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Participants who believe that they have good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in

the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at [http://ehd.nrc.gov/EHD\\_Proceeding/home.asp](http://ehd.nrc.gov/EHD_Proceeding/home.asp), unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their works.

If a person requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order shall be sustained. *An answer or a request for a hearing shall not stay the effectiveness date of this order.*

For the Nuclear Regulatory Commission.

Dated this 26th day of November 2007.

**Marc L. Dapas,**

*Deputy Regional Administrator.*

[FR Doc. E7-23478 Filed 12-3-07; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 052-00008]**

### **Notice of Issuance of Early Site Permit for Dominion Nuclear North Anna, LLC Located 40 Miles North-Northwest of the City of Richmond, VA**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Notice of Issuance of Early Site Permit.

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

Thomas Kevner, Senior Project Manager, ESBWR/ABWR Projects Branch 1, Division of New Reactor Licensing, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Telephone: (301) 415-0224; fax: (301) 415-5199; e-mail: [tak@nrc.gov](mailto:tak@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

Pursuant to Title 10, Section 2.106, "Notice of Issuance," of the *Code of Federal Regulations* (10 CFR 2.106), the U.S. Nuclear Regulatory Commission (NRC) is providing notice of the issuance of early site permit (ESP) ESP-003 to Dominion Nuclear North Anna, LLC (Dominion or the permit holder), for approval of a site located near Lake Anna in Louisa County, Virginia (VA), approximately 40 miles north-northwest of Richmond, VA, for one or more nuclear power reactors; this action is separate from the filing of an application for a construction permit or combined license for such a facility. The NRC has found that the application for an ESP filed by Dominion complies with the applicable requirements of the Atomic Energy Act of 1954, as amended, and the applicable rules and regulations of the Commission, and all required notifications to other agencies or bodies have been duly made. Taking into consideration the site criteria contained in 10 CFR Part 100, "Reactor Site Criteria," a reactor, or reactors, having design characteristics that fall within the site characteristics and controlling parameters of the permit holder's ESP site can be constructed and operated without undue risk to the health and safety of the public.

There is reasonable assurance that the permit holder will comply with the regulations in 10 CFR Chapter I, and the health and safety of the public will not be endangered. Issuance of an ESP to the permit holder will not be inimical to the common defense and security or the health and safety of the public.

There is no significant impediment to the development of emergency plans, as referenced in 10 CFR 52.17(b)(1) and 10 CFR 52.18, "Standards for Review of Applications." The descriptions of contacts and arrangements made with Federal, State, and local governmental agencies with emergency planning responsibilities, as referenced in 10 CFR 52.17(b)(3), are acceptable. Major features A, B, C, D, E, F, G, I, J, K, L, O, and P of the emergency plan are acceptable to the extent specified in NUREG-1835, "Safety Evaluation Report for an Early Site Permit (ESP) at the North Anna ESP Site," issued September 2005 and "Safety Evaluation Report for an Early Site Permit (ESP) at the North Anna ESP Site, Supplement 1" issued November 2006. The issuance of this ESP is in accordance with the National Environmental Policy Act, as amended, and with applicable sections

of 10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," as referenced by Subpart A, "Early Site Permits," of 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," and all applicable requirements therein have been satisfied. The permit holder's request for the proposed permit was previously noticed in the **Federal Register** on December 2, 2003 (68 FR 67489), with a notice of hearing and opportunity to petition for leave to intervene.

This ESP complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the NRC's rules and regulations as set forth in 10 CFR Chapter I and the National Environmental Policy Act of 1969. Accordingly, the NRC issued this ESP on November 27, 2007, and it was effective immediately.

## II. Further Information

The NRC has prepared a Safety Evaluation Report (SER) and a Final Environmental Impact Statement (FEIS) that document the information that the staff reviewed and NRC's conclusion. In accordance with 10 CFR 2.390, "Public Inspections, Exemptions, Requests for Withholding," details with respect to this action, including the SER and accompanying documentation included in the ESP package, are available electronically via the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, users can access the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of the NRC's public documents. The following ADAMS accession numbers apply to the documents related to this notice:

ML052710305 NUREG-1835, "Safety Evaluation Report for an Early Site Permit (ESP) at the North Anna ESP Site," September 2005

ML063170371 NUREG-1835, "Safety Evaluation Report for an Early Site Permit (ESP) at the North Anna ESP Site (NUREG-1835 Supplement 1)," November 2006

ML063480261 NUREG-1811, Vol. 1, "Environmental Impact Statement for an Early Site Permit (ESP) at the North Anna ESP Site, Final Report, Main Report," December 31, 2006

ML063480263 NUREG-1811, Vol. 2, "Environmental Impact Statement for an Early Site Permit (ESP) at the North Anna ESP Site, Final Report, Appendices E & F," December 31, 2006

ML042010009 North Anna Early Site Permit Application Package, September 25, 2003  
ML073180440 North Anna Early Site Permit

Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209 or 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

These documents may also be viewed electronically on the public computers located at the NRC's PDR, One White Flint North, Room O1 F21, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 27th day of November 2007.

For the Nuclear Regulatory Commission.

**Mohammed Shuaibi,**

Chief, ESBWR/ABWR Projects Branch 1,  
Division of New Reactor Licensing, Office of  
New Reactors.

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 040-06377]

### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Source Materials License No. Sub-348, for Unrestricted Release of the Department of the Army, U.S. Army Research, Development and Engineering Command, Armament Research, Development and Engineering Center, Building 611b Facility in Picatinny, NJ

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

#### FOR FURTHER INFORMATION CONTACT:

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

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Source Materials License No. SUB-348.

This license is held by the Department of the Army, U. S. Army Research, Development and Engineering Center (RDEC), Armament Research, Development and Engineering Center (ARDEC) (the Licensee), for its activities at the Picatinny Arsenal located in Picatinny, New Jersey. Issuance of the amendment would authorize release of Building 611B for unrestricted use. The Licensee requested this action in a letter dated May 14, 2007. The NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of Title 10, Code of Federal Regulations (CFR), Part 51 (10 CFR Part 51). Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate with respect to the proposed action. The amendment will be issued to the Licensee following the publication of this FONSI and EA in the **Federal Register**.

## II. Environmental Assessment

### Identification of Proposed Action

The proposed action would approve the Licensee's May 14, 2007 license amendment request, resulting in release of Building 611B for unrestricted use. License No. SUB-348 was issued on July 13, 1961, pursuant to 10 CFR Part 40, and has been amended periodically since that time. This license authorized the Licensee to use uranium and thorium in any form for purposes of conducting research and development activities.

The Picatinny Arsenal is situated on 6,500 acres of land and consists of office space, laboratories, and specialized facilities. The Picatinny Arsenal is located in a mixed residential and commercial area. Building 611B was one of several buildings where use of licensed material was performed under the authority of RDEC/ARDEC, one of the military tenants at Picatinny Arsenal. Building 611B is a single-story concrete structure of about 1,100 square feet, containing two test-firing ranges. One of the firing ranges was used for the testing of depleted uranium munitions. Building 611B is located in a cleared area on a rocky and wooded hillside, within a fenced area of approximately 40,000 square feet. Other structures within the fenced area include an Outdoor Storage Area and two movable electrical storage shelters.

On November 19, 1998, the Licensee notified the NRC that they had ceased licensed activities and initiated a survey and decontamination of Building 611B. Based on the Licensee's historical knowledge of the site and the conditions of the Building 611B, the Licensee