

The NRC staff published a Notice of Intent to prepare an EIS for the proposed GLE Facility and to conduct a scoping process in the **Federal Register** on April 9, 2009 (74 FR 16237). The NRC staff accepted comments through June 8, 2009, and subsequently extended the scoping comment period (74 FR 36781) to August 31, 2009, to accommodate public inspection of GEH's license application, submitted June 26, 2009. The NRC staff issued a Scoping Summary Report in November 2009 (ADAMS Accession Number: ML093280734).

The NRC staff assessed the impacts of the proposed action and its alternatives on public and occupational health, air quality, water resources, waste management, geology and soils, noise, ecology resources, land use, transportation, historic and cultural resources, visual and scenic resources, socioeconomic, accidents, and environmental justice. Additionally, the DEIS analyzes and compares the costs and benefits of the proposed action.

Based on the preliminary evaluation in the DEIS, the NRC environmental review staff has concluded that the proposed action and associated preconstruction activities would have small effects on the physical environment and human communities with the exception of: (1) Short-term moderate impacts associated with increases in particulate matter released to the air during road construction, land clearing, and building construction, (2) small to moderate impacts related to increased traffic congestion near the site entrance during preconstruction and construction activities, (3) small to moderate impacts on historic and cultural resources associated with potential facility expansion, (4) small to moderate impacts on vegetation and wildlife associated with preconstruction activities, and (5) moderate but temporary noise impacts during road construction.

In addition to the action proposed by GEH, the NRC staff addressed two alternatives in the DEIS: A no-action alternative and use of gas centrifuge uranium enrichment technology. Under the no-action alternative, NRC would deny GEH's application for a license to construct and operate a laser-based uranium enrichment facility. The no-action alternative serves as a baseline for comparison of the potential environmental impacts of granting the license. Under the gas centrifuge alternative, GEH would implement gas centrifuge technology to enrich uranium at the Wilmington Site instead of using the proposed laser-based technology. Because specific design information for

a gas centrifuge facility at the Wilmington Site does not exist, the gas centrifuge alternative was evaluated qualitatively and in less detail than the proposed alternative and the no-action alternative. Other alternatives (e.g., alternate locations, alternate technologies) also were considered but, for reasons discussed in the DEIS, were eliminated from detailed analysis.

After weighing the impacts, costs, and benefits of the proposed action and comparing alternatives, the NRC staff, in accordance with 10 CFR 51.71(e), set forth its preliminary recommendation regarding the proposed action. The NRC staff preliminarily recommends that, unless safety issues mandate otherwise, the proposed action should be approved (i.e., NRC should issue a license).

The DEIS is a preliminary analysis of the environmental impacts of the proposed action and its alternatives. The Final EIS and any decision documentation regarding the proposed action will not be issued until public comments on the DEIS have been received and evaluated. Comments received on the DEIS will be addressed in the Final EIS. Notice of the availability of the Final EIS will be published in the **Federal Register**. The Final EIS is scheduled to be completed in February 2011.

The NRC staff in the Office of Nuclear Material Safety and Safeguards, Division of Fuel Cycle Safety and Safeguards is currently completing the safety review of GEH's license application. The safety review is currently scheduled for completion in December 2010.

Dated at Rockville, Maryland, this 17th day of June, 2010.

For the U.S. Nuclear Regulatory Commission.

**Larry W. Camper,**

*Director, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

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## **NUCLEAR REGULATORY COMMISSION**

**[Dockets 50-029, 72-31; NRC-2010-0231]**

### **Yankee Atomic Electric Co.; Yankee Atomic Independent Spent Fuel Storage Installation; Issuance of Environmental Assessment and Finding of No Significant Impact Regarding the Request for Exemption**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Issuance of environmental assessment and finding of no significant impact.

**FOR FURTHER INFORMATION CONTACT:** John Goshen, Project Manager, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC. 20555. Telephone: (301) 492-3325; fax number: (301) 492-3342; e-mail: [john.goshen@nrc.gov](mailto:john.goshen@nrc.gov).

### **Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption to Yankee Atomic Electric Company (YAEC), pursuant to 10 CFR 72.7, from the specific provisions of 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(A), 72.212(b)(7), and 72.214. YAEC is using a dry cask storage system, the NAC-MPC, Certificate of Compliance (CoC) No. 1025, to store spent nuclear fuel under a general license in an independent spent fuel storage installation (ISFSI) associated with the decommissioned Yankee Nuclear Power Station, located at Rowe, Massachusetts. YAEC stores spent fuel in fifteen NAC-MPC casks at the YAEC ISFSI, all loaded under Amendment No. 3 to CoC No. 1025. Under the current 10 CFR part 72 regulations, the general licensee is bound by the terms and conditions of the CoC under which it loaded a given cask. Amendment No. 3 will remain in effect for the casks at the YAEC ISFSI until the NRC expressly approves the application of changes authorized by a later CoC amendment. Such an approval is typically accomplished through a 10 CFR 72.7 exemption.

In its letter dated February 23, 2010, YAEC stated that it intended to adopt Amendment No. 5 to CoC No. 1025 for all fifteen NAC-MPC casks at the site. Implementation of Amendment No. 5 of CoC No. 1025 to all fifteen NAC-MPC casks will allow a visual alternative to Technical Specification (TS) Surveillance Requirement 3.1.6.1 to verify the operability of the concrete cask heat removal system to maintain safe storage conditions and will also remove a specification in the CoC for tamper indicating devices. The NRC published the direct final rule for Amendment No. 5 of CoC No. 1025 on May 10, 2007 (72 FR 26535), with an effective date of July 24, 2007 (72 FR 38468, July 13, 2007).

In its letter of February 23, 2010, YAEC did not request that the NRC expressly approve implementation of Amendment No. 5 to all fifteen NAC-MPC casks at the site. YAEC, however,

initiated an evaluation to determine if the fifteen casks conform to the requirements of Amendment No. 5 of CoC No. 1025. The evaluation concluded that all fifteen casks conform to Amendment No. 5. Under the current 10 CFR part 72 regulations, a general licensee, such as YAEC, is not authorized to apply changes allowed by a later CoC amendment (in this case, Amendment No. 5) to a cask loaded under an earlier CoC amendment (in this case, Amendment No. 3) without express prior approval of the NRC.<sup>1</sup> Thus, in order to effectuate the requested exemption, the NRC will have to expand the scope of the requested exemption to include the application of the changes authorized by Amendment No. 5 to the subject casks. The applicable regulation, 10 CFR 72.7, allows the NRC to grant exemptions upon its own initiative.

In its letter of February 23, 2010, YAEC also request the continuation of two exemptions from the terms and conditions of Amendment No. 5, similar to two previously approved exemptions from the terms and conditions of Amendment No. 3. Specifically, YAEC requests exemptions from the following Amendment No. 5 requirements to: (1) Develop training modules under the Systems Approach to Training (SAT) that include comprehensive instructions for the operations and maintenance of ISFSI systems, structures, and components, as required by Appendix A, Section A 5.1, "Training Program," other than the NAC-MPC system; and (2) submit an annual report pursuant to 10 CFR 72.44(d)(3) or 10 CFR 50.36a(a)(2), per Appendix A, Section A 5.4, "Radioactive Effluent Control Program," that specifies the quantity of each of the principal radionuclides released to the environment in liquid and gaseous effluents during the previous 12 months of operation. YAEC has asserted that the NAC-MPC system is a sealed and leak-tight spent fuel storage system and as such, there are no effluent releases from the system.

In accordance with the requirements in 10 CFR part 51, the NRC has prepared an environmental assessment for the NRC action of approving or disapproving an exemption from the requirements of 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(A), 72.212(b)(7), and 72.214, which, if approved, will allow YAEC to apply the changes authorized by Amendment No. 5 to the fifteen NAC-MPC casks loaded under Amendment No. 3 at the YAEC ISFSI.

Based upon this environmental assessment, the NRC has concluded that a Finding of No Significant Impact is appropriate. The requests for exemptions from the requirements of Appendix A, Section A 5.4, Radioactive Effluent Control Program, and Appendix A., Section A 5.1, Training Program are categorically excluded from further environmental review in accordance with 10 CFR 51.22(c)(25)(vi)(B) and (E), respectively.

#### Environmental Assessment

*Identification of Proposed Action:* The NRC proposes to issue an exemption to YAEC from the requirements of 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(A), 72.212(b)(7), and 72.214, thereby allowing YAEC to apply the changes authorized by Amendment No. 5 to CoC No. 1025 to the fifteen NAC-MOC casks at the YAEC ISFSI, which were loaded under Amendment No. 3 to CoC No. 1025. Section 72.212(a)(2) provides that the general licensee is limited to storage of spent fuel in casks approved under the provisions of 10 CFR part 72; § 72.212(b)(2)(i)(A) requires the general licensee to perform written evaluations, prior to use of a cask, that establish that the conditions set forth in the CoC have been met; § 72.212(b)(7) requires that the general licensee comply with the terms and conditions of the CoC; and § 72.214 lists the cask designs that have been approved by the NRC and are available for use by general licensees under the 10 CFR part 72 general license. The NRC's regulatory authority to grant these exemptions is 10 CFR 72.7.

*Need for the Proposed Action:* Implementation of the changes authorized by Amendment No. 5 of CoC No. 1025 to all fifteen NAC-MPC casks at the YAEC ISFSI will allow a visual alternative to Technical Specification (TS) Surveillance Requirement 3.1.6.1 to verify the operability of the concrete cask heat removal system to maintain safe storage conditions and will also remove a specification in the CoC for tamper indicating devices. These changes will provide the applicant with significant cost savings and flexibility without any decrease in safety.

*Environmental Impacts of the Proposed Action:* The NRC has reviewed the exemption request submitted by YAEC and has determined that allowing YAEC to apply the changes authorized by Amendment No. 5 of CoC No. 1025 to the casks at the YAEC ISFSI, if approved, would have no significant impact to the environment. In connection with the approval of Amendment No. 5 of CoC 1025, the NRC prepared and published in the **Federal**

**Register** a Finding of No Significant, based upon an environmental assessment, for the generic use of the changes authorized by Amendment No. 5 (72 FR 26535, 26537, May 10, 2007).

Further, NRC has evaluated the impact to public safety that would result from granting the proposed action. The approval of the proposed action would not increase the probability or consequences of accidents, no changes would be made to the types of effluents released offsite, and there would be no increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action. Additionally the proposed action would not involve any construction or other ground disturbing activities, would not change the footprint of the existing ISFSI, and would have no other significant non-radiological impacts. In this regard, and as the ISFSI is located on previously disturbed land, it is extremely unlikely that approval of the proposed action would create any significant impact on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or to essential fish habitat covered by the Magnuson-Stevens Act. Similarly, approval of the proposed action is not the type of activity that has the potential to cause effects on historic or cultural properties, assuming such properties are present at the site of the YAEC ISFSI.

*Alternative to the Proposed Action:* Since there is no significant environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact are not evaluated. The alternative to the proposed action would be to deny approval of the exemption. This alternative would have the same environmental impact.

Given that there are no significant differences in environmental impact between the proposed action and the alternative considered and that YAEC has a legitimate need, the Commission concludes that the preferred alternative is to grant the requested exemption.

#### 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 an exemption from the specific requirements of 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(A), 72.212(b)(7), and 72.214, will not significantly impact the quality of the

<sup>1</sup> See Enforcement Guidance Memorandum 09-006, dated September 15, 2009 (ADAMS Accession No. ML091970035).

human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

#### Further Information

In accordance with 10 CFR 2.390 of NRC's "Rules of Practice," NRC records and documents related to this action, including the application for exemption and supporting documentation are available electronically at the NRC's Electronic Reading Room, at: <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access NRC's ADAMS, which provides text and image files of NRC's public documents. The ADAMS Accession Number for the application, dated February 23, 2010, is ML100610320.

If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact NRC's 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 NRC's PDR, O1-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 17th day of June, 2010.

For the Nuclear Regulatory Commission.

**Eric Benner,**

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

[FR Doc. 2010-15442 Filed 6-24-10; 8:45 am]

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## RAILROAD RETIREMENT BOARD

### Proposed Collection; Comment Request

**SUMMARY:** In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

*Comments are invited on:* (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to

the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

#### *Title and purpose of information collection:*

Certification Regarding Rights to Unemployment Benefits; OMB 3220-0079. Under Section 4 of the Railroad Unemployment Insurance Act (RUIA), an employee who leaves work voluntarily is disqualified for unemployment benefits unless the employee left work for good cause and is not qualified for unemployment benefits under any other law. RRB Form UI-45, Claimant's Statement—Voluntary Leaving of Work, is used by the RRB to obtain the claimant's statement when it is indicated by the claimant, the claimant's employer, or another source that the claimant has voluntarily left work. The RRB proposes no changes to Form UI-45.

Completion of Form UI-45 is required to obtain or retain benefits. One response is received from each respondent. The completion time for Form UI-45 is estimated at 15 minutes per response. The RRB estimates that approximately 2,900 responses are received annually.

#### *Additional Information or Comments:*

To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363 or send an e-mail request to [Charles.Mierzwa@RRB.GOV](mailto:Charles.Mierzwa@RRB.GOV). Comments regarding the information collection should be addressed to Patricia Henaghan, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092 or send an e-mail to [Patricia.Henaghan@RRB.GOV](mailto:Patricia.Henaghan@RRB.GOV). Written comments should be received within 60 days of this notice.

**Charles Mierzwa,**

*Clearance Officer.*

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## SMALL BUSINESS ADMINISTRATION

### Data Collection Available for Public Comments and Recommendations

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

**DATES:** Submit comments on or before August 24, 2010.

**ADDRESSES:** Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Kirk McElwain, Web Director, Office of Communications and Public Liaison, Small Business Administration, 409 3rd Street, 7th Floor, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Kirk McElwain, Office of Communications and Public Liaison, 202-205-6175 [kirk.mcelwain@sba.gov](mailto:kirk.mcelwain@sba.gov), or Curtis B. Rich, Management Analyst, 202-205-7030, [curtis.rich@sba.gov](mailto:curtis.rich@sba.gov).

**SUPPLEMENTARY INFORMATION:** SBA plans to make its SBA.gov Web site more user-centric and focused on the needs of small businesses and lenders. The SBA would like the new site to incorporate innovative and meaningful online tools and features that effectively deliver information and services to lenders and small businesses, and enable businesses to gain necessary access to the capital and tools they need to drive economic recovery and create and retain jobs. It will enable entrepreneurs, small business owners, and lenders to save time and money by providing them with tools to find information they need from local, state, and federal government and a forum to learn from their peers and industry experts. The content and services delivered to SBA.gov users will be most valuable if they are relevant and specific to their needs. Without regular program information collections, SBA would be unable to determine these needs and efficiently meet them. Furthermore, this information collection will allow the SBA to deliver the Agency's core values of customer service, accountability, and transparency and carry out the intent of Executive Orders 12862. Absence of the information provided by willing participants would impact SBA's ability to carry out its mission and the mandates of Executive Order 12862, as well as President Obama's January 21, 2009, memorandum on transparency and open government.

*Title:* "SBA Direct and SBA Online Community."

*Description of Respondents:* On Occasion.

*Form Number:* N/A.

*Annual Responses:* 710,000.