

Information about the proposed EIS and the scoping process may be obtained from Ms. Linda M. Tello, Environmental Project Manager at (301) 415-2907 or by email at [LMT2@nrc.gov](mailto:LMT2@nrc.gov).

Dated at Rockville, Maryland, this 14th day of March 2008.

For the Nuclear Regulatory Commission.

**John R. Tappert,**

*Acting Deputy Director, Division of Site and Environmental Reviews, Office of New Reactors.*

[FR Doc. E8-5644 Filed 3-19-08; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-271-LR; ASLBP No. 06-849-03-LR]

### **Entergy Nuclear Vermont Yankee, L.L.C., and Entergy Nuclear Operations, INC. (Vermont Yankee Nuclear Power Station); Notice of Reconstitution**

Pursuant to 10 CFR 2.321(b), the Atomic Safety and Licensing Board in the above captioned *Entergy Nuclear Vermont Yankee, L.L.C., and Entergy Nuclear Operations, Inc.* proceeding is hereby reconstituted by appointing Administrative Judge William H. Reed in place of Administrative Judge Thomas S. Elleman, whose circumstances have rendered him unavailable to participate further in this proceeding (10 CFR 2.313(c)).

In accordance with 10 CFR 2.302, henceforth all correspondence, documents, and other material relating to any matter in this proceeding over which this Licensing Board has jurisdiction should be e-mailed to Administrative Judge Reed at [whrcville@embarqmail.com](mailto:whrcville@embarqmail.com) and served on him as follows: Administrative Judge William H. Reed, 1819 Edgewood Lane, Charlottesville, VA 22902.

Issued at Rockville, Maryland, this 14th day of March 2008.

**E. Roy Hawkens,**

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. E8-5642 Filed 3-19-08; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 72-26]

### **Notice of Availability of Environmental Assessment and Final Finding of No Significant Impact for an Exemption to the Requirements of 10 CFR 72.70(c)(6) for the Diablo Canyon Independent Spent Fuel Storage Installation**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Issuance of Environmental Assessment and Final Finding of No Significant Impact for Exemption.

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

James R. Hall, Senior Project Manager, Licensing Branch, Division of Spent Fuel Storage and Transportation, Mail Stop EBB-3D-02M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 492-3319; e-mail: [jrh@nrc.gov](mailto:jrh@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

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

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from the provisions of 10 CFR 72.70 to the Pacific Gas and Electric Company (PG&E, or the licensee). This regulation requires that each specific licensee under 10 CFR part 72 shall update periodically the final safety analysis report (FSAR) to assure that the information included in the report contains the latest information developed. 10 CFR 72.70(c)(6) requires that updates shall be filed every 24 months from the date of issuance of the license.

The NRC granted a license for the Diablo Canyon Independent Spent Fuel Storage Installation (ISFSI), to be located on the site of the Diablo Canyon Power Plant, to PG&E on March 22, 2004. The requested exemption would allow PG&E to submit an updated FSAR for the Diablo Canyon ISFSI no later than July 1, 2008, or no later than 30 days prior to the commencement of onsite dry-run testing activities, whichever occurs first. PG&E submitted the exemption request on January 22, 2008.

##### **II. Environmental Assessment**

###### *Identification of Proposed Action*

The licensee requested an exemption from the requirement in 10 CFR 72.70(c)(6), which states that each licensee shall submit an updated FSAR to the NRC every 24 months from the date of issuance of the license. The requested exemption would allow the

licensee to delay the submittal of the updated FSAR for the Diablo Canyon ISFSI by up to approximately 100 days (no later than July 1, 2008, or 30 days prior to the commencement of onsite dry-run testing activities, whichever comes first).

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

###### *Need for the Proposed Action*

The NRC granted a license to construct and operate the Diablo Canyon ISFSI to PG&E on March 22, 2004. PG&E has constructed the facility and plans to commence operation in the summer of 2008. The exemption would allow the licensee additional time to submit an updated FSAR beyond March 22, 2008, which is 24 months from the date of the last required update. In its justification for the exemption request, PG&E stated that it is currently completing certain design changes to the facility that will impact the information in the FSAR, and that these changes will be reflected in the FSAR update, after the required evaluations are finalized. Further, if the exemption is granted, the extra time provided will be sufficient to ensure that the updated FSAR will contain current and accurate information related to the ISFSI design, analysis and operation, in time for planned NRC inspection activities. In order to ensure that the information in the updated FSAR contains the latest information developed and is of the greatest value to its users, the licensee has requested the subject exemption.

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

The NRC staff previously evaluated the environmental impacts resulting from the construction, operation and decommissioning of the Diablo Canyon ISFSI, and determined that such impacts would be acceptably small. The staff's conclusions are documented in the "Environmental Assessment and Finding of No Significant Impact Related to the Construction and Operation of the Diablo Canyon Independent Spent Fuel Storage Installation," issued on October 24, 2003 (October 24, 2003 EA); and in the "Supplement to the Environmental Assessment and Final Finding of No Significant Impact Related to the Construction and Operation of the Diablo Canyon Independent Spent Fuel Storage Installation," dated August 30, 2007 (Supplement). The proposed action under consideration would not change the staff's previous conclusions in the October 24, 2003 EA and the Supplement regarding environmental

impacts because the proposed exemption is an administrative action that will not affect the physical design or operation of the Diablo Canyon ISFSI. Therefore, there are no radiological or non-radiological impacts from a one-time delay in submitting the updated FSAR, and the staff finds that the proposed exemption will not have any significant environmental impact.

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

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no-action" alternative). Approval or denial of the exemption request would result in no change in the environmental impacts described in the October 24, 2003 EA and its Supplement. Therefore, the environmental impacts of the proposed action and the alternative action are similar.

#### *Conclusion*

The staff has reviewed the exemption request submitted by PG&E and has determined that allowing the licensee to delay the submittal of the updated Final Safety Analysis Report for the Diablo Canyon ISFSI by no more than approximately 100 days beyond the date required by 10 CFR 72.70(c)(6) is an administrative change, and would have no significant effect on the human environment.

#### *Agencies and Persons Consulted*

On March 10, 2008, Ms. Barbara Byron of the California Energy Commission was contacted regarding the environmental assessment for the proposed exemption and Ms. Byron had no comments. The NRC staff has determined that the proposed action is solely of a procedural nature and will not affect listed species or critical habitat. Therefore, no 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, assuming such historic properties were present at the Diablo Canyon ISFSI. Therefore, no consultation is required under Section 106 of the National Historic Preservation Act.

### **III. 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 NRC finds that the proposed action of granting the exemption from 10 CFR

72.70(c)(6), so that PG&E may delay the submittal of the updated FSAR for the Diablo Canyon ISFSI, will not have a significant effect on the quality of the human environment. Accordingly, pursuant to 10 CFR 50.31 and 51.119(a), the NRC has determined that a Final Finding of No Significant Impact is appropriate, and that an environmental impact statement for the proposed exemption is not necessary.

### **IV. Further Information**

PG&E's application for exemption is 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 number for the exemption request is ML080290634.

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@nrc.gov](mailto:pdr@nrc.gov). These documents may also be viewed electronically on the public computers located at the NRC's PDR, O-1F21, 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 14th day of March, 2008.

For the Nuclear Regulatory Commission.

**James R. Hall,**

*Senior Project Manager, Licensing Branch, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. E8-5649 Filed 3-19-08; 8:45 am]

**BILLING CODE 7590-01-P**

### **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-188]

#### **Notice of Renewal of Facility License No. R-88; Kansas State University TRIGA Research Reactor**

The U.S. Nuclear Regulatory Commission (the Commission) has issued renewed Facility License No. R-88 for the Kansas State University (the licensee), for operation of the Kansas State University TRIGA Research Reactor Facility located in Manhattan, Kansas.

The facility is a research reactor that has been operating at a power level not in excess of 250 kilowatts (thermal). The renewed Facility License No. R-88

allows operation at an increased power level not in excess of 1,250 kilowatts (thermal), and will expire twenty years from its effective date.

The renewed license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I. Those findings are set forth in the license renewal. Opportunity for hearing was afforded in the notice of the proposed issuance of this renewal in the **Federal Register** on October 6, 2005 (70 FR 58487) and on August 2, 2006 (71 FR 43816). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

Continued operation of the reactor will not require alteration of buildings or structures, will not lead to significant changes in effluents released from the facility to the environment, will not increase the probability or consequences of accidents, and will not involve any unresolved issues concerning alternative uses of available resources. Based on the foregoing and on the Environmental Assessment, the Commission concludes that renewal of the license and power increase will not result in any significant environmental impacts.

The Commission has prepared a "Safety Evaluation Report Related to the Renewal of the Facility License for the TRIGA Research Reactor at the Kansas State University" for the renewal of Facility License No. R-88 and has, based on that evaluation, concluded that the facility can continue to be operated by the licensee without endangering the health and safety of the public.

The Commission also prepared an Environmental Assessment which was published in the **Federal Register** on February 26, 2008 (73 FR 10308) for the renewal of Facility License No. R-88 and has concluded that this action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see: (1) The application for amendment dated September 12, 2002, as supplemented on November 11, 2002, November 13, 2002, December 21, 2004, July 6, 2005, September 27, 2005, March 20, 2006, March 30, 2006, June 28, 2006, September 28, 2006, May 17, 2007, and June 4, 2007, September 12, 2007, October 11, 2007, and February 6, 2008; (2) Renewal of Facility License No. R-88; (3) the related Safety Evaluation Report; and (4) the Environmental Assessment dated February 20, 2008. Documents may be examined, and/or