

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-271; License No. Dpr-28]

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc.; Receipt of Request for Action Under 10 CFR 2.206

Notice is hereby given that by petition dated October 11, 2005, Mr. Jonathan M. Block requested that the Nuclear Regulatory Commission (NRC) take action with regard to Vermont Yankee Nuclear Power Station (Vermont Yankee). The petitioner requested that the NRC require a temporary closure or de-rating of Vermont Yankee.

As a basis for this request, the petitioner stated that evacuations would be impossible as a result of recent storm damage to the city of Keene, town of Hinsdale in New Hampshire, and other portions of New Hampshire that are part of existing evacuation routes for Vermont Yankee or within the effluent pathway in an emergency event.

The petition is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The petition has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by Section 2.206, appropriate action will be taken on this petition within a reasonable time. Copies of the petition are available for inspection at the Commission's Public Document Room, 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 ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland this 7th day of December, 2005.

For the Nuclear Regulatory Commission.

Cornelius F. Holden,

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

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NUCLEAR REGULATORY COMMISSION

[Docket No. 040-07354]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Department of the Army's Bomb Throwing Device (BTD) Area in Aberdeen Proving Ground, MD

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Ullrich, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, telephone (610) 337-5040, fax (610) 337-5269; or by e-mail: exu@nrc.gov.

SUPPLEMENTARY INFORMATION:**I. Introduction**

The Nuclear Regulatory Commission (NRC) is considering issuing a license amendment to the Department of the Army, U.S. Army Aberdeen Test Center, for Materials License No. SUB-834, to authorize release of its Bomb Throwing Device (BTD) area in Aberdeen Proving Ground, Maryland, for unrestricted use. NRC has prepared an Environmental Assessment (EA) in support of this action 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.

II. EA Summary

The purpose of the proposed action is to authorize the release of the licensee's BTD area located at Aberdeen Proving Ground, Aberdeen, Maryland, for unrestricted use. The Department of the Army was authorized by AEC/NRC from June 4, 1965, to use radioactive materials for munitions testing and research and development purposes in the BTD area. On January 13, 2005, the Department of the Army requested that NRC release the facility for unrestricted use. The Department of the Army has conducted surveys of the facility and provided information to the NRC to demonstrate that the site meets the license termination criteria in Subpart E of 10 CFR Part 20 for unrestricted use.

The NRC staff has prepared an EA in support of the license amendment. The BTD area was remediated and surveyed prior to the licensee requesting the license amendment. The NRC staff has reviewed the information and final status survey submitted by the Department of the Army. Based on its

review, the staff has determined that there are no additional remediation activities necessary to complete the proposed action. Therefore, the staff considered the impact of the residual radioactivity in the BTD area and concluded that since the residual radioactivity meets the requirements in Subpart E of 10 CFR Part 20, a Finding of No Significant Impact is appropriate.

III. Finding of No Significant Impact

The staff has prepared the EA (summarized above) in support of the license amendment to release the BTD area for unrestricted use. The NRC staff has evaluated the Department of the Army's request and the results of the surveys and has concluded that the completed action complies with the criteria in Subpart E of 10 CFR Part 20. The staff has found that the radiological environmental impacts from the action are bounded by the impacts evaluated by NUREG-1496, Volumes 1-3, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Facilities" (ML042310492, ML042320379, and ML042330385). Additionally, no non-radiological or cumulative impacts were identified. On the basis of the EA, the NRC has concluded that the environmental impacts from the action are expected to be insignificant and has determined not to prepare an environmental impact statement for the action.

IV. Further Information

Documents related to this action, including the application for the license 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: "Environmental Assessment Related to Issuance of a License Amendment of U.S. Nuclear Regulatory Commission Materials License No. SUB-834, Department of the Army, Aberdeen, Maryland" [ML053410059], "Radiological Final Status Survey Report, Bomb Throwing Device Site—Soils" [ML052770370], and Remediation and Final Status Survey, Bomb Throwing Device Site—Structures" [ML052770376]. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS,