

Dated: October 18, 2011.

**P. Diane Rausch,**

*Advisory Committee Management Officer,  
National Aeronautics and Space  
Administration.*

[FR Doc. 2011-27311 Filed 10-20-11; 8:45 am]

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## **NUCLEAR REGULATORY COMMISSION**

**[NRC-2009-0263]**

### **Assuring the Availability of Funds for Decommissioning Nuclear Reactors**

**AGENCY:** Nuclear Regulatory  
Commission.

**ACTION:** Regulatory guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC or Commission) is issuing a revision to Regulatory Guide 1.159, "Assuring the Availability of Funds for Decommissioning Nuclear Reactors." This guide provides guidance to applicants and licensees of nuclear power, research, and test reactors concerning methods acceptable to the staff of the U.S. Nuclear Regulatory Commission (NRC) for complying with requirements in the rules regarding the amount of funds for decommissioning. It also provides guidance on the content and form of the financial assurance mechanisms in those rule amendments.

**ADDRESSES:** You can access publicly available documents related to this regulatory guide using the following methods:

- *NRC's Public Document Room (PDR):* The public may examine and have copied, for a fee, publicly available documents at the NRC's PDR, O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of the NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The regulatory guide is available electronically under ADAMS Accession Number ML112160012. The regulatory analysis may be found in ADAMS under Accession Number ML112160013.
- *Federal Rulemaking Web Site:* Public comments and supporting

materials related to this notice can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2009-0263.

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

Edward O'Donnell, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, *telephone:* 301-251-7655; *e-mail:* [Edward.Odonnell@nrc.gov](mailto:Edward.Odonnell@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

### **I. Introduction**

The NRC is issuing a revision to an existing guide in the NRC's "Regulatory Guide" series. This series was developed to describe and make available to the public information such as methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

As a guidance document, this regulatory guide and its provisions are not designed to be restrictive or to represent binding requirements. The guide presents methods acceptable to the NRC staff for complying with the decommissioning regulations. The NRC staff recognizes that, in certain circumstances (e.g., to meet requirements established by Federal or state economic regulatory agencies or to comply with other applicable laws), other approaches may be necessary. As a point of clarification, it is the NRC's position that licensees who have existing license conditions relating to topics covered by the final rule, "Decommissioning Trust Provisions," dated December 24, 2002 (67 FR 78332), will have the option of maintaining their existing license conditions or submitting to the new requirements.

### **II. Further Information**

Revision 2 of Regulatory Guide 1.159 was issued with a temporary identification as Draft Regulatory Guide, DG-1229. DG-1229, was published in the **Federal Register** on June 30, 2009 (74 FR 31317) for a 60 days public comment period. The public comment period closed on September 9, 2009. The Commission approved RG 1.159 subject to changes which are spelled out in a Staff Requirements Memorandum dated October 25, 2010

(ML1029805650). Because of the nature of the changes, the draft guide was reissued for comment on January 13, 2011 (76 FR 2425). The NRC staff's responses to the public comments on DG-1229 are available under ADAMS Accession Number ML112160035.

Dated at Rockville, Maryland, this 13th day of October, 2011.

For the Nuclear Regulatory Commission.

**Harriet Karagiannis,**

*Acting Chief, Regulatory Guide Development  
Branch, Division of Engineering, Office of  
Nuclear Regulatory Research.*

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## **NUCLEAR REGULATORY COMMISSION**

**[Docket Nos.: 50-295 and 50-304; NRC-2011-0244]**

### **Environmental Assessment and Finding of No Significant Impact Related to Exemption From Certain Requirements for the Zion Nuclear Power Station, Units 1 and 2, License DPR-039 and DPR-048, Lake County, IL**

**AGENCY:** 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 Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-00001; *telephone:* 301-415-3017; *e-mail:* [John.Hickman@nrc.gov](mailto:John.Hickman@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) staff is considering a request dated December 2, 2010, by ZionSolutions, LLC (ZS, the licensee) requesting exemptions from certain security requirements in Title 10 of the Code of Federal Regulations (10 CFR) 73.55 for the Zion Nuclear Power Station (ZNPS) Units 1 and 2.

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

### **II. Environmental Assessment**

#### *Identification of Proposed Action*

The proposed action would eliminate certain security plan requirements from the 10 CFR Part 50 licensed site because the ZNPS Units 1 and 2 are permanently shut-down and defueled.

Part of this proposed action meets the categorical exclusion provision in 10 CFR 51.22(c)(25), as part of this action is an exemption from the requirements of the Commission's regulations and (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involve safeguard plans. Therefore, this part of the action does not require either an environmental assessment or an environmental impact statement. This environmental assessment was prepared for the part of the proposed action not involving safeguards plans.

#### *Need for Proposed Action*

The NRC revised 10 CFR 73.55 through the issuance of a final rule on March 27, 2009 (74 FR 13926). The revised regulation stated that it was applicable to all Part 50 licensees. The NRC became aware that many Part 50 licensees with facilities in decommissioning status did not recognize the applicability of this regulation to their facility. Accordingly, the NRC informed licensees with facilities in decommissioning status and other stakeholders that the requirements of 10 CFR 73.55 were applicable to all Part 50 licensees. By letter dated August 2, 2010, the NRC informed Exelon Nuclear, the ZNPS license holder at that time, of the applicability of the revised rule and stated that it would have to evaluate the applicability of the regulation to its facility and either make appropriate changes or request an exemption.

Section 73.55 requires that licensees establish and maintain physical protection and security for activities involving SNM within the 10 CFR part 50 licensed area of a facility. The proposed action is needed because the permanently shut-down and defueled status of the facility changes the security that is necessary to protect against radiological sabotage or diversion. The proposed action will allow the licensee to conserve resources for decommissioning activities.

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

The NRC has completed its evaluation of the proposed action and concludes

that exempting the facility from certain physical protection security requirements will not have any adverse environmental impacts.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and 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 non-radiological impacts, the proposed action does not involve any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

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

The alternative is the no-action alternative, under which the staff would deny the exemption request. This denial of the request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the no-action alternative are similar, therefore the no-action alternative is not further considered.

#### *Conclusion*

The NRC staff has concluded that the proposed action will not significantly impact the quality of the human environment, and that the proposed action is the preferred alternative.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on July 21, 2011, the staff consulted with the Illinois State official of the Division of Nuclear Safety, Illinois Emergency Management Agency, regarding the environmental impact of the proposed action. The State official had no comments.

The NRC staff has determined that the proposed action is of a procedural nature, and will not affect listed species or critical habitat. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. The NRC staff has also determined that the proposed action is not the type of activity that has the potential to cause effects on historic properties. Therefore, no further consultation is required

under Section 106 of the National Historic Preservation Act.

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

The NRC staff has prepared this EA as part of its review of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that 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 dated December 2, 2010, [ADAMS Accession Number ML103400569]. Documents related to this action, including the application and supporting documentation, are available online in the NRC Library 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.

If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 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 12th day of October, 2011.

For the U.S. Nuclear Regulatory Commission.

**Keith I. McConnell,**

*Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

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### **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 50-238; NRC-2011-0222]**

#### **N.S. Savannah; Exemption From Certain Security Requirements**

##### **1.0 Background**

The U.S. Department of Transportation, Maritime