fuel Storage Installation

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License renewal application; opportunity to request a hearing and petition for leave to intervene, order.

**DATES:** A request for hearing and/or petition for leave to intervene must be filed by August 24, 2012.

**ADDRESSES:** Please refer to Docket ID NRC-2012-0145 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and are publicly available, using the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0145. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).