

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION AND

THE OFFICE OF FEDERAL AND STATE MATERIALS AND

ENVIRONMENTAL MANAGEMENT PROGRAMS

DIRECT TRANSFER OF LICENSE

FROM CONSUMERS ENERGY COMPANY

TO ENERGY NUCLEAR PALISADES, LLC & ENERGY NUCLEAR OPERATIONS, INC.

BIG ROCK POINT FACILITY: DOCKET 50-155

BIG ROCK POINT ISFSI: DOCKET 72-043

1.0 **INTRODUCTION**

By application dated October 31, 2006 (ML063100429), Consumers Energy Company (Consumers), Entergy Nuclear Palisades, LLC (ENP), and Entergy Nuclear Operations, Inc. (ENO), requested consent by the United States Nuclear Regulatory Commission (NRC), pursuant to Title 10 of the Code of Federal Regulations (CFR), Part 50.80, to the proposed direct transfer of the Big Rock Point Facility Operating License (Big Rock) DPR-06, and pursuant to 10 CFR 72.50, to the proposed direct transfer of the Big Rock Point Independent Spent Fuel Storage Installation (ISFSI) general license SFGL-16 granted under 10 CFR 72.210. The Part 72 general license was issued to Consumers, by operation of 10 CFR 72.210, under its Part 50 license and is not a separate license. The proposed direct transfer of the Part 50 license and its general Part 72 license will be the result of the sale of Big Rock, as evidenced by the execution of the Asset Sales Agreement (ASA) signed by Consumers and ENP on July 11, 2006. Upon closing of the sale, ownership, control, and operation of the Big Rock Point site (Big Rock) and the ISFSI would change from Consumers, to ENP, and ENO. Closing of the sale cannot occur until all regulatory approvals are received.

The applicant also requested a conforming amendment to reflect the transfer of ownership and operating authority for Big Rock and the Big Rock ISFSI to ENP and ENO. References to Consumers Energy would be deleted from the license.

The July 11, 2006, ASA also concerns a proposed direct transfer of the renewed license for the Palisades Facility, from Consumers (current owner) and Nuclear Management Company, LLC (current operator) to ENP (proposed owner) and ENO (proposed operator). An application was filed with the NRC on August 31, 2006, and supplemented with information submitted on December 15, 2006, March 1, 2007, and April 4, 2007. While the license transfer of Palisades is being executed by a separate Order, certain analyses in this Safety Evaluation Report (SER) took into account the sale of all facilities; Palisades, Big Rock Point Facility/Big Rock Point ISFSI.

2.0 BACKGROUND

Big Rock is located approximately four miles northeast of Charlevoix, Michigan. The Big Rock Point Power Plant was a 75 MW boiling water reactor designed by the General Electric Company, and operated from 1964 until 1997. All Big Rock spent nuclear fuel was transferred to the Big Rock ISFSI by March 26, 2003. The Big Rock ISFSI operates under the granted general license, pursuant to 10 CFR 72.210.

Big Rock was permanently shut down in August 1997. On April 1, 2003, Consumers filed its License Termination Plan (LTP) for Big Rock with the NRC (Big Rock Point Plant, "Proposed License Amendment-License Termination Plan, Dockets No. 50-155 & 72-043"). The LTP calls for Consumers to demolish and remove all major structures, to complete radiological remediation and to perform final radiological surveys in order to release a large portion of land for unrestricted use. The Commission approved the LTP on March 24, 2005, accompanied by an Environmental Assessment and a Finding of No Significant Impact. Consumers submitted revision No. 2 to the LTP on September 27, 2005, updating the Commission as to the status of decommissioning.

In 2006, Consumers completed decommissioning and decontamination of the majority of the land on the site. On April 3, 2006, Consumers informed the Commission of its intent to release approximately 475 acres of land from the operating license, in accordance with the Big Rock license termination plan, ADAMS # ML031050635 (LTP). Consumers submitted its final status survey report on November 2006, and NRC approved the release of the land in a letter to the licensee dated January 8, 2007 (ADAMS # ML063410361).

When the release area was removed from the license, the only asset remaining subject to the license is a parcel of land of approximately 30 acres within which the ISFSI itself resides, and an additional parcel of approximately 75 acres adjacent to the ISFSI. Under the ASA of July 11, 2006, Consumers will transfer to ENP full ownership and control of the Big Rock ISFSI and the land which is required for Big Rock ISFSI operation as part of the controlled area specified under 10 CFR 72.106. ENO will be the licensed operator of the Big Rock ISFSI.

Under the terms of the ASA, in addition to the activities involving Big Rock and the Big Rock ISFSI, Consumers will sell, and ENP will purchase, the Palisades Nuclear Power Plant (Palisades), together with associated Palisades facilities and land. Palisades is an operating nuclear generating facility, currently owned by Consumers, and operated by Nuclear Management Company (NMC). On August 31, 2006, Consumers and NMC, together with ENP and ENO, pursuant to 10 CFR 50.80, applied for a transfer of the operating license for Palisades (Docket No. 50-255). There is a separate SER for the Palisades license transfer. According to the application, the principal officers of ENP and the principal officers and directors of ENO are all American Citizens.

3.0 REGULATORY EVALUATION

The applicants' request for the approval of the direct transfer of the license for Big Rock and the Big Rock ISFSI discussed in this SER, is made pursuant to 10 CFR 50.80 and 72.50. Section 50.80(a) of 10 CFR states that: "No license for a production utilization facility, or any right thereunder, shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission shall give its consent in writing."

In addition, the requirements of 10 CFR 50.80(b) & (c) apply. Section 50.80(b) states, in part, that: “an applicant for a license transfer shall include as much information described in 10 CFR 50.33 and 10 CFR 50.34 of this part with respect to the identity and technical and financial qualifications of the proposed transferee as would be required by those sections if the applicant were for an initial license.” Section 50.80(c) states, in part, that: “the Commission will approve the application for the transfer of a license, if the Commission determines: (1) that the proposed transferee is qualified to be the holder of the license; and (2) that transfer of the license is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.”

Section 72.50(a) of 10 CFR states that: “No license or any part included in a license issued under this part for an ISFSI or MRS shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission gives its consent in writing.” After approval of the direct transfer of the 10 CFR Part 50 license for the Big Rock Point site, activities conducted by the applicant/licensee at the Big Rock ISFSI will be subject to the regulations governing the general license under 10 CFR Part 72, Subpart K, and as otherwise specified in 10 CFR 72.13(c).

4.0 FINANCIAL QUALIFICATIONS

Section 50.33(f) of 10 CFR states “Except for an electric utility applicant for a license to operate a utilization facility of the type described in 10 CFR 50.21(b) or 10 CFR 50.22, information sufficient to demonstrate to the Commission the financial qualifications of the applicant to carry out, in accordance with the regulations of this chapter, the activities for which the permit or license is sought.”

Section 50.2 of 10 CFR states that an electric utility is “any entity that generates or distributes electricity and which recovers the cost of this electricity, either directly or indirectly, through rates established by the entity itself or by a separate regulatory authority.”

The NRC staff finds that neither ENP or ENO qualify as an “electric utility” as defined in 10 CFR 50.2 because most of its electric revenue, used to recover costs, will not be set by a separate regulatory authority or by the entity itself. Thus the staff has determined that ENP must meet the financial qualifications requirements for a non-electric utility pursuant to 10 CFR 50.33(f). Because ENP is not an electric utility and is subject to a full financial qualifications review, ENP must provide the following information, as required by 10 CFR 50.33(f)(2):

Information that demonstrates that ENP possesses or has reasonable assurance of obtaining the necessary funds to cover estimated operating costs for the first five years of facility operations and indicate the source(s) of funds to cover these costs.

In addition, because ENP is a newly formed entity, it must provide, pursuant to 10 CFR 50.33(f)(3), information that shows: a) the legal and financial relationship ENP has or proposes to have with its stockholders or owners; b) its financial ability to meet any contractual obligations to any entity which they have incurred or propose to incur; c) any other information considered necessary by the NRC staff to enable it to determine the applicant’s financial qualification.

This information will demonstrate how ENP meets the requirements of 10 CFR 50.33(f), 50.80(b) and 72.50. Also, 10 CFR 50.33(k)(1) requires that ENP provide information described in 10 CFR 50.75 indicating reasonable assurance that funds will be available to decommission the facility. To the extent that 10 CFR 72.30 is applicable to this transfer, it also requires reasonable assurance of decommissioning funding.

The NRC staff evaluated the financial qualifications of ENP consistent with the guidance in NUREG-1577, Rev. 1. The NRC staff reviewed the financial projections for reasonableness of estimated operating costs and underlying assumptions and sensitivity of revenue projections to plant capacity. The NRC staff also evaluated the financial condition of ENP's parent organization as it relates to its obligations to ENP.

In accordance with 10 CFR 50.33(f), ENP provided in their August 2006 application the projected income statements for the full five year period from 2007 to 2011, and included year 2012. Most of Palisades' revenue will be generated through contract power sales. However, starting in FY2011, approximately 4 percent of revenue is expected to come from market power sales. The staff notes that, in addition to the revenue from power sales and market power sales included below, ENP will have access to an established line of credit of \$25 million from Entergy or another affiliate company.

Entergy Nuclear Palisades LLC
Summary of
PROJECTED INCOME STATEMENT
(In \$ [REDACTED])

	FY2007*	FY2008	FY2009	FY2010	FY2011	FY2012
TOTAL REVENUE:	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Total Operating Expense:	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Operating Income:	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Other Income/Expense Tax	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
NET INCOME AFTER TAX	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

* [REDACTED]

The NRC staff tested the sensitivity of the financial information in the above Projected Income Statement by analyzing two scenarios that change the assumptions for the revenue. The NRC staff notes that if prices per megawatt hour were to drop by an average of 10.0 percent, the average net effect on the 6 years of Net Income is to drop from the projected average of \$ [REDACTED] to a possible \$ [REDACTED]. Similarly, if the average historical capacity factor of 88.0 percent is assumed instead of the projected capacity factor of [REDACTED] percent, then the average net effect on the 6 years of Net Income is a drop to a possible \$ [REDACTED]. The NRC staff considers that the impact on Net Income under each of the two scenarios is sufficiently reasonable to provide assurance of adequate funding to recover the costs of operations.

ENP will own and ENO will operate, both Big Rock and Palisades. As an operating nuclear facility, Palisades will produce revenue through power sales pursuant to its 15-year Power Purchase Agreement (PPA) with Consumers, in which Consumers commits to purchasing all of the output of Palisades. A copy of the PPA was submitted as part of this application for Big Rock and the Big Rock ISFSI.

ENP is a newly formed entity, and either through a parent or affiliate company will provide the funds to purchase Palisades. Entergy, the parent company, has unconditionally guaranteed the payment of the purchase price under the ASA. ENO was formed in February 2000, and employs approximately 3300 people. At the closing of the purchase, Palisades and the Big Rock ISFSI will be the only assets on ENP's balance sheet. Total Operating Expense, listed above, also contains an average annual expense of approximately \$ [REDACTED] towards maintaining the Big Rock ISFSI.

As required by 10 CFR 50.33(f)(3), the application states that ENP and ENO are indirect, wholly-owned subsidiaries of Entergy, which is headquartered in New Orleans, Louisiana. Entergy is a U.S.-based global energy company composed of power production facilities, distribution operations and related diversified services. The NRC staff notes that Entergy owns, manages or invests in power plants that generate nearly 30,000 megawatts of electricity. Through its various subsidiaries (both regulated and unregulated), Entergy owns and operates 10 nuclear power plants at 8 sites. These are:

- Arkansas Nuclear One, Units 1 and 2
- Grand Gulf Nuclear Station
- River Bend Station
- Waterford 3 Nuclear Power Station
- Pilgrim Nuclear Power Station
- Indian Point Energy Center Generating Units 2 and 3
- James. A. FitzPatrick Nuclear Power Station
- Vermont Yankee

The NRC staff notes that ENO also provides management support to the Cooper Nuclear Station. As of June 30, 2006, Entergy had total assets of \$30.6 billion.

The revenues in the five year projected income statement for Palisades are based on ENP's sale of its generation, at prices established under the PPA. The costs associated with the operation and maintenance of Big Rock and the Big Rock ISFSI are included in the five year projected income statement for Palisades. The projected income statement shows that ENP's anticipated revenues from sales of energy and capacity from Palisades provide reasonable assurance of an adequate source of funds to meet ENP's anticipated operating and maintenance expenses for the Big Rock ISFSI. The NRC staff notes that ENP and ENO, through Entergy Corporation, will have access to a line of credit of \$ [REDACTED] from Entergy Corporation or another affiliated company.

Based on the information in the application for the transfer, other documents cited above, and the staff's evaluation, the staff finds that ENP's Projected Income Statement shows that the anticipated revenues from sales of energy and capacity from Palisades provides reasonable assurance of an adequate source of funds to meet Palisades' anticipated expenses during the six year period covered by the projections, including the expenses associated with the Big Rock

Point facility and the Big Rock ISFSI. The NRC staff finds that no further financial qualifications analysis or review is necessary.

Thus the NRC staff has determined that ENP has provided reasonable assurance of financial qualifications for a non-electric utility pursuant to 10 CFR 50.33(f).

4.1 Decommissioning Cost Estimate and Funding Assurance

The NRC has determined that the requirement to provide decommissioning funding is necessary to ensure the adequate protection of public health and safety.

a) Big Rock

As mentioned in Section 2.0 of this SER, NRC approved the release of the land in a letter to the licensee dated January 8, 2007 (ADAMS # ML063410361). Any and all additional decommissioning expenses associated with this site shall be born by ENP, through revenues derived from, but not limited to, the sale of electricity and capacity from Palisades.

b) Big Rock ISFSI

The cost of decommissioning the Big Rock ISFSI is estimated at \$2.8 million. (Big Rock Point, "Proposed License Amendment-License Termination Plan, Revision 2," Section 7-2-2). According to the application, it is anticipated that revenues from the sale of electricity from Palisades will be sufficient to fund the cost of decommissioning the Big Rock ISFSI. However, the application states that ENP will ensure adequate decommissioning funding for this portion of the land and facilities to be transferred, through a parent company guarantee that meets the requirements of 10 CFR 50.75(e)(1)(iii) or 10 CFR 72.30(c), as applicable. ENP submitted a draft of the Parent Company Guarantee, and fulfilled the requirements of 10 CFR Appendix A to Part 30 "Criteria Relating to Use of Financial Tests and Parent Company Guarantees for Providing Reasonable Assurance of Funds for Decommissioning." Staff finds that the parent company of ENP, Entergy Corporation, has satisfactorily fulfilled the financial test of 10 CFR Appendix A of Part 30(A)(2).

Upon closing of the proposed sale, ENP will assume title to, and financial responsibility for the spent fuel stored at the Big Rock ISFSI to the same extent as presently held by Consumers. The proposed transaction will result in ENP and ENO being authorized pursuant to 10 CFR Parts 50 and 72 to store spent fuel at the Big Rock ISFSI.

As stated in the application, pursuant to the ASA, Consumers will assign or convey, and ENP will assume, Consumers' rights and obligations under the Standard Contract with the Department of Energy (DOE) and all other rights of Consumers against DOE with respect to, arising out of, or in connection with the assets to be transferred, excluding any claims of Consumers related to or pertaining to DOE defaults under the Standard Contract relating to periods prior to the closing date, and with respect to the payment from Consumers to ENP contemplated by the ASA. Consumers will retain all liabilities and rights applicable to the Pre-1983 Fee paid to the DOE under the Standard Contract.

Based on the above evaluation, the NRC staff concludes that ENP has provided reasonable assurance that funds will be available for decommissioning pursuant to 10 CFR 50.75 and 72.30.

4.2 Antitrust Review

The Atomic Energy Act (AEA) of 1954, as amended, does not require or authorize antitrust reviews of post-operating license transfer applications. *Kansas Gas and Electric Co., et al.* (Wolf Creek Generating Station, Unit 1), CLI-99-19, 49 NRC 441 (1999). The application here postdates the issuance of the operating license for units under consideration, and therefore no antitrust review is required or authorized. The NRC staff notes that there are no existing antitrust license conditions in the subject license. Accordingly, there are no antitrust-related issues to resolve with respect to proposed conforming license amendment.

4.3 Foreign Ownership, Control, or Domination

Sections 103d and 104d of the AEA prohibit the NRC from issuing a license for a nuclear power plant to “any corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government.” The NRC’s regulation, 10 CFR 50.38, contains language to implement this prohibition.

As stated in the application, ENP and ENO are not directly or indirectly owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government. In seeking to become the licensed owner and operator of Palisades, ENP and ENO are not acting as agents or representatives of another entity.

All of the directors of Entergy, ENO, and ENP are United States citizens, and are expected to remain so after the proposed sale. The appointed officers of the Entergy, ENO, and ENP are expected to be limited to the current pool of officers and directors of the purchasing companies, all of whom are United States citizens.

In light of the above, the NRC staff does not know or have reason to believe that Entergy, ENO, and ENP will be owned, controlled or dominated by an alien, a foreign corporation, or a foreign government.

4.4 Nuclear Insurance and Indemnity

The provisions of the Price-Anderson Act (Section 170 of the AEA) and the Commission’s regulations at 10 CFR Part 140 require that the current indemnity agreement be modified to reflect Entergy as a new parent company licensee of Palisades.

In accordance with the Price-Anderson Act, Entergy will be required to provide primary insurance. It will also be required to maintain property insurance as specified in 10 CFR 50.54(w). Information provided in the application demonstrates that Entergy will be able to satisfy applicable insurance requirements of the NRC and the Price-Anderson Act.

Consistent with NRC practice, the NRC staff will require Entergy to provide satisfactory documentary evidence that it has obtained the appropriate amount of insurance required of a licensee under 10 CFR Part 140 of the Commission's regulations, prior to the issuance of the amended license. Because the issuance of the amended license is directly tied to completion of the proposed direct license transfer, the order approving the transfer will be conditioned as follows:

Prior to completion of the transfer of the license, Entergy shall provide the Directors of the Office of Nuclear Reactor Regulation and the Office of Federal and State Materials and Environmental Management Programs satisfactory documentary evidence that it has obtained the appropriate amount of insurance required of a licensee under 10 CFR Part 140 of the Commission's regulations.

4.5 Interveners

During the preparation of this SER, staff became aware of a petition requesting leave to intervene. The petitioners are Nuclear Information and Resource Service, Do Not Waste Michigan, and Mr. Victor McManemy. The staff has made a review of these petitions as they relate to the financial qualifications of ENP and ENO, as well as any adverse environmental impacts the proposed action may have. The NRC staff has found no information that would cause it to change the conclusions contained herein.

5.0 TECHNICAL QUALIFICATIONS

The purpose of this technical evaluation is to ensure that the proposed corporate management is involved with, informed of, and dedicated to the safe operation of the Big Rock ISFSI. In addition, the review is to ensure that sufficient technical resources have been, are being, and will continue to be provided to adequately accomplish these objectives.

5.1 Management and Technical Support Organization

The NRC staff reviewed the application to determine the acceptability of the proposed corporate management and technical support organization. The NRC staff evaluated the application using, in part, the guidance provided in NUREG-0800, Section 13.1.1, "Management and Technical Support Organization." In addition, the NRC staff evaluated the application against licensing documents previously approved for the Big Rock facility, for any changes that could result in an adverse impact to public health and safety, or the environment.

The applicants state that: "Entergy Palisades will be fully qualified to own and, through ENO, to operate the remaining relevant portions of Big Rock, and contemplates no significant changes in the qualifications of personnel at the facility." In addition, the applicants state that: "Any new management employees placed at Big Rock will meet all applicable technical qualifications required by existing Big Rock licensing documents." The NRC staff notes that the October 31, 2006, application does not request any changes to the training requirements previously approved in the emergency plan or the security plan for the Big Rock ISFSI. Thus, no changes to the technical qualifications of the operating organization are expected as a result of the license transfer.

5.2 Operating Organization

The NRC staff reviewed the application to determine the acceptability of the ENO operating organization, and to evaluate changes to the operating organization proposed as a result of the license transfer. The initial operating organization for the Big Rock facility was determined to be acceptable by the initial licensing review. It was documented in the "Hazards Analysis by the Research and Power Reactor Safety Branch, Division of Licensing and Regulation, in the matter of Consumers Power Company of Michigan, Big Rock Point Nuclear Plant" dated June 20, 1962 (accessible through the Public Document Room using accession number 8101100667). Subsequent safety-related changes to the BRP operating organization were evaluated by the NRC with an appropriate methodology. Because all fuel was transferred to the ISFSI in 2003 and will not be removed until DOE accepts it, there are no activities at the ISFSI. The BRP ISFSI staff are qualified to the criteria in Section 6.3 of the Defueled Technical Specifications, and the criteria in the ISFSI Emergency Plan (EP). Security and Operations personnel are qualified to provide the initial response to emergencies at BRP. Qualification of all personnel is described in Section 12 of the EP. The NRC staff notes that the application does not request any safety-related changes to the operating organization, or any changes to the emergency organization.

The Big Rock ISFSI nuclear organization at the site will report directly to the Vice-President of Operations at Palisades, who will report to the Senior Vice-President and Chief Operating Officer. The NRC staff notes that the application does not involve any changes to the Big Rock ISFSI nuclear organization. Any ENO officers responsible for the safe operation of the Big Rock ISFSI will continue its operation in accordance with licensing documents previously approved when the facility was owned and operated by Consumers. Any changes necessary to reflect the transfer of the license will be administrative in nature, and will not pose an adverse impact to public health and safety, or the environment.

5.3 Other Considerations

The NRC staff also reviewed the applicants' information to determine if the proposed license transfer and changes to Facility Operating License No. DPR-06, as well as the "Big Rock Defueled Technical Specifications," could result in a reduction of previously accepted commitments made in the "Quality Program Description for Big Rock Point." The NRC staff concludes that the approval of the proposed license transfer and changes to Facility Operating License No. DPR-06, as well as the "Big Rock Defueled Technical Specifications," do not result in a reduction of such commitments.

5.4 Technical Conclusions

The NRC staff concludes that the application for the proposed license transfer includes the required information with respect to the identity and the technical qualifications of the proposed transferee. The applicant also included a statement of the purpose for which the transfer of the license is requested, and the nature of the transaction necessitating or making desirable the transfer of the license.

6.0 CONFORMING AMENDMENT

6.1 Introduction

As previously stated, Consumers, ENP, and ENO requested approval of a proposed conforming amendment to Facility Operating License No. DPR-06 and the Big Rock Point ISFSI general license granted under 10 CFR 72.210. No physical or operating changes to the Big Rock ISFSI, or its adjacent lands, are requested.

6.2 Discussion

The changes to be made to the license are indicated in the conforming amendment in Enclosure 2 to the cover letter forwarding the NRC staff's order regarding the subject transfer. The changes do accurately reflect the approved transfer action. The amendment involves no safety questions and are administrative in nature. Accordingly, the proposed amendments are acceptable.

6.3 State Consultation

On March 14, 2007, the NRC staff contacted the representative from the State of Michigan's Department of Environmental Quality, and the representative from the State Historic Preservation Office, to inform them about the licensee's request, and the proposed issuance of the license amendment. The representatives of these State agencies did not have any comments.

6.4 Conclusion with Respect to the Conforming Amendment

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by the proposed license transfer, (2) activities at the Big Rock ISFSI will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security, or to the health and safety of the public.

7.0 ENVIRONMENTAL CONSIDERATIONS

The subject application is for approval of a transfer of a license issued by the NRC and approval of conforming amendment. Accordingly, the actions involved meet the eligibility criteria for a categorical exclusion set forth in 10 CFR 51.22(c)(21). Pursuant to 10 CFR 51.22(c)(21), no environmental assessment of environmental impact statement needs to be prepared in connection with the approval of the application.

