

**NUCLEAR REGULATORY COMMISSION****[Docket No. 50-244; Renewed License No. DPR-18]****In the Matter of R.E. Ginna Nuclear Power Plant, LLC (R.E. Ginna Nuclear Power Plant); Order Approving Application Regarding Proposed Corporate Merger****I.**

R.E. Ginna Nuclear Power Plant, LLC (Ginna LLC or the licensee) is the holder of Renewed Facility Operating License No. DPR-18, which authorizes the possession, use, and operation of the R.E. Ginna Nuclear Power Plant (the facility or Ginna). Ginna LLC is licensed by the U.S. Nuclear Regulatory Commission (NRC or Commission) to operate Ginna. The facility is located at the licensee's site in Wayne County, New York.

**II.**

By application dated January 23, 2006, as supplemented by letters dated April 25 and May 25, 2006, (collectively referred to herein as the application), Constellation Generation Group, LLC (CGG LLC), acting on behalf of Ginna LLC, requested that the NRC, pursuant to 10 CFR 50.80, consent to the proposed indirect transfer of control of the license.

According to the application filed by CGG LLC, Ginna is wholly owned by Ginna LLC. Ginna LLC is wholly owned by Constellation Nuclear Power Plants, Inc.

As stated in the application, in connection with the proposed merger of CGG LLC's parent company, Constellation Energy Group, Inc. (CEG, Inc.), and FPL Group, Inc. (FPL Group), FPL Group will become a wholly owned subsidiary of CEG, Inc. At the closing of the merger, the former shareholders of FPL Group will own approximately 60% of the outstanding stock of CEG, Inc., and the pre-merger shareholders of CEG, Inc., will own the remaining approximately 40%. In addition, the CEG, Inc., board of directors will be composed of fifteen members, nine of whom will be named by FPL Group, and six of whom will be named by the current CEG, Inc. Ginna LLC will continue to own and operate the facility and hold the license.

Approval of the indirect transfer of the facility operating license was requested by CGG LLC pursuant to 10 CFR 50.80. Notice of the request for approval and an opportunity for a hearing was published in the **Federal Register** on February 22, 2006 (71 FR

9176). Comments and a petition to intervene were received from the Maryland Office of the People's Counsel. However, the petition to intervene was dismissed by the Secretary of the Commission by order dated March 17, 2006.

Under 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 by CGG LLC and other information before the Commission, the NRC staff concludes that the proposed merger and resulting indirect transfer of control of the license will not affect the qualifications of Ginna LLC as a holder of the Ginna license, and that the indirect transfer of control of the license as held by Ginna LLC, is otherwise consistent with the applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

The findings set forth above are supported by a safety evaluation dated August 3, 2006.

**III.**

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

Should the proposed merger not be completed within one year from the date of issuance, this Order shall become null and void, provided, however, upon written application and good cause shown, such date may in writing be extended.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated January 23, 2006, supplemented by letters dated April 25 and May 25, 2006, and the safety evaluation dated August 3, 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 3rd day of August 2006.

For the Nuclear Regulatory Commission.

**Catherine Haney,**

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

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**NUCLEAR REGULATORY COMMISSION****[Docket No. 50-312]****Sacramento Municipal Utility District, Rancho Seco Nuclear Generating Station; Notice of Receipt and Availability for Comment of License Termination Plan**

The Nuclear Regulatory Commission (NRC) is in receipt of and is making available for public inspection and comment the License Termination Plan (LTP) for the Rancho Seco Nuclear Generating Station (Rancho Seco) located in Sacramento County, California.

Rancho Seco was a 913-MWe pressurized water reactor designed by Babcock and Wilcox Company. The Sacramento Municipal Utility District (SMUD) shut down Rancho Seco permanently on June 7, 1989 after approximately 15 years of operation. On August 29, 1989, SMUD formally notified the NRC that the plant was shut down permanently.

On May 20, 1991, SMUD submitted the Rancho Seco Decommissioning Plan and on March 20, 1995, the NRC issued an Order approving the Decommissioning Plan and authorizing the decommissioning of Rancho Seco. In March 1997, SMUD submitted its Post Shutdown Decommissioning Activities Report (PSDAR), in accordance with 10 CFR 50.82. The PSDAR superseded the original Decommissioning Plan and provided the information required by 10 CFR 50.82(a)(4).

SMUD began actively decommissioning Rancho Seco in February 1997, and completed the transfer of all of the spent nuclear fuel to the 10 CFR part 72 ISFSI on August 21, 2002. Plant dismantlement is substantially complete and most of the systems, structures and components that were safety-related or important-to-safety have been removed from the plant and shipped for disposal.

In accordance with 10 CFR 50.82(a)(9), all power reactor licensees must submit an application for

termination of their license. The application for termination of license must be accompanied or preceded by an LTP to be submitted for NRC approval. If found acceptable by the NRC staff, the LTP is approved by license amendment, subject to such conditions and limitations as the NRC staff deems appropriate and necessary. SMUD submitted the proposed LTP for Rancho Seco by application dated April 12, 2006. In accordance with 10 CFR 20.1405 and 10 CFR 50.82(a)(9)(iii), the NRC is providing notice to individuals in the vicinity of the site that the NRC is in receipt of the Rancho Seco LTP, and will accept comments from affected parties.

The Rancho Seco LTP is available for public viewing at the NRC's Public Document Room (PDR) or electronically through the NRC Agencywide Documents Access and Management System (ADAMS) at accession numbers ML061460052, ML061460053, ML061460093, ML061460095, ML061460097, ML061460098, ML061460100, ML061460101, ML061460103, ML061460105, ML061460107, ML061460109, ML061460110, ML061460113, ML061460116, ML061460129, ML061460152, ML061460154, ML061460157. Documents may be examined, and/or copied for a fee, at the PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the 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).

Comments regarding the Rancho Seco LTP may be submitted in writing and addressed to Mr. John B. Hickman, Mail Stop T-7E18, Decommissioning Directorate, Division of Waste Management and Environmental Protection, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-3017 or E-mail [jbh@nrc.gov](mailto:jbh@nrc.gov).

Dated at Rockville, Maryland, this 20th day of July 2006.

For the Nuclear Regulatory Commission.

**Claudia Craig,**

*Chief, Reactor Decommissioning Section, Decommissioning Directorate, Division of Waste Management and Environmental Protection, Office of Nuclear Material Safety and Safeguards.*

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## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50-498 and 50-499; License Nos. NPF-76 and NPF-80]**

### **STP Nuclear Operating Company; Receipt of Request for Action Under 10 CFR 2.206**

Notice is hereby given that by petition dated May 16, 2006, and its supplement dated June 26, 2006, Mr. Glenn Adler (petitioner) has requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to South Texas Project Electric Generating Station. The petitioner requests that NRC take enforcement action in the form of a Demand for Information that would require the STP Nuclear Operating Company (STPNOC), the licensee for the South Texas Project Electric Generating Station (STP), to provide NRC with docketed copies of the following:

- Any assessments of the safety conscious work environment (SCWE) at STP conducted since January 1, 2004;
- Summaries of any associated action plans and the results of any efforts to remedy problems revealed by these surveys, including the following documents mentioned at an August 2005 meeting apparently convened to discuss the plant's SCWE, which contains—

- a [strengths, weaknesses, opportunities, and threats] SWOT analysis to assess the issues and actions required and follow-up on these actions to improve station alignment,
- outsourcing lessons learned, and
- an evaluation of information technology, supply chain, technical training, and Wackenhut to assess the issues and recommended actions;

- Summaries of any associated action plans and the results of efforts to remedy problems revealed by such surveys in 2001 and 2003; and

- All correspondence between NRC, STPNOC, and Wackenhut Corporation concerning the 2001, 2003, and 2005 Comprehensive Cultural Assessments (CCAs).

As a basis for this request, the petitioner states that NRC issued an order in 1998 requiring STP to conduct periodic surveys by an independent survey research firm, after NRC found that the licensee had violated Federal law by subjecting four employees to a "hostile work environment" after the employees raised safety concerns. The licensee hired Synergy Consulting Services Corporation to conduct surveys. The Wackenhut Corporation took over security at STP in July 2001, after winning a 3-year contract for security, with an option for an additional 2 years. The petitioner further states that in the 2001 and 2003 CCAs, Wackenhut scored poorly on independent surveys assessing the STPNOC's nuclear safety culture, safety conscious work environment, general culture and work environment, leadership, management, and supervisory skills and practices at STP. The petitioner states that the STPNOC's performance deteriorated below its 2001 performance and that Wackenhut's performance problems continued as indicated in the 2005 CCA. The petitioner also states that STPNOC's action plans apparently were not successful in respect to Wackenhut and other entities and it is important for NRC to scrutinize the steps taken by STPNOC to rectify problems identified in the 2001, 2003, and 2005 cultural surveys. The petitioner concludes that, by obtaining the documents identified, NRC will be better informed about any improvements in STPNOC's SCWE. The petitioner also concludes that NRC will be better able to assess the effectiveness of previous redresses with Wackenhut and other entities, for whom problems persisted, despite STPNOC's apparently repeated efforts to remedy them.

The request is being treated pursuant to Title 10 of the Code of Federal Regulations Section 2.206 (10 CFR 2.206) of the Commission's regulations. As provided by 10 CFR 2.206, the agency will take appropriate action on this petition within a reasonable time. A copy of the petition is available for inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible 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