

control room, or the Units 1 or 2 control station, when necessary to protect worker health and safety.

This Environmental Assessment (EA) has been developed in accordance with the requirements of 10 CFR 51.21.

#### *Proposed Action*

The change proposed by this LAR will modify TS 3.1.2, Limiting Condition for Operation (LCO) 3.1.2, Condition A to replace the word "restriction" with the word "weight" so that action is required if the load weight, rather than the load restriction, is not within the limit. The change will also modify TS 5.2.2.c to allow the Unit 3 control room, and the associated control station in Units 1 and 2, to be temporarily unmanned in an emergency when personnel are required to evacuate occupied buildings for their health and safety. The proposed action is in accordance with the licensee's application dated January 19, 2006, requesting approval.

#### *Need for Proposed Action*

The proposed change to TS 3.1.2 will clarify the LCO and is needed to ensure that the appropriate limit is maintained. The proposed change to TS 5.2.2.c to allow the Unit 3 control room, and the associated control station in Units 1 and 2, to be temporarily unmanned in an emergency requiring evacuation is needed to protect personnel health and safety.

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

The NRC has completed its evaluation of the proposed amendments to the Technical Specifications and concludes the changes would have no significant impacts to the environment.

The NRC evaluated the safety impacts of the proposed changes and determined that the changes proposed by this license amendment request, to clarify an existing requirement and allow the licensee evacuate the control room in an emergency that requires site evacuation for the protection of site staff health and safety, will better ensure that a safety limit is maintained and will not hinder the licensee's response to an emergency.

Allowing the control room operators to evacuate the control room during an emergency will not create a situation where response will be delayed or less effective due to the absence of the monitoring and coordination provided by the control room operators, because the plant operators who perform the recovery actions will also be evacuated in a life threatening emergency, thereby removing the staff that the control room operators would direct in the emergency. Additionally, the possible

loss of the control room operator in an emergency would further delay the site recovery when the emergency condition has passed. Therefore, for the hazardous conditions considered, the proposed action would best insure that the personnel required for recovery are available when the recovery can be performed. Based on the above, the proposed action would not increase the probability or consequences of accidents, would not change the types of effluents that may be released offsite, and would not increase occupation or public radiation exposure.

Since the amendment only affects actions in the industrial portion of the facility, the proposed action does not have a potential to affect any historic sites.

#### *Alternatives to the Proposed Action*

The alternative to the proposed action would be to deny the request. Denial of this amendment request would have the same environmental impact as the proposed action.

#### *Agencies and Persons Consulted*

This EA was prepared by John B. Hickman, Project Manager, Decommissioning Directorate, Division of Waste Management and Environmental Protection (DWMEP). NRC staff determined that the proposed action is not a major decommissioning activity and will not affect listed or proposed endangered species, nor critical habitat. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. Likewise, NRC staff determined that the proposed action is not the type of activity that has the potential to cause previously unconsidered effects on historic properties, as consultation for site decommissioning has been conducted previously. There are no additional impacts to historic properties associated with the disposal method and location for demolition debris. Therefore, no consultation is required under Section 106 of the National Historic Preservation Act. The NRC provided a draft of its EA to the Radiologic Health Branch of the California State Department of Health Services. The state official had no comments.

#### **III. 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.

#### **IV. Further Information**

For further details with respect to the proposed action, see the licensee's letter dated January 19, 2006. (ADAMS Accession No. ML060310499) The NRC Public Documents Room is located at NRC Headquarters in Rockville, MD, and can be contacted at (800) 397-4209. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System's (ADAMS) Public Library component on the NRC Web site, <http://www.nrc.gov> (the Public Electronic Reading Room). 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 at [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 22nd day of June, 2006.

For the Nuclear Regulatory Commission.

**Keith I. McConnell,**

*Deputy Director, Decommissioning Directorate, Division of Waste Management and Environmental Protection, Office of Nuclear Material Safety and Safeguards.*

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#### **NUCLEAR REGULATORY COMMISSION**

[Docket No. 40-8905]

#### **Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Rio Algom Mining LLC, Ambrosia Lake, NM**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

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

Michael G. Raddatz, Project Manager, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC, 20555. Telephone: (301) 415-6334; fax number: (301) 415-5955; e-mail: [mgr@nrc.gov](mailto:mgr@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

The Nuclear Regulatory Commission (NRC) proposes to issue a license amendment to Source Materials License No. SUA-1473 held by Rio Algom

Mining LLC (the licensee), to approve a soil decommissioning plan for its uranium mill tailings site in Ambrosia Lake, New Mexico. The NRC has prepared an Environmental Assessment (EA) in support of this amendment in accordance with the requirements of 10 CFR part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. The amendment will be issued following the publication of this Notice.

## II. EA Summary

The licensee's plan addresses the methods and procedures to be implemented to ensure that soil remediation is performed in a manner that is protective of human health and the environment. The Uranium Mill Tailings Radiation Control Act, as amended, and regulations in Title 10 of the Code of Federal Regulations, 10 CFR part 40 require that material at uranium mill tailings sites be disposed of in a manner that protects human health and the environment. On February 15, 2000, May 30, 2001, and July 7, 2005, Rio Algom Mining, LLC requested that the NRC approve the proposed amendment. The licensee's request for the proposed

change was previously noticed in the **Federal Register** on June 29, 2000, (65 FR 40144) with a notice of an opportunity to request a hearing and an opportunity to provide comments on the amendment and its environmental impacts.

The staff has prepared the EA in support of the proposed license amendment. The staff considered impacts that the licensee's Soil Decommissioning Plan (SDP) will have on ground water, surface water, socioeconomic conditions, threatened and endangered species, transportation, land use, public and occupational health, and historic and cultural resources.

The EA supports a FONSI because of the following: The Uranium Mill Tailings Radiation Control Act, as amended, and regulations in Title 10 of the Code of Federal Regulations, 10 CFR part 40 require that material at uranium mill tailings sites be disposed of in a manner that protects human health and the environment: The methods and procedures described in the SDP have been judged by staff to be acceptable because the plan addresses those methods and procedures to be implemented by the licensee to ensure

that soil remediation is performed in a manner that is protective of human health and the environment. The actual decommissioning of the licensee's mill tailings site will utilize the SDP and as each area is remediated, it will be verified that it is in compliance with all regulatory requirements and the SDP.

## III. Finding of No Significant Impact

On the basis of the EA, NRC has concluded that there are no significant environmental impacts from the proposed amendment and NRC staff has determined not to prepare an environmental impact statement.

## IV. Further Information

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are as follows:

Document	ADAMS accession No.	Date
NUREG-1748, "Environmental Review Guidance for Licensing Actions Associated With NMSS Programs—Final Report," Nuclear Regulatory Commission, Washington, DC.	ML031000403	April 10, 2003.
NUREG-1620, Rev. 1, "Standard Review Plan for Review of a Reclamation Plan for Mill Tailings Sites Under Title II of the Uranium Mill Tailings Radiation Control Act of 1978," Nuclear Regulatory Commission, Washington, DC.	ML032250190	June 30, 2003.
Rio Algom Mining LLC, 2004, "Soil Decommissioning Plan" .....	ML050400566	January 19, 2005.
Rio Algom Mining LLC, 2005, "Response to Request for Additional Information for Soil Decommissioning Plan and the Closure Plan—Lined Evaporation Ponds for Ambrosia Lake Facility".	ML052060155	June 15, 2005.
Rio Algom Mining LLC, 2005, "Response to Request for Additional Information Items 6, 9, and 13 for the Soil Decommissioning Plan and the Closure Plan—Lined Evaporation Ponds for Ambrosia Lake Facility".	ML052090175	July 15, 2005.
Rio Algom Mining LLC, 2005, "Response to July 21, 2005 Request for Additional Information for the Soil Decommissioning Plan and the Closure Plan—Lined Evaporation Ponds for Ambrosia Lake Facility".	ML053000439	September 26, 2005.
U.S. Fish and Wildlife Service. Letter to M. Raddatz .....	ML052910059	October 31, 2005.
Data Recovery Plan For IA 82634 and IA 82635 at Rio Algom Mine, Near Ambrosia Lake, McKinley County, New Mexico.	ML060670532	December 31, 2005.
Final Environmental Assessment, Soil Decommissioning Plan for Rio Algom Mining LLC's Uranium Mill Tailings Site, Ambrosia Lake, McKinley County, New Mexico.	ML061630291	May 15, 2006.

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 27th day of June, 2006.

For the Nuclear Regulatory Commission.

**Gary S. Janosko,**

*Chief, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.*

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**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-029]

### **Environmental Assessment and Finding of No Significant Impact Related to Exemption From the Recordkeeping Requirements of Title 10 of the Code of Federal Regulations (10 CFR) Part 50.71(c); 10 CFR Part 50, Appendix A; 10 CFR Part 50, Appendix B for the Yankee Atomic Electric Company License DPR-003, Rowe, MA**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Environmental assessment and finding of no significant impact.

**FOR FURTHER INFORMATION CONTACT:** John Hickman, Division of Waste Management and Environmental Protection, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop: T7E18, Washington, DC 20555-00001. Telephone: (301) 415-3017; e-mail: [jbh@nrc.gov](mailto:jbh@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is considering granting a partial exemption from the Recordkeeping requirements of Title 10 of the Code of Federal Regulations (10 CFR) 50.71(c); 10 CFR part 50, Appendix A; 10 CFR part 50, Appendix B; and 10 CFR 50.59(d)(3), for the Yankee Nuclear Power Station (YNPS) as requested by Yankee Atomic Electric Company (YAEC or the Licensee) on February 15, 2006, as supplemented on March 23, 2006. An environmental

assessment (EA) was performed by the NRC staff in support of its review of the exemption request.

#### **II. Environmental Assessment**

##### *Background*

YNPS is a deactivated pressurized-water nuclear reactor located in northwestern Massachusetts in Franklin County, near the southern Vermont border. The YNPS plant was constructed between 1958 and 1960 and operated commercially at 185 megawatts electric (after a 1963 upgrade) until 1992. In 1992, YAEC determined that closing of the plant would be in the best economic interest of its customers. In December 1993, NRC amended the YNPS operating license to retain a "possession-only" status. YAEC began dismantling and decommissioning activities at that time. Transfer of the spent fuel from the Spent Fuel Pit (SFP) to the Independent Spent Fuel Storage Installation (ISFSI) was completed in June 2003. With the exception of the greater than class C waste stored at the ISFSI, the reactor and all associated systems and components, including those associated with storage of spent fuel in the SFP, have been removed from the facility and disposed of offsite. In addition, the structures housing these systems and components have been demolished. Physical work associated with the decommissioning of YNPS is scheduled to be completed in 2006.

This Environmental Assessment (EA) has been developed in accordance with the requirements of 10 CFR 51.21.

##### *Proposed Action*

Yankee Atomic Electric Company (YAEC) is requesting the following exemption, for records pertaining to systems, structures, or components (SSCs) and/or activities associated with the nuclear power generating unit, Spent Fuel Pit, and associated support systems, from the 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 Criterion XVII which requires certain records be retained consistent with regulatory requirements for a duration established by the licensee; (3) 10 CFR 50.59(d)(3) which requires certain records be maintained until "termination of a license issued pursuant to" part 50; and (4) 10 CFR 50.71(c) which requires records retention for the period specified in the regulations or until license termination.

##### *Need for Proposed Action*

The requested exemption and application of the exemption will eliminate the requirement to maintain records that are no longer necessary due to the permanently shutdown status of the facility and thereby reduce the financial burden on ratepayers associated with the storage of a large volume of records.

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

The proposed action is purely administrative in nature and will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released off site and there is no significant increase in the amount of any effluent released offsite. 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 nonradiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect nonradiological plant effluents, and it has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that the proposed action will have no significant effect on the environment.

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

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no-action" alternative). Under this alternative YNPS would continue to store the records in question until license termination which would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

##### *Agencies and Persons Consulted*

None.

#### **III. Finding of No Significant Impact**

Based on this review, the NRC staff has concluded that there are no significant impacts on the quality of the human environment. Accordingly, the staff has determined that preparation of an Environmental Impact Statement is not warranted, and a Finding of No Significant Impact is appropriate.

#### **IV. Further Information**

For further details with respect to the proposed action, see the licensee's letter