

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.

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.

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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 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.

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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.

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