

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection: Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Grant and Cooperative Agreement Provisions.
2. *Current OMB approval number:* 3150-0107.
3. *How often the collection is required:* On occasion, one-time.
4. *Who is required or asked to report:* Grantees and Cooperators.
5. *The estimated number of annual respondents:* 60.
6. *The number of hours needed annually to complete the requirement or request:* 1,160 hours (1,055 for reporting (17.58 hours per response) and 105 for recordkeeping (.57 hours per recordkeeper)).
7. *Abstract:* The Division of Contracts uses provisions, required to obtain or retain a benefit in its awards and cooperative agreements to ensure: Adherence to Public Laws, that the Government's rights are protected, that work proceeds on schedule, and that disputes between the Government and the recipient are settled.

Submit, by June 20, 2005, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are

available at the NRC worldwide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T-5 F53, Washington, DC 20555-0001, by telephone at 301-415-7233, or by Internet electronic mail to INFOCOLLECTS@NRC.GOV.

Dated at Rockville, Maryland, this 11th day of April, 2005.

For the Nuclear Regulatory Commission.

Brenda Jo Shelton,

NRC Clearance Officer, Office of Information Services.

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NUCLEAR REGULATORY COMMISSION

[Docket No. PAPO-00; ASLBP No. 04-829-01-PAPO]

Atomic Safety and Licensing Board; In the Matter of U.S. Department of Energy (High Level Waste Repository; Pre-Application Matters); Order (Scheduling Case Management Conference)

April 13, 2005.

Before Administrative Judges: Thomas S. Moore, Chairman, Alex S. Karlin, Alan S. Rosenthal.

The Pre-License Application Presiding Officer Board will hold a case management conference at 9 a.m. EDT on May 4, 2005 in the Atomic Safety and Licensing Board Panel's hearing room, third floor, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland. Counsel for the United States Department of Energy (DOE), the NRC Staff, and the State of Nevada (State) shall attend and participate in the conference. Because DOE, the NRC Staff, and the State are all represented by multiple counsel, the Board expects there will not be any motions to alter the conference date. Counsel for any other potential participants, interested Indian Tribes, and interested units of local government (collectively Potential Participants) are encouraged to attend. Even though no Potential Participants submitted proposed case management orders on the subject of privilege log formats and procedures pursuant to the Board's January 24, 2005 First Case Management Order or subsequent March 11, 2005 Order, the Potential

Participants, at the discretion of the Board, may be allowed to participate in the conference.

The Administrator of the Licensing Support Network (LSN) shall also attend to respond to Board and participant questions concerning the design capabilities of the LSN and to provide technical information and recommendations regarding those portions of the proposed case management order submitted by DOE and the NRC Staff impacting the LSN. In this regard, DOE, the NRC Staff, and the State shall each have in attendance their respective information technology data management specialist or administrator who can address computer hardware and software issues that may arise in the development and use of electronic privilege logs and procedures. Counsel for Potential Participants are similarly encouraged to bring their respective information technology data management specialist or administrator to the conference.

The Board will issue a subsequent order detailing the matters that DOE, the NRC Staff, the State, and counsel for Potential Participants should be prepared to discuss. The Board intends to conduct the conference quickly and efficiently but notes that the number of subjects to be covered may make it necessary to reconvene following a recess for lunch. All attendees should plan accordingly.

To expedite entry into the NRC headquarters complex, counsel for DOE, the NRC Staff, and the State should, no later than 3 p.m. EDT on Monday, May 2, 2005, e-mail the Board (PAPO@nrc.gov) a list of names of all persons associated with that participant that will be attending the hearing. Counsel for Potential Participants and any member of the public who wish to expedite his or her entry into the building on May 4 also should e-mail a similar preregistration. In preregistering, counsel should recognize that the seating capacity of the ASLBP hearing room is not unlimited.

Upon arrival at the main entrance of the NRC headquarters Two White Flint North building on May 4, all participants and members of the public seeking to attend the conference shall be required to present photo identification and then undergo security screening. All non-NRC employees must be escorted to the hearing room by an authorized NRC employee. Because of the time required for the security procedures, all counsel should arrive no later than 8:30 a.m. on May 4, 2005 in order not to delay the conference. Similarly, the members of the public

also should arrive early in order to gain on-time admission to the hearing room.

It is so ordered.

Issued in Rockville, Maryland, on April 13, 2005.

For the Pre-License Application Presiding Officer Board.

Thomas S. Moore,

Chairman, Administrative Judge.

[FR Doc. E5-1850 Filed 4-19-05; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket 72-30]

Maine Yankee Atomic Power Company; Issuance of Environmental Assessment and Finding of No Significant Impact Regarding a Proposed Exemption

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment.

FOR FURTHER INFORMATION CONTACT:

Jeremy A. Smith, Project Manager, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415-8500; fax number: (301) 415-8555; e-mail: jas5@nrc.gov.

SUPPLEMENTARY INFORMATION: The U.S. Nuclear Regulatory Commission (NRC or the staff) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from the provisions of 10 CFR 72.72(d) to Maine Yankee Atomic Power Company (Maine Yankee or applicant). The requested exemption would allow Maine Yankee to maintain a single set of spent fuel, high-level radioactive waste, and reactor-related Greater Than Class C (GTCC) waste records in accordance with the requirements of 10 CFR 50.71(d)(1), for the Independent Spent Fuel Storage Installation (ISFSI) at Maine Yankee in Wiscasset, Maine.

Environmental Assessment (EA)

Identification of Proposed Action: By letter dated November 29, 2004, Maine Yankee requested an exemption from the requirement in 10 CFR 72.72(d) which states in part that, "Records of spent fuel, high-level radioactive waste, and reactor-related GTCC waste containing special nuclear material meeting the requirements in paragraph (a) of this section must be kept in duplicate. The duplicate set of records must be kept at a separate location sufficiently remote from the original records that a single event would not destroy both sets of records."

The proposed action before the Commission is whether to grant this exemption pursuant to 10 CFR 72.7.

Need for the Proposed Action: The applicant stated that ISFSI spent-fuel, high-level radioactive waste, and reactor-related GTCC waste records will be maintained in a manner consistent with the records of Maine Yankee, which are stored in compliance with the requirements established in 10 CFR 50.71(d)(1). No exemption is requested from the 10 CFR 72.72(d) requirements for the records retention period requirements. The applicant seeks to provide consistency in recordkeeping maintenance for the Maine Yankee ISFSI spent fuel, high-level radioactive waste, and reactor-related GTCC waste records. The exemption request will also preclude the need to construct and operate a separate, second records storage facility to store a duplicate set of spent-fuel, high-level radioactive waste, and reactor-related GTCC waste records.

10 CFR 50.71(d)(1) provides requirements for the maintenance of nuclear power plant records. The regulation states:

Records which must be maintained pursuant to this part may be the original or a reproduced copy or microform if such reproduced copy or microform is duly authenticated by authorized personnel and the microform is capable of producing a clear and legible copy after storage for the period specified by the Commission regulations. The record may also be stored in electronic media with the capability of producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, specifications, must include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

Regulatory Guide 1.88, "Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records," establishes guidance for the storage of nuclear plant quality assurance records. Maine Yankee plans to implement Revision 2 of Regulatory Guide 1.88, with minor exceptions described in the Maine Yankee Quality Assurance Plan (QAP).

The requirements in ANSI N45.2.9-1974 have been endorsed by the NRC in Regulatory Guide 1.88 as adequate for satisfying the recordkeeping requirements of 10 CFR Part 50, Appendix B, which states in part that "records shall be identifiable and retrievable." Additionally, conditions in 10 CFR Part 50, Appendix B establish that "[c]onsistent with applicable regulatory requirements (including 10 CFR 50.71(d)(1)), the applicant shall establish requirements concerning record retention, such as duration,

location, and assigned responsibility." ANSI N.45.2.9-1974 also satisfies the requirements of 10 CFR 72.72 by providing for adequate maintenance of records regarding the identity and history of the spent fuel in storage. Such records would be subject to and need to be protected from the same types of degradation mechanisms as nuclear power plant Quality Assurance records.

Environmental Impacts of the Proposed Action: An exemption from the requirement to store a duplicate set of ISFSI records at a separate location has no impact on the environment. Storage of records does not change the methods by which spent fuel will be handled and stored at the Maine Yankee ISFSI and does not change the amount of effluents, radiological or nonradiological, associated with the ISFSI.

Alternative to the Proposed Action: Since there is no environmental impact associated with the proposed action, alternatives are not evaluated other than the no action alternative. The alternative to the proposed action would be to deny approval of the exemption and, therefore, not allow storage of ISFSI spent fuel records at a single qualified record storage facility. The no action alternative would require the applicant to construct or identify a separate storage facility; therefore, the environmental impacts of the proposed action would be less than, or the same as, the no action alternative.

Agencies and Persons Consulted: On March 28, 2005, Maine State Nuclear Safety Inspector Mr. Patrick Dostie was contacted regarding the environmental assessment for the proposed action and had no comments.

Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR Part 51. Based upon the foregoing Environmental Assessment, the Commission finds that the proposed action of granting the exemption from 10 CFR 72.72(d), so that Maine Yankee may store spent fuel records for the ISFSI in a single records storage facility which meets the requirements of ANSI N.45.2.9-1974, with the given exception listed in the Maine Yankee QAP, will not significantly impact the quality of the human environment. Accordingly, the Commission has determined that an environmental impact statement for the proposed exemption is not necessary.

The request for exemption was docketed under 10 CFR Part 72, Docket 72-30. For further details with respect to this exemption request, see the Maine Yankee letter requesting the exemption