

whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses).

#### Overview of This Information

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Helping America's Youth Community Resource Inventory.

3. *Agency form number, if any, and the applicable component of the government sponsoring the collection:* U.S. Department of Justice on behalf of the Executive Office of the President.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

*Primary:* Individuals and organizations involved in building partnerships to help youth.

*Other:* None.

*Abstract:* This is an online database provided as a service to communities that wish to identify local youth-serving programs and resources. Participation is voluntary.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 500 respondents will take 80 hours each to enter data.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 40,000 total annual burden hours associated with this collection.

If additional information is required, contact Ms. Lynn Bryant, Clearance Officer, U.S. Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: July 25, 2006.

**Lynn Bryant,**

*Department Clearance Officer, U.S. Department of Justice.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-029]

### Yankee Atomic Electric Company; Yankee Nuclear Power Station; Partial Exemption

#### 1.0 Background

Yankee Atomic Electric Company (YAEC, the licensee) is the licensee and holder of Facility Operating License No. DPR-3 for the Yankee Nuclear Power Station (YNPS), 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).

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.

By letter dated February 15, 2006, as supplemented on March 23, 2006, YAEC filed a request for NRC approval of a partial exemption from the record keeping requirements of 10 CFR 50.71(c); 10 CFR part 50, Appendix A; 10 CFR part 50, Appendix B; and 10 CFR 50.59(d)(3).

#### 2.0 Request/Action

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.

#### 3.0 Discussion

Most of these records are for SSCs that have been removed from Yankee and disposed of off-site. 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 recordkeeping requirements of 10 CFR 50.71(c); 10 CFR part 50, Appendix A; 10 CFR part 50, Appendix B, and 10 CFR 50.59(d)(3) is authorized by law.

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

With all the spent nuclear fuel transferred to the Yankee ISFSI, there is insufficient radioactive material remaining on the Yankee 10 CFR part 50 licensed site to pose any significant potential risk to the public health and safety under any credible event scenario. This provides additional assurance that the partial exemption for

the specified hard copy records will not present any reasonable possibility of undue risk to the public health and safety.

The partial exemption from the recordkeeping requirements of 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 hard copy 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 hard copy 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 recordkeeping requirements of 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 types of hard copy 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 hard copy 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 50.71(c); 10 CFR part 50, Appendix A; 10 CFR part 50, Appendix B; and 10 CFR 50.59(d)(3), for the types of hard copy 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 Yankee 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 50.71(c); 10 CFR part 50, Appendix A; 10 CFR part 50, Appendix B; and 10 CFR 50.59(d)(3) to the continued storage of the hard copy 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 recordkeeping 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 recordkeeping 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 Yankee 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 hard copy 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 Yankee site for disposal.

As indicated in the excerpts cited above under the heading "NRC Regulatory recordkeeping 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 primary and secondary systems removed for disposal, the Yankee 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 recordkeeping rules cited above, Yankee is not able to generate electricity and is no longer a nuclear power unit as defined in 10 CFR part 50, Appendix A.

In addition, with all the spent nuclear fuel having been transferred to the ISFSI, there is not sufficient radioactive material inventory remaining on the 10 CFR part 50 licensed site to pose any significant potential risk to the public health and safety. Thus, there are no longer any "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." This provides additional assurance that, with respect to the underlying intent of the recordkeeping rules cited above, Yankee is no longer a nuclear power unit as defined in 10 CFR part 50, Appendix A.

Based on the above, it is clear that application of the subject recordkeeping requirements to the Yankee hard copy 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 recordkeeping requirements of 10 CFR 50.71(c); 10 CFR part 50, Appendix A;

10 CFR part 50, Appendix B; and 10 CFR 50.59(d)(3), will not present an undue risk to the public health and safety. The destruction of the identified hard copy 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 hard copy 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 recordkeeping 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 Yankee SSCs that were safety-related or important-to-safety have been removed from the plant and shipped for disposal, 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 YAEC the requested partial exemption to the recordkeeping requirements of 10 CFR 50.71(c); 10 CFR part 50, Appendix A; 10 CFR part 50, Appendix B; and 10 CFR 50.59(d)(3), as described in the February 15, 2006, letter as supplemented on March 23, 2006.

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. 71, No. 127, dated July 3, 2006.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 20th day of July, 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. 50-128, EA-06-166]

### In the Matter of Texas A&M University, (Nuclear Science Center TRIGA Research Reactor); Order Modifying Amended Facility Operating License No. R-83

#### I.

The Texas A&M University (the licensee) is the holder of Amended Facility Operating License No. R-83 (the license). The license was issued on December 7, 1961, by the U.S. Atomic Energy Commission and subsequently renewed on March 30, 1983, by the U.S. Nuclear Regulatory Commission (the NRC or the Commission). The license includes authorization to operate the Nuclear Science Center TRIGA Research Reactor (the facility) at a power level up to 1,000 kilowatts thermal and to receive, possess, and use special nuclear material associated with the operation. The facility is on the campus of the Texas A&M University, in the city of College Station, Brazos County, Texas. The mailing address is Nuclear Science Center, Texas Engineering Experimental Station, Texas A&M University, 3575 TAMU, College Station, Texas 77843-3575.

#### II.

On February 25, 1986, the Commission promulgated a rule, Section 50.64 of Title 10 of the *Code of Federal Regulations* (10 CFR), limiting the use of high-enriched uranium (HEU) fuel in domestic research and test reactors (non-power reactors). This regulation requires that if Federal Government funding for conversion-related costs is available, each licensee of a research and test reactor authorized to use HEU fuel shall replace it with low-enriched uranium (LEU) fuel. The Commission's stated purpose for these requirements was to reduce, to the maximum extent possible, the use of HEU fuel in order to reduce the risk of theft and diversion of HEU fuel used at research and test reactors (51FR 6514).

The provisions of 10 CFR 50.64(c)(2)(iii) require the licensee to include in its conversion proposal, to the extent required to effect conversion, all necessary changes to the license, the facility, and licensee procedures.

#### III.

On June 13, 2006, the licensee submitted a letter as part of its conversion proposal, which indicated that changes to the Uranium-235 possession limit in its license were

needed to support the proposed schedule for conversion to LEU fuel. The possession of the LEU fuel is required by the licensee at this time to prepare the fuel in bundles in order to meet the proposed timely conversion. The LEU fuel contains the Uranium-235 isotope at an enrichment of less than 20 percent. The NRC staff reviewed the licensee's proposal and the requirements of 10 CFR 50.64, and has determined that the public health and safety and common defense and security require the licensee to receive and possess the LEU fuel so that the LEU fuel may be prepared to convert from HEU fuel in accordance with the schedules planned by the Department of Energy to support U.S. non-proliferation policies. Issuance of this Order will, therefore, allow the conversion to proceed in accordance with the planned schedule. The NRC staff also determined that there should be a prohibition on receiving additional HEU fuel and a reduction in the associated authorized possession limit concurrent with the effectiveness of the amendment authorizing receipt and possession, but not use, of the LEU fuel. The specific conditions needed to reduce the HEU fuel possession limit, to amend the facility license to allow possession of the LEU fuel, and to be made a part of the license in accordance with this Order are:

2.B.(2) Pursuant to the Act and 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material," to possess and use up to 12.0 kilograms of contained Uranium-235 at enrichment equal to or less than 70 percent in connection with operation of the reactor.

2.B.(8) Pursuant to the Act and 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material," to receive and possess, in addition to the amount specified under License Condition 2.B.(2), up to 15.0 kilograms of contained Uranium-235 at enrichments equal to or less than 20 percent.

The attached safety evaluation provides additional details on the NRC staff analyses resulting in the determination to order these changes.

#### IV.

Accordingly, pursuant to Sections 51, 53, 57, 101, 104, 161b, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and to Commission regulations in 10 CFR 2.202 and 10 CFR 50.64, *it is hereby ordered that:*

Amended Facility Operating License No. R-83 is modified by amending the license to include the license conditions as stated in Section III of this Order. This Order will be effective 20 days after the date of publication of this Order in the **Federal Register**.