

there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have a potential to affect any historic sites because no previously undisturbed area will be affected by the proposed actions. The proposed action does not affect non-radiological plant effluents and has no other effect on the environment. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC staff concludes that there are no significant environmental impacts associated with the proposed action and, thus, concludes that the proposed action will not have any significant impact to the human environment. The proposed action does not alter the previous National Environmental Protection Act findings made in approving the license renewal.

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

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (i.e., the no-action alternative). Denial of the exemption request would result in: (1) No associated license amendment; and (2) no change to current environmental impacts, as the denial would result in the criticality monitoring requirements of 10 CFR 70.24 continuing to be fully applicable. Thus, the environmental impacts of the proposed action and the alternative action are identical because the present or absence of a criticality monitor and alarm for the spent nuclear fuel that is safety stored has no impact on the environment.

#### *Agencies and Persons Consulted*

In accordance with NUREG 1748, "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs," the NRC staff consulted with other agencies regarding the proposed actions. These consultations were intended to provide other agencies an opportunity to comment on the proposed actions, and to ensure that the requirements of Section 106 of the National Historic Preservation Act, and Section 7 of the Endangered Species Act were met with respect to the proposed actions.

#### *Commonwealth of Virginia*

The staff, on October 10, 2007, consulted with the Virginia Department of Environmental Quality (VDEQ) and the Virginia Department of Health (VDH). The VDEQ reviewed the draft

and agreed with NRC's conclusion that no significant environmental impacts would result from this proposed action, if implemented. The VDH had technical questions regarding the criticality monitoring systems.

#### *Fish and Wildlife*

The staff has determined that consultation for Section 7 of the Endangered Species Act is not required because the proposed action does not involve construction or any other change in physical environment, therefore, will not affect listed species or critical habitat.

#### *Virginia Department of Historic Resources*

The staff has determined that the proposed action does not have the potential to effect on historic properties because it does not involve construction or any other change in physical environment. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

#### *Conclusion*

On the basis of the EA, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment and that preparation of an EIS is not warranted.

### **III. Finding of No Significant Impact**

On the basis of this assessment, the Commission has concluded that environmental impacts that are associated with the proposed action would not be significant and the Commission is making a finding of no significant impact.

#### *Preparers*

J. Wiebe, Project Manager, All Sections.

A. Snyder, Project Manager, Sections 1.0, 4.0 and 5.0.

#### *List of References*

1. BWXT. Request for Exemption from 10 CFR 70.24, Letter (May 2, 2007) to Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Lynchburg, Virginia; BWXT, Nuclear Products Division (confidential).
2. NRC. NUREG 1748, Environmental Review Guidance for Licensing Actions Associated with NMSS Programs—Final Report. (August 2003) Washington, DC: NRC (ML032450279).
3. BWXT. Environmental Report for Renewal of License SNM-42, March 10, 2004 (nonpublic).
4. BWXT. E-mail to NRC, Criticality Exemption, dated May 14, 2007 (ML073180015).

5. NRC. Environmental Assessment Related to the Renewal of License No. SNM-42. Docket 70-027 (August 2005) Washington, DC: NRC. (ML071300450).

6. NRC. E-mail to VDEQ, Pre-decisional EA, dated October 9, 2007, (ML073180022).

7. NRC. E-mail to VDH, Pre-decisional EA, dated October 10, 2007, (ML073180034).

8. VDH. Letter to NRC, Response to Pre-decisional EA, dated October 24, 2007 (ML73180017).

9. NRC. E-mail to VDH, Additional Comments on Pre-decisional EA, dated October 31, 2007 (ML073180027).

10. VDH. E-mail to NRC, Response to Additional Comments on Pre-decisional EA, dated October 31, 2007 (ML073180029).

11. VEQ. Letter to NRC, Response to Pre-decisional EA, dated October 17, 2007 (ML073230756).

Dated at Rockville, Maryland this 30th day of November, 2007.

For the Nuclear Regulatory Commission.

#### **Peter J. Habighorst,**

*Chief, Fuel Manufacturing Branch, Fuel Facility Licensing Directorate Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. E7-24200 Filed 12-12-07; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 50-184]**

### **National Institute of Standards and Technology; National Bureau of Standards Reactor; Notice of Availability of the Final Environmental Impact Statement for License Renewal of NBSR**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC, Commission) has published a final Environmental Impact Statement (EIS) for License Renewal of the operating license TR-5 for an additional 20 years of operation for the National Bureau of Standards Reactor (NBSR) located on the National Institute of Standards and Technology (NIST) campus in upper Montgomery County, Maryland. Possible alternatives to the proposed action (license renewal) include no action, constructing a new reactor to replace the NBSR capabilities, and using alternative research facilities.

The final EIS is publicly available at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, or from the NRC's Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible at <http://adamswebsearch.nrc.gov/dologin.html>. The Accession Number for the final EIS is ML072970861.

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

**FOR FURTHER INFORMATION CONTACT:** Mr. Dennis Beissel, Environmental Review Branch, Division of License Renewal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Mail Stop O-11F1, Washington, DC 20555-0001. Mr. Beissel may be contacted at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 6<sup>th</sup> day of December, 2007.

For the Nuclear Regulatory Commission.

**Eric Benner,**

*Branch Chief, Environmental Review Branch, Division of License Renewal, Office of Nuclear Reactor Regulation.*

[FR Doc. E7-24172 Filed 12-12-07; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-456 and STN 50-457, Byron Station, Unit Nos. 1 and 2, and Docket Nos. STN 50-454 and STN 50-455, Braidwood Station, Units 1 and 2]

### Exelon Generation Company, LLC; Biweekly Notice; Application for Amendment to the Facility Operating License Involving Proposed No Significant Hazards Considerations; Correction

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of amendment issuance; correction.

**SUMMARY:** This document corrects a notice appearing in the *Federal Register* on November 20, 2007 (72 FR 65375), that incorrectly identified the amendment numbers for Byron Station, Unit Nos. 1 and 2, and Braidwood Station, Units 1 and 2. This action is necessary to correct the erroneous amendment numbers.

**FOR FURTHER INFORMATION CONTACT:** Christopher Gratton, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone (301) 415-1055, e-mail: [CXG1@nrc.gov](mailto:CXG1@nrc.gov).

**SUPPLEMENTARY INFORMATION:** On page 65375, in the second column, in the second from the last complete paragraph, first line, the Notice is corrected to read from "Amendment Nos.: 150, 150, 145, 145," to "Amendment Nos.: 151, 151, 146, 146."

Dated in Rockville, Maryland, this 7th day of December 2007.

For the Nuclear Regulatory Commission.

**Christopher Gratton,**

*Senior Project Manager, Plant Licensing Branch III-2, Division of Operating Reactor Licensing.*

[FR Doc. E7-24179 Filed 12-12-07; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[EA-07-305]

### In the Matter of: Licensees Authorized To Possess Radioactive Material Quantities of Concern; Order Imposing Fingerprinting and Criminal History Records Check Requirements for Unescorted Access To Certain Radioactive Material (Effective Immediately)

**I**

The Licensees identified in Attachment 1<sup>1</sup> to this Order hold licenses issued in accordance with the Atomic Energy Act (AEA) of 1954, as amended, by the U.S. Nuclear Regulatory Commission (NRC or Commission), authorizing them to possess items containing radioactive materials in quantities of concern. These materials and the quantities of concern are identified in Attachment 2 to this Order. Section 652 of the Energy Policy Act of 2005 (EPAct), which became law on August 8, 2005, amended Section 149 of the AEA to require fingerprinting and a Federal Bureau of Investigation (FBI) identification and criminal history records check for "any individual who is permitted unescorted access to radioactive materials or other property subject to regulation by the Commission that the Commission determines to be of such significance to the public health and safety or the common defense and security as to warrant fingerprinting and background checks." Section 149 of the AEA also requires that "all fingerprints obtained by a licensee or applicant \* \* \* shall be submitted to the Attorney General of the United States through the Commission for identification and a criminal history records check." NRC has decided to implement this requirement, prior to the completion of a future rulemaking, which will implement these provisions of the EPAct, because a deliberate malevolent act by an individual with unescorted access to these radioactive materials has the potential to result in significant adverse impacts to the public health and

<sup>1</sup> Attachment 1 contains sensitive information and will not be released to the public.

safety. Individuals or classes of individual listed in 10 CFR 73.61 (72 FR 4945 (February 2, 2007)) are relieved from the fingerprinting and FBI identification and criminal history records check requirements of section 149. Individuals listed in Attachment 3, Paragraph 3 have already satisfied the requirements of section 149 of the AEA and therefore do not need to take additional action. Therefore, as set forth in this Order and in accordance with section 149 of the AEA, as amended by the EPAct, the Commission is imposing additional requirements for unescorted access to certain radioactive material.

**II**

Subsequent to the terrorist events of September 11, 2001, the NRC issued the Increased Controls (IC) Orders (EA-05-090)<sup>2</sup> to certain Licensees (IC Licensees, Licensees) who are authorized to possess radioactive material in quantities of concern. These Orders increased the Licensees' control over their sources in order to prevent unintended radiation exposure and malicious acts. One specific requirement imposed by the IC Orders required Licensees to conduct background checks to determine the trustworthiness and reliability of individuals needing unescorted access to radioactive materials. "Access" to these radioactive materials means that an individual could exercise some physical control over the material or devices containing the material. Prior to the enactment of the EPAct, the NRC did not have the authority, except in the case of power reactor Licensees, to require Licensees to submit fingerprints for FBI identification and criminal history records checks of individuals being considered for unescorted access to radioactive materials subject to NRC regulations. The Commission has determined that radioactive materials possessed by IC Licensees are considered of such significance to the public health and safety as to warrant fingerprinting and FBI identification and criminal history records checks for such persons. Therefore, in accordance with section 149 of the AEA, as amended by the EPAct, the Commission is imposing the fingerprinting and FBI identification and criminal history records check requirements, as set forth in this Order, including those requirements identified in Attachment 3 to this Order on all IC Licensees identified in Attachment 1 to this Order,

<sup>2</sup> Subsequently, the IC Order requirements were imposed through license condition on new or amended NRC licenses authorizing the possession of radioactive materials in quantities of concern as identified in Attachment 2 to this Order.